



New and Expectant Mothers at Work Procedure

This procedure is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Police, Fire, and Crime Commissioner are required to adhere.

Procedure Statement

The Management of Health and Safety at Work Regulations 1999 (MHSW) include regulations that protect the health and safety of new and expectant mothers who work. Under the Sex Discrimination Act 1975, if an employer fails to protect the health and safety of their pregnant workers, it is automatically considered sex discrimination.

The Health and Safety Executive guide “New and Expectant Mothers at Work” provides guidance for employers on protecting the health and safety of workers who are new or expectant mothers. The guide sets out the known risks to new and expectant mothers and provides advice to employers on what action to take to comply with the law.

“New or expectant mothers” are defined as:

- Women who are pregnant;
- Those who have given birth within the previous six months; or
- Those who are breastfeeding.

(‘Given birth’ is defined as having delivered a living child or, after 24 weeks of pregnancy, a stillborn child).

The paramount requirement is to preserve the health and safety of the new or expectant mother and that of her child and all line managers should endeavour to see that this is achieved.

This North Yorkshire Police guidance outlines the action a line manager needs to take when an officer or member of Police Staff becomes pregnant and a change of duties and/or responsibility with regard to their current role is considered necessary because of their pregnancy.

This guidance is part of North Yorkshire Police policy to which all personnel are required to adhere.

Implementation & Monitoring

Each Operational Commander & Departmental Manager in liaison with People Services is responsible for implementing this procedure.

Line Managers are required to make sure that risk assessments identify the risks which could damage the health & safety of new or expectant mothers or their children. Where an assessment

does reveal a risk, female employees of childbearing capacity must be informed of the potential risks.

Staff who are pregnant should inform their supervisor promptly to ensure that suitable precautions can be taken (where necessary) to protect the health & safety of themselves and their child. Line managers should protect the individual's privacy by not disclosing the pregnancy, unless they have permission to do so.

A copy of the risk assessment should be set to People Services so a copy can be retained on the personal file.

Line managers should be aware of their responsibilities in line with this guidance and should contact People Services if further advice is required.

Linkages

Overarching Policies:

[Health and Safety](#)

Other Documents:

[New and Expectant Mothers Generic Risk Assessment](#)

[Appendix 1 - Flow chart for Risk Assessment Process](#)

[Appendix 2 - Hazards, Risks, and ways of avoiding them](#)

[Appendix 3 - A summary of the relevant legislation relating to new or expectant mothers](#)

Process

North Yorkshire Police consider that pregnancy should not be equated with ill health but should be considered a part of everyday life. Its health & safety implications can be addressed by normal health & safety management procedures.

When a Police Officer, Special or member of Police Staff informs that she is pregnant the line manager should undertake the following actions:

- (i) Hold an initial meeting with the member of staff to discuss whether any changes in duties or responsibilities are appropriate. During early pregnancy there is a unique opportunity to talk to the staff member and understand any issues or concerns they have.
- (ii) Review the generic risk assessment for the work of the pregnant member of staff. If this identifies a hazard that is known to be a risk to a pregnant worker that activity must stop immediately.
- (iii) Undertake a specific risk assessment to identify any hazard(s) that the pregnant worker may be exposed to. Further guidance on risk assessment can be found in the section below.

Discuss the findings with the member of staff to ensure that all hazards and risks are understood to decide on the nature of her employment until maternity leave.

If there is disagreement over the risks or the action that should be taken, seek guidance from the Force Health and Safety Adviser or a member of People Services. There must be a risk, for any action to be taken.

(iv) In some cases, it may be necessary for Health and Wellbeing to recommend obtaining the advice of the member of staff's doctor and/or the Force Medical Advisor. This will normally involve a medical examination.

(v) Inform People Services of the results of the risk assessment and the actions agreed by providing a copy of the risk assessment for the personal file.

(vi) Duties/responsibilities should be agreed and documented based on the outcome of the risk assessment.

Consider the following guidelines when arranging alternative duties:

a) Temporarily adjusting working conditions or hours of work e.g. provision of additional rest breaks, or adjusting start/finish time. Please note that the member of staff will still be required to work their contracted weekly hours unless medical advice is received, or if it was not reasonable to do this, to then;

Offer suitable alternative temporary work at same rate of pay if available.

(b) Members of staff will be entitled to attend antenatal care appointments.

(c) As the pregnancy progresses it may be necessary to review and amend the risk assessment, taking into account changed capabilities and circumstances.

(d) Action needs to be taken to ensure that members of staff who are breastfeeding are not exposed to risks that could damage health and safety for as long as they continue to breastfeed. Facilities will be provided for any person at work who is a pregnant worker or nursing mother to rest. Please see Breastfeeding section below for further guidance.

Maternity uniform is now available upon request for pregnant Police Officers, Specials, and uniformed Police Staff. Requests should be made to the Procurement Department, HQ.

Risk Assessments

The Management of Health & Safety at Work Regulations 1999 requires employers to take account of the risks to new & expectant mothers, when assessing risks as part of the risk assessment process. North Yorkshire Police will ensure that risks to pregnant mothers are considered during the normal risk assessment process. Appendix 1 details the flow chart to be followed.

Upon receipt of a written notification from a registered medical practitioner or registered midwife confirming pregnancy, North Yorkshire Police will ensure that significant health & safety risks are avoided. Managers will begin this risk assessment process as soon as verbal notification is given on the understanding that the employee will then provide the written notification as soon as practicable.

The line manager will carry out a thorough assessment of risk associated with the work of pregnant workers. Where significant risks to the health & safety of the new or expectant mother are identified, North Yorkshire Police will endeavour to remove the hazard or prevent exposure to the risk. Where this is not feasible, the risk will be controlled. Where the risk cannot be controlled to an acceptable level, i.e., the risk is over and above that expected outside the workplace; we will make changes to the working conditions or hours or offer suitable alternative work. If that is not possible, we will give the worker paid leave for as long as necessary to protect her health & safety or that of her child.

It is considered best practice to have regular risk assessments every two months or more frequently if needed in conjunction with the member of staff and reviewed throughout the pregnancy, due to the changes in risk as the pregnancy progresses.

A risk assessment should also be conducted for women returning to work within six months of giving birth and/or for those who are breastfeeding. If staff members are to take the fitness test in preparation for their safety training, they must have a discussion with Health and Wellbeing around alternative fitness testing. Those who have recently given birth and women who are breastfeeding

have higher amounts of progesterone and relaxing (both hormones) which soften joints and relax ligaments around joints – this means they are more susceptible to injuries and extra precautions should be taken.

POTENTIAL ASPECTS OF PREGNANCY	HOW AN INDIVIDUAL COULD BE SUPPORTED
Morning sickness.	Adapting start and finish time. Minimising the exposure to nauseating smells.
Backache.	Avoiding long periods of standing or sitting/ minimising manual handling/ and encouraging posture.
Varicose veins.	Avoiding long periods of standing or sitting
Haemorrhoids.	Limiting working in hot conditions.
Frequent visits to the toilet.	Providing regular toilet breaks.
Increasing size (dexterity, agility, co-ordination, speed of movement, reach, may be impaired because of increasing size).	Providing maternity uniform (if possible), encouraging mobilising on duty as much as possible, ensuring their space is ample and free of clutter.
Tiredness.	Adapting break times, increasing breaks, reducing hours of work, considering other work locations such as home working if travelling long distance to and from work is a factor.
Balance.	Avoiding walking on uneven / slippery surfaces.
Comfort.	Ensure workspaces have enough space to move around.
Possible miscarriage.	Limit exposure to infection – human or animal

The table at Appendix 2 shows physical, biological and chemical agents, processes and working conditions which may affect the health and safety of new or expectant mothers, the risks they pose and ways to avoid such tasks.

Return to Work

Returning to work after a period of extended leave can be a daunting and anxious time for any new parent. Line managers play a vital part in ensuring that their journey back into work is as smooth and as pain free as possible.

Return to work plans are an effective way of identifying the individual's needs and concerns. Line managers should arrange to meet with the member of staff on leave at a suitable time to discuss their 'Return to Work Plan'.

If the member of staff should wish to apply for flexible working, it is advisable that the line manager meets with the individual as soon as possible to make sure that an application can be processed prior to their return. This plan can ensure that they identify any adjustments or support needed to return to work.

Life will have changed significantly for the member of staff since they were last in work, and it is therefore important that line managers identify any additional support or needs and where reasonable, adjust their working conditions to meet these.

Some considerations would be:

- Implementing a phased return: You may implement a phased return to support your member of staff to return to work should they wish to utilise accrued leave. This is a short-term agreement (not normally more than 28 days) between yourself and your member of staff which allows you to implement structured amendments to their duties or working conditions which fall short of full duties/deployment. A phased return is designed to help staff adapt and prepare for are turn to full duties and/or contractual hours.

- Flexible working arrangements: Following a period of maternity or adoption leave, a member of staff may wish to return to work on different working hours or an amended working pattern.

- Career Breaks: there may be occasions where staff wish to take a break from employment – this includes instances where they may wish to take a career break to care for a child or children.

- Parental Leave: Parental Leave is a right for parents to take unpaid time off work to look after a child or make arrangements for the child’s welfare. Parents may take parental leave if they have, or expect to have, parental responsibility for a child. To be eligible, they must have one year’s continuous service and have legal parental responsibility for a child up to 18 years old. This entitlement is for 18 weeks unpaid leave for each child to be taken before their 18th birthday. In the case of police staff, parental leave is normally taken in weeks, rather than days, with a limit of four weeks per year, unless otherwise agreed with individual forces. Police Officers can take Parental Leave of a single day or part weeks, and there is no 4-week limit, a police officer can take as many days or weeks in a year as they like. Some forces have policies that try to restrict the entitlement in this area for Police Officers to match those that do apply to Police Staff, however the Federation are clear that these force policies are incorrect.

- Time off for Dependents: Police Officers are entitled to ‘reasonable’ time off to deal with unexpected or sudden problems relating to dependents. This includes part-time staff and those on a fixed-term contract. A dependent includes children.

- Agile Working: Agile working is the term used to describe how staff can work flexibly from different locations.

- Mentoring on return: Offering mentoring on the member of staff’s return to work, especially if they are an operational officer or member of staff providing a front-line service. The member of staff will not only have missed out on a range of different changes in the workplace, but they may also have lost confidence to undertake their role. The provision of a mentor in the initial weeks of their return will ensure that the member of staff has someone to ask questions of if something arises, which they are uncertain of.

- Making arrangements for breastfeeding (see section for Breastfeeding)

- Line managers should be prepared to facilitate use of KIT/SPLIT days in order to complete.

First day back

The member of staff should be met by a line manager on their first day back in work, or as soon as possible thereafter, to assess the arrangements which have been put in place and ensure that any concerns the member of staff have are addressed.

Any mentor or peer support should be readily available.

It would be a good idea for the line manager to establish weekly meetings with the member of staff in the first month of their return to ensure that they have the necessary support. The first few weeks can be the most difficult time for a new parent and support will be vital.

During these weekly meetings, the line manager should review the 'Return to Work Plan' to ensure that it continues to meet the needs of the member of staff. If there are any changes, make sure they are documented and dated in the plan.

Breast Feeding

On returning to work the member of staff should provide their line manager with written notification that they are breastfeeding and if possible, ideally let them know before their return. The line manager must then conduct a specific risk assessment as outlined above. Consideration should be given to time to express (which can vary); this should be factored around their normal duties, and it is important that this discussion is had with the breastfeeding individual. I

North Yorkshire Police are required to provide somewhere for pregnant and breastfeeding mothers to rest (please contact a member of Health and Safety for further information). It should:

- include somewhere to lie down if necessary
- be hygienic and private so they can express milk if they choose to – toilets are not a suitable place for this
- include somewhere to store their milk, for example a fridge

The individual expressing will be responsible for labelling the breastmilk and it must only be removed from the fridge by the individual to whom it belongs.

The wearing of body armour which can sometimes be tight fitted and uncomfortable when needing to express should be considered when completing the risk assessment.

Line manager should ensure suitable arrangements are in place for the individual prior to their return to work.

Responsibilities

Individual

Will adhere to the procedure by:

- Providing timely, accurate and up to date information regarding their pregnancy/maternity including but not limited to:
 - Informing line manager so can ensure duty of care (risk assessments, duties, support)
 - Notifying line management prior to returning to work of any relevant issues or concerns, any known training or support that may be required and advising if they are breastfeeding and require additional support.

Line Manager

Will adhere to the procedure by:

- Completing a new and expectant mothers risk assessment, to assess whether the duties being undertaken may put the mother or baby at risk and reviewing this risk assessment on a regular basis. This should include breast feeding following the individuals return from maternity.
- Holding an initial discussion with the individual once they have confirmed their pregnancy, with regular meetings thereafter throughout the pregnancy to discuss any issues, support requirements, adjustments to duties, maternity leave and return to work plans;
- Managers to discuss with individual how much contact they would like whilst on maternity both before the individual goes on maternity and again whilst they are off as things may be subject to change.
- Complete a management agreed recuperative e form to document any agreed adjustments to duties/hours.
- Discussing with the individuals at least 6 weeks before the return-to-work date to discuss any relevant issues or concerns and determine whether there any adjustments/training needs.

People Services

Will adhere to the procedure by:

- Ensuring the procedure is applied consistently and fairly across NYP.
- Providing advice and guidance to line managers and individuals.