

26 February 2018 11:00

**Subject:**

FW: Pregnancy and Maternity Discrimination Group work plan - Health & Safety entries

**From:**

**Sent:** 03 August 2017 16:17

**To:**

**Subject:** RE: Pregnancy and Maternity Discrimination Group work plan - Health & Safety entries

I had a look through the EHRC report for H&S mentions, section 4 (entitled Identification and Management of Risks) within the Employers full research report refers:

- 98% of all employers undertook a general H&S assessment for activities in their business. Common for these to identify risks for pregnant women or those returning from maternity leave.
- Utilities sector least likely to conduct; Public Admin, Education, Agriculture, Fishery and mining most likely.
- Among workplaces conducting these assessments around 2 in 5 (41%) identified risks to pregnant women and new mothers, equivalent to two-thirds of those with a pregnancy or woman returning from maternity leave in last 3 years.
- 53 % with a pregnancy in last 3 years in their workplace had changed the duties of pregnant women as a result of risks they had identified.
- 11% (1 in 9) changed the duties of mothers returning following maternity leave. (***is post pregnancy risks not given as much thought?***)
- Not all employers take steps to proactively identify risks, some leave it to line managers and others to the mother (***should this be a requirement?***)
- Smaller employers struggle more to keep up to date with the changing legislation (***anything can be done to help this?***)
- 41% of workplaces provide line management training & support covering pregnancy & maternity issues (***should be higher?***)
- Employers take a variety of approaches when risks identified e.g. change immediately, monitor & review
- Adjustment issues include where these have an impact on other workers (e.g. shift swap) or reducing hours/more breaks (time needs backfilled), how transferrable the set of skills are

Section 5 (entitled H&S risk management) of the Mothers full research report:

- 62% reported their employer initiated a discussion about potential risks arising from their pregnancy. Where this happened 79% said their employer made them aware of risks to them and baby (49% overall)
- With regards to tackling the risks 77% felt all were, 19% some and 2% none.

- 19% identified risks that their employer never. These were less likely to be addressed with 62% not fully tackled.
- 48% said either employer did not initiate discussion or not all risks tackled.
- **Not resolving the risks led to 28% taking sick leave, 38% starting mat leave early, 22% left their employer** (equivalent to 4% of all mothers, on average this made up of single parent, skilled trades, l/t physical or mental health condition, p/t/agency/casual/zero contract, earnings of under £30k or those in Hotels & Restaurants, Health and Social Work). This decreased with length of time with employer
- Some mothers felt approach to managing risks merely a 'tick box' exercise

Thanks

██████████  
 Senior Policy Advisor, Workforce Equality Team  
 Fair Work & Skills Division, Scottish Government  
 AQ Glasgow: ██████████

*\*Please note my working days are Tuesday, Wednesday & Thursday\**

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**From:** ██████████  
**Sent:** 20 July 2017 16:13  
**To:** ██████████, ██████████  
**Subject:** Pregnancy and Maternity Discrimination Group work plan - Health & Safety entries

██████████

Please see below the health and safety commitment details from the work plan – I initially copied that part from the work plan but it didn't paste here in the same format. So I've tried to align the actions with the group members who agreed to take them forward and likewise with the progress on particular actions. I hope that it makes sense – the work plan will clarify any unclear points!

**3. SG commitment: Strengthen employer advice to ensure that work environments are safe and healthy for pregnant women and new mothers, including providing employment rights information**

**Questions for the Working Group**

- How effective are 'risks' associated with pregnancy and maternity managed within workplaces?
- How could they be improved?
- How can employers be supported to do this?
- How can trade union reps offer support?
- How many organisations seek advice from Healthy Working Lives or Health and Safety Executive?
- How can NHS channels be utilised to raise earlier awareness of pregnancy and maternity rights?
  - o Leaflets / advice at ante-natal appointments; train midwives, health visitors on maternity rights/signposting
  - o MAT B1 forms
  - o Introduce tear-off sheet for employers re legal obligations/info sources?
  - o Baby boxes? [HM update?]

## Actions

Scope to explore pregnancy and maternity 'risks' within LAs? [REDACTED]  
[REDACTED] to check whether FSB's H&S Advice Service includes preg/mat advice

Arrange meetings with the Health and Safety Executive and Healthy Working Lives to discuss and generate specific actions [REDACTED]

- Can individualised (rather than generic) risk assessments be reintroduced? Is pregnancy included in HSE templates?
- Can HSE develop sector-specific strategies?

[REDACTED] discussed how NHS channels could be utilised to raise earlier awareness of pregnancy and maternity rights with [REDACTED] on 16 December 2016

[REDACTED] to check about how the management of risks on pregnancy and maternity within workplaces could be improved

## Progress

Info (on risks associated with pregnancy and maternity) includes H&S and employment law re preg/mat; risks and responsibilities checklists; example risk assessments; letters & policies

[REDACTED] discussed options with Healthy Working Lives about disseminating info via advice line.

[REDACTED] to share Work Plan with [REDACTED] to establish where he can play a role – discussed with EHRC (HM and CO) on 01/06/17 – suggestion made that [REDACTED] could give presentation at meeting 4.

Cheers

[REDACTED]  
[REDACTED]  
Policy Executive  
Directorate for Fair Work, Employability and Skills  
Skills and Fair Work Division  
Workforce Equality Team  
6th Floor, Atlantic Quay  
[REDACTED]

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*"Progress is a nice word. But change is its motivator. And change has its enemies."* Robert Kennedy

**From:** [REDACTED]  
**Sent:** 26 July 2017 16:04  
**To:** [REDACTED]@acas.org.uk; [REDACTED]@scotland.pnn.police.uk;  
[REDACTED]@stuc.org.uk; [REDACTED]; [REDACTED]; [REDACTED];  
[REDACTED]; [REDACTED] | Working Families; [REDACTED]@lanarkshire.scot.nhs.uk;  
[REDACTED]@carpetright.co.uk; [REDACTED]; [REDACTED]  
[REDACTED]@cosla.gov.uk'  
**Cc:** [REDACTED]  
**Subject:** Enterprise and Skills Review

Good afternoon

Please see a link to the report from the SG's Enterprise and Skills review's Enterprise and Business Support Project. I would particularly draw your attention to the section about the support for businesses and creating a single portal for advice. My team leader, [REDACTED] had mentioned that this was likely to be included within the report at the last meeting of the working group.

<http://www.gov.scot/Resource/0052/00521422.pdf>

Kind regards

[REDACTED]  
Policy Executive  
Scottish Government  
Directorate for Fair Work, Employability and Skills  
Skills and Fair Work Division  
Workforce Equality Team  
6th Floor, 5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU  
Tel [REDACTED]

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**From:** [REDACTED]  
**Sent:** 19 February 2018 12:21  
**To:** [REDACTED]@acas.org.uk; [REDACTED]  
 [REDACTED]@scotland.pnn.police.uk; [REDACTED]@cosla.gov.uk; [REDACTED]  
 ([REDACTED]@fsb.org.uk); [REDACTED] ([REDACTED]@equalityhumanrights.com);  
 [REDACTED]@equalityhumanrights.com); [REDACTED]  
 [REDACTED]@workingfamilies.org.uk); [REDACTED]  
 [REDACTED]@lanarkshire.scot.nhs.uk); [REDACTED]  
 [REDACTED]@carpetright.co.uk); [REDACTED]  
 [REDACTED]@turningpointscotland.com);  
 [REDACTED]@scotland.pnn.police.uk  
**Cc:** [REDACTED]  
**Subject:** RE: Pregnancy & Maternity Discrimination Working Group meeting; 21st February - papers



Meeting 4 -  
 31.10.17 - Minut...

*Exemption 25 online.*

Good afternoon

Please see attached a revised version of the minutes of the last working group meeting on 31<sup>st</sup> October 2017. These now include amendments in sections (3) and (5) as requested by [REDACTED]

Thanks and regards

[REDACTED]  
 Policy Officer  
 Scottish Government  
 Directorate for Fair Work, Employability and Skills  
 Fair Work and Skills Division  
 Workplace Equality Team  
 6th Floor, 5 Atlantic Quay  
 150 Broomielaw  
 Glasgow  
 G2 8LU  
 Tel. [REDACTED]

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**From:** [REDACTED]  
**Sent:** 15 February 2018 14:44  
**To:** [REDACTED]@acas.org.uk; [REDACTED]@scotland.pnn.police.uk; [REDACTED]@cosla.gov.uk;  
 [REDACTED]@fsb.org.uk); [REDACTED]@equalityhumanrights.com); [REDACTED]  
 [REDACTED]@equalityhumanrights.com); [REDACTED]@workingfamilies.org.uk); [REDACTED]  
 [REDACTED]@lanarkshire.scot.nhs.uk); [REDACTED]@carpetright.co.uk); [REDACTED]

[REDACTED]@turningpointscotland.com); [REDACTED]@scotland.pnn.police.uk

**Subject:** Pregnancy & Maternity Discrimination Working Group meeting; 21st February - papers [REDACTED]

<< File: Meeting 5 - 21.02.18 - Paper 1 - DRAFT agenda.docx >> << File: Meeting 4 - 31.10.17 - Minutes -  
CLEARED UPDATED.docx >> << File: Meeting 5 - 21.02.18 - Summary paper.docx >> <<  
File: Meeting 5 - 21.02.18 - Work plan - without Ministerial notes.docx >> << File: Scottish  
Government Paper - Behavioural Insights Trial - 21.02.18.docx >>.

Good afternoon

For next Wednesday's meeting at FFWS five papers are attached:

- Agenda for meeting
- Minutes of meeting held on 31<sup>st</sup> October 2017
- Summary Paper
- Work Plan
- Police Scotland paper providing an update on their Behavioural Insights Trial (for commitment 6 in the work plan)

You will all have received a copy of the communications plan from [REDACTED] yesterday.

We look forward to seeing you at the meeting; please let me know if you have any queries.

Kind regards

[REDACTED]  
Policy Officer  
Scottish Government  
Directorate for Fair Work, Employability and Skills  
Fair Work and Skills Division  
Workplace Equality Team  
6th Floor, 5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU  
Tel. [REDACTED]

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[REDACTED]

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**From:** [REDACTED]  
**Sent:** 26 February 2018 11:01  
**To:** [REDACTED]  
**Subject:** FW: Pregnancy & Maternity Discrimination Group Representation

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**From:** [REDACTED]  
**Sent:** 12 September 2017 11:56  
**To:** [REDACTED]@stuc.org.uk  
**Subject:** Pregnancy & Maternity Discrimination Group Representation

[REDACTED]

As we have had notice that [REDACTED] is due to leave at the end of this month we would like to ask if either yourself or another member of staff would like to represent the STUC on the Pregnancy & Maternity Discrimination Group going forward.

The next meeting is scheduled to take place on Tuesday 31 October from 10-12 noon at Police Scotland in Dalrnarnock and will have a Health & Safety focus which the STUC were keen to take a key role in.

Grateful if you could advise  
[REDACTED]

[REDACTED]  
Senior Policy Advisor | Workforce Equality Team  
Fair Work & Skills Division | Directorate for Fair Work, Employability & Skills | Scottish Government | 5 Atlantic Quay | 150 Broomielaw | 6<sup>th</sup> Floor | Glasgow | G2 8LU  
Tel: [REDACTED] | Blackberry: [REDACTED] | E-mail: [REDACTED]@gov.scot  
*\*Please note my working days are Tuesday, Wednesday & Thursday\**

Rt Hon Nicola Sturgeon MSP  
First Minister of Scotland



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
T: 0300 244 4000

██████████  
Reply by email to: ██████████@yahoo.co.uk

Our ref: 2017/0032747  
September 2017

Dear ██████████

Thank you for your email of 5 September to the First Minister, inviting her to attend the demonstration that is planned to take place in Glasgow on 31 October 2017.

Unfortunately, due to considerable diary pressures, the First Minister is unable to accept your invitation. The Scottish Government is currently working with the Equality and Human Rights Commission to tackle pregnancy and maternity discrimination. A working group has been established which is chaired by the Minister for Employability and Training, Jamie Hepburn MSP. The group has been tasked with creating guidelines for employers to ensure best practice, as well as improving access to guidance for pregnant women and new mothers. The group has held three meetings up to now and the fourth meeting is taking place on 31 October and will cover health and safety.

Yours sincerely,

██████████  
Diary Team Manager

Minister for Employability and Training  
Jamie Hepburn MSP



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

T: [REDACTED]  
E: ministeret@gov.scot

[REDACTED]  
March of the Mummies  
By email [REDACTED]@[REDACTED].com

Our ref: A19108305  
09 October 2017

Dear [REDACTED]

Thank you for your email of 05 October 2017 advising of the series of demonstrations, called March of the Mummies, across 6 cities in the UK on 31 October.

Unfortunately I am unable to accept your invitation to attend one of the demonstrations, however the Scottish Government does recognise the importance of tackling discrimination on pregnancy and maternity leave in the workplace. This is why Action 46 within the Fairer Scotland Action Plan has committed us to tackle this issue.

As you will be aware the Equality and Human Rights Commission (EHRC) have stated that up to 54,000 women across Great Britain experience some form of pregnancy and maternity discrimination every year. Many women report having been dismissed or made compulsorily redundant where others in their workplaces were not, or treated so poorly they felt they had to leave their jobs. Although many of the powers governing employment law and flexible working are currently reserved to Westminster we are committed to tackling pregnancy and maternity discrimination and to working with employers directly and through their representative bodies to explore how we can improve equality in the workplace for women.

Your email made reference to a new working group that has been established and this is chaired by myself. The group has been tasked with creating guidance to encourage best employment practice and to help with effective monitoring and reporting on employment-related pregnancy and maternity issues. The group is supported by the EHRC and meets quarterly. Three meetings have been held to date and it is timely that the fourth, focusing on Health & Safety issues, is due to be held on the morning of your march.

As part of the group's work we are also working towards improved and more accessible guidelines / advice available to pregnant women, new mothers and employers about their rights in the workplace. We are keen to promote the range of guidance that is available to both employers and employees this can be found on the EHRC website at <https://www.equalityhumanrights.com/en/help-and-support-employers>.

Although the legal powers governing parental leave and flexible working remain reserved to the UK Government, we are committed to working with employers directly and through their representative bodies to explore ways of promoting and supporting flexible working. For example, the Scottish Government is a partner in – and funds – the Family Friendly Working Scotland Partnership, which is working to change workplace cultures.

Through this Partnership, established in 2014, we work with Working Families (a leading UK work-life balance organisation), Parenting Across Scotland and Fathers Network Scotland to support and promote both shared parental leave and the development of family-friendly workplaces across Scotland.

Our aim is to encourage employers to provide high quality flexible working options, so that all employees have posts which reflect their abilities and good long-term employment prospects. We know that women, particularly those with caring responsibilities, are most likely to benefit from flexible working opportunities.

Indeed only last month we launched the Flexible Jobs Index Scotland, produced by Timewise. This highlighted that demand for flexible jobs in Scotland completely outstrips supply. The consequences of which are far reaching, as a lack of flexible jobs negatively affects individuals and their families, employers and our economy and therefore the Scottish Government will continue to champion the business and social benefits of flexible working and hiring to employers in Scotland.

Secondly, we have included best practice in managing pregnancy and maternity issues appropriately within the Scottish Business Pledge <https://scottishbusinesspledge.scot/> and are working with the EHRC to identify ways that we can sign post employers to this .

Thirdly, the Scottish Government strongly opposed the introduction of employment tribunal fees by the UK Government, and had vowed to abolish fees in Scotland, using powers secured through the Smith Commission. On 26 July 2017 the Supreme Court ruled the UK Government's introduction of employment tribunal fees in 2013 as being unlawful under both domestic and European law, on the basis that they prevented access to justice. Furthermore, the Supreme Court concluded that the Fees Order is indirectly discriminatory under the Equality Act 2010 because the higher fees for Type B claims (such as pregnancy dismissal) put women at a particular disadvantage as a higher proportion of women bring Type B than Type A claims.

While this is a positive ruling, the Scottish Government is clear that the powers over the operation and management of employment tribunals must be transferred to Scotland to protect the rights of workers. We will remove this barrier and ensure those who have been unfairly treated due to their pregnancy or maternity – and all those who have received wider discrimination or unfair treatment - can seek redress through a fair and accessible system.

Finally, the Scottish Government are committed to ensuring that all our children get the best possible start in life.

No government has done more to expand free early learning and childcare. We have already extended the hours of free early learning and childcare by almost half, from 412.5 hours a year in 2007, to 600 hours from 2014.

Our ambitious plans will almost double free early learning and childcare again to 1,140 hours per year by 2020. This is estimated to be worth more than £4,500 a year per child and will enable families to keep more of their income and allow parents to change their working situations for the better.

I wish you all the best for your event on 31 October.

Yours sincerely

**Jamie Hepburn**  
Minister for Employability and Training

In scope.

[REDACTED]  
[REDACTED]  
**From:** [REDACTED]  
**Sent:** 26 February 2018 11:04  
**To:** [REDACTED]  
**Subject:** FW: Pregnancy & Maternity Discrimination Group

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**From:** [REDACTED]  
**Sent:** 12 October 2017 14:09  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Pregnancy & Maternity Discrimination Group

Thanks [REDACTED]

Thanks for this. It would be great to hear a bit more about the work you are involved in. We have interests in how we improve person-centred care, and enabling the voice of people who use services to be heard in health and social care, and how people can help to shape the development of services which they use.

Very happy to have a chat.

[REDACTED]  
[REDACTED]  
Head of Person-Centred and Quality Unit  
Healthcare Quality and Strategy Directorate: The Scottish Government  
Tel: [REDACTED]

---

**From:** [REDACTED]  
**Sent:** 11 October 2017 16:45  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Pregnancy & Maternity Discrimination Group

[REDACTED]  
My colleague [REDACTED] and I work in the Workforce equalities team which leads on the Pregnancy & Maternity Discrimination Group (chaired by the Minister for Employability & Training Jamie Hepburn). Next meeting is 31 October

This morning we spoke with [REDACTED] and [REDACTED] to discuss their work on NHS PIN policies, as well as Health & Safety matters in relation to Pregnancy & Discrimination. They advised it would be worthwhile contacting yourselves as you may have some interest in this work with regards to service users, would it be worthwhile having a chat?

[Redacted]

[Redacted]

[Redacted] Senior Policy Advisor | Workforce Equality Team

Fair Work & Skills Division | Directorate for Fair Work, Employability & Skills | Scottish Government | Atlantic Quay | 150 Broomielaw | 6<sup>th</sup> Floor | Glasgow | G2 8LU

Tel: [Redacted] E-mail: [Redacted]

*\*Please note my working days are Tuesday, Wednesday & Thursday\**

[Redacted]

In scope.  
partial Exemption.

**From:** [REDACTED]  
**Sent:** 13 October 2017 15:39  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Pregnancy and Maternity Discrimination Working Group meeting - 31st October  
**Attachments:** Meeting 3 - 14.06.17 - Paper 3 - Work Plan - Group version.docx

Good afternoon [REDACTED]

Thank you for your help in finding and nominating a new volunteer to represent CCPS on the Scottish Government's Pregnancy and Maternity Discrimination Working Group.

You're right that the group is chaired by Jamie Hepburn, Minister for Employability and Training.

The group's remit is to create guidelines for employers to ensure best practice, as well as improving access to guidance for pregnant women and new mothers. A work plan was drawn up before the first group meeting in December 2016 and is being progressed with group members taking forward particular actions. I have attached a copy of the current work plan which is a standing item on the meeting agenda. Section 27

On the schedule of meetings, the group meets on a quarterly basis normally in Glasgow or Edinburgh. Following the forthcoming meeting on 31<sup>st</sup> October, the fifth meeting will take place on 20<sup>th</sup> February 2018.

I hope this is helpful and look forward to hearing further from you about the new CCPS representative.

Kind regards

[REDACTED]  
Policy Executive  
Scottish Government  
Directorate for Fair Work, Employability and Skills  
Fair Work and Skills Division  
Workforce Equality Team  
6th Floor, 5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU  
Tel. [REDACTED]

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**From:** [REDACTED] [mailto:[REDACTED]@ccpscotland.org] mdaab  
**Sent:** 13 October 2017 12:20  
**To:** [REDACTED]  
**Subject:** RE: Pregnancy and Maternity Discrimination Working Group meeting - 31st October

Hello [REDACTED]

[REDACTED] has forwarded your correspondence. We are going to ask our membership for a new volunteer. It would be helpful if you could send me the remit for the group and the current work plan and the schedule of meetings. Do I understand that Jamie Hepburn chairs the meetings?

Many thanks,

[REDACTED]  
Policy and development officer

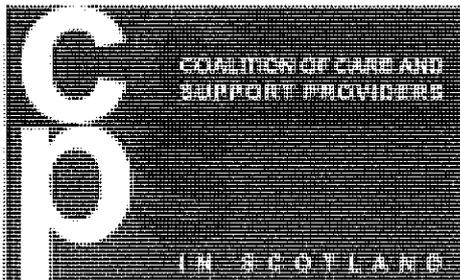
CCPS-Coalition of Care and Support Providers in Scotland  
Norton Park, 57 Albion Rd  
Edinburgh  
EH7 5QY  
Tel: [REDACTED] redacted  
[www.ccpScotland.org](http://www.ccpScotland.org)

} re

Coalition of Care and Support Providers in Scotland (CCPS) is the association of voluntary sector organisations providing care and support services in Scotland.

CCPS is a company limited by guarantee registered in Scotland No. 279913, registered with the Office of the Scottish Charity Regulator as Charity No.SCO29199.

The company's registered office is at Norton Park, 57 Albion Road, Edinburgh. EH7 5QY. CCPS is a registered Scottish charity: No. SC029199.



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From: [REDACTED]@gov.scot [mailto:[REDACTED]@gov.scot]

Sent: 11 October 2017 11:31

To: [REDACTED] <[REDACTED]@visualise.org.uk>

Cc: [REDACTED]@gov.scot

Subject: Pregnancy and Maternity Discrimination Working Group meeting - 31st October

Hi [REDACTED]

You had notified me last month that you won't be able to attend the Working Group meeting on 31<sup>st</sup> October as you were starting a new post with Victim Support Scotland on Monday 30<sup>th</sup>. You will be discussing with them, after you start, whether you will continue to represent CCPS at the meetings.

I wanted to check with you whether there could be another representative from CCPS who could attend the next meeting at least until your position becomes clearer? The theme of the next meeting is health and safety and the Minister would value contributions from all group members to the discussion.

Thanks and regards

[REDACTED]  
Policy Executive  
Scottish Government  
Directorate for Fair Work, Employability and Skills  
Fair Work and Skills Division  
Workforce Equality Team  
6th Floor, 5 Atlantic Quay  
150 Broomielaw  
Glasgow  
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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Minister for Employability and Training  
Jamie Hepburn MSP



Scottish Government  
Riaghaltas na h-Alba  
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T: [REDACTED]  
E: ministeret@gov.scot

[REDACTED]  
March of the Mummies

By email: [REDACTED].com

Our ref: A19200181  
17 October 2017

Dear [REDACTED],

Thank you for your further email of 13 October 2017.

Unfortunately I am unable to accept your invitation to attend the Glasgow demonstration as I have parliamentary business to attend to immediately following the Pregnancy and Maternity Discrimination meeting that day.

However, I am encouraged to hear that you are working with both the Equality and Human Rights Commission and businesses in Manchester on this important issue and would be keen to be kept up to date on the future of this project.

I wish you all the best for your event on 31 October.

Yours sincerely

**Jamie Hepburn**  
Minister for Employability and Training

**From:** [redacted]@scotland.pnn.police.uk>  
**Sent:** 25 October 2017 10:43  
**To:** [redacted]  
**Subject:** FW: P&M group - Attendee list - 31 Oct 2017 [NOT PROTECTIVELY MARKED]  
**Attachments:** NEM PPT.PPT

**NOT PROTECTIVELY MARKED**

Thank you [redacted]

I have attached [redacted] slides as requested. I have also added his job title to the list below and have amended mine as I have just recently been appointed to a new post.

Kind regards,  
[redacted]

[redacted]  
Wellbeing Manager  
People and Development

Clyde Gateway  
2 French Street  
Dalmarnock  
Glasgow  
G40 4EH

Tel: [redacted]  
Mob: [redacted]

Website: [www.scotland.police.uk](http://www.scotland.police.uk)  
Facebook: [www.facebook.com/policescotland](https://www.facebook.com/policescotland)  
Twitter: @policescotland



**From:** [redacted]@scotland.gsi.gov.uk [mailto:[redacted]@scotland.gsi.gov.uk]  
**Sent:** 24 October 2017 13:58  
**To:** [redacted]  
**Cc:** [redacted]@scotland.gsi.gov.uk; [redacted]@scotland.gsi.gov.uk  
**Subject:** P&M group - Attendee list - 31 Oct 2017

Please find attached a list of attendees for next Tuesday's pregnancy & Maternity Discrimination Group meeting:

**ATTENDEES**

**Group Members:**

<b>NAME</b>	<b>POSITION</b>	<b>ORGANISATION</b>
[REDACTED]	Wellbeing Manager	Police Scotland
[REDACTED]	Chief Inspector	Police Scotland
[REDACTED]	Health and Safety Manager	Police Scotland
[REDACTED]	Policy Manager	COSLA
[REDACTED]	Policy Manager	FSB
[REDACTED]	Senior Associate	EHRC
[REDACTED]	Programme Director	FFWS
[REDACTED]	Director of Human Resources	NHS
[REDACTED]	HR Business Partner	Carpetright
[REDACTED]	Head of HR, Turning Point Scotland	CCPS

**Guests:**

<b>NAME</b>	
[REDACTED]	ScotCen Social Research

**Scottish Government Officials:**

<b>NAME</b>	
[REDACTED]	Head of Workforce Equality Team
[REDACTED]	Senior Policy Advisor, Workforce Equality Team
[REDACTED]	Policy Officer, Workforce Equality Team
[REDACTED]	Principal Research Officer, Scottish Government

Can I also confirm if [REDACTED] is using any powerpoint slides for his presentation, if so could you send these to myself and colleague [REDACTED] cc'd in.

Thanks

[REDACTED] | Senior Policy Advisor | Workforce Equality Team  
Fair Work & Skills Division | Directorate for Fair Work, Employability & Skills | Scottish Government | 5 Atlantic Quay | 150 Broomielaw | 6<sup>th</sup> Floor | Glasgow | G2 8LU  
Tel: [REDACTED] | Blackberry [REDACTED] | E-mail [REDACTED]@gov.scot  
*\*Please note my working days are Tuesday, Wednesday & Thursday\**

**NEW AND EXPECTANT MOTHERS  
WITHIN POLICE SCOTLAND/SPA**

# **New and Expectant Mothers (NEM)**

The definition of a new or expectant mother is a woman who is

- pregnant,
- has given birth within the last six months or
- is breastfeeding.

# **Health and Safety and NEM**

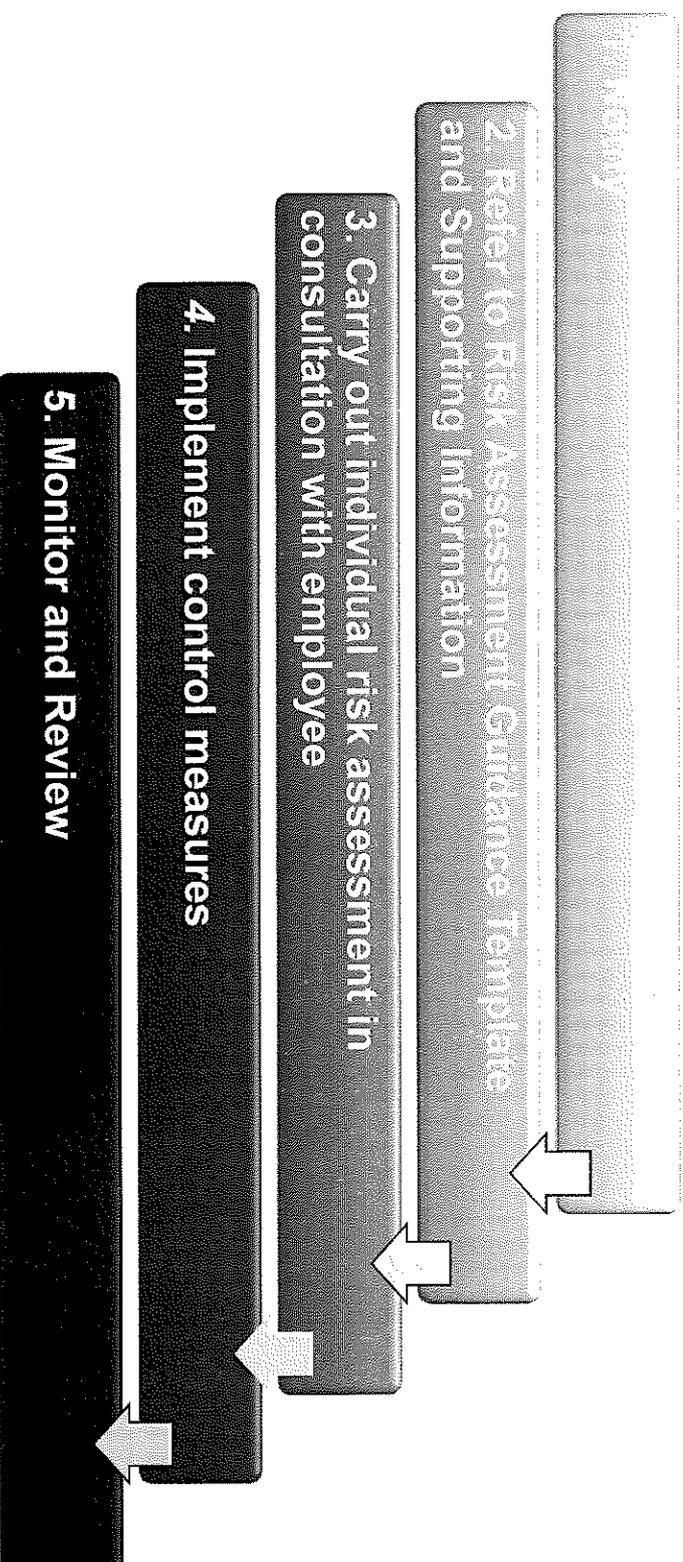
- The Management of Health and Safety at Work Regulations 1999 (MHSW) requires employers to take particular account of the health and safety risks to new and expectant mothers, and women of childbearing capacity when undertaking risk assessments. These risks include those to the unborn child or child being breastfed as well as those to the mother.

# **Responsibilities of SPA/Police Scotland**

- SPA/Police Scotland will undertake a risk assessment to identify any hazards that may apply to new or expectant mothers. Where particular risks have been identified, consideration is required to be given to appropriate control measures.
- In some cases, this may involve an offer of alternative work and in exceptional cases where suitable safe work cannot be found, the law requires that the individual is suspended on full pay.
- The risk assessment is then reviewed at each trimester stage as the pregnancy

# Risk Assessment

*To help understand the overall process there are a number of basic steps :*



# Guidance and Tools

## Hazard checklist :

Line Manager should complete checklist prior to carrying out a risk assessment		
Hazard Checklist:	Y/N	Y/N
Can the worker take regular rest breaks when needed?		Are toilet facilities easily accessible to a pregnant worker?
Are walkways and escape routes clear of any obstacles?		Is the temperature working environment reasonable?
Is assistance required during an evacuation in the event of an emergency?		Is there a possibility of exposure to nauseating smells?
Is there a possibility of exposure to slippery / wet / uneven surfaces?		Does the work involve standing or squatting for long periods?
Has a DSE workstation assessment been completed for the employee?		Does the work involve any home working?
Does the worker deal with emergencies / members of the public?		Are there any risks of violence at work? If so, does it involve dealing with distressed or disturbed people?
Does the worker have contact with young children or sick people?		Does the work involve lifting, pushing or handling heavy items/people
Will any task become more hazardous to the worker in the later stages of pregnancy?		Is there any exposure to vibration, e.g. through hand tools or excessive driving?
Does the work involve a lot of walking?		Does the work involve use of machinery – speed of movement / reach?
Does the work involve working at height or climbing ladders / steps?		Is the employee exposed to any chemical agents? (Check COSHH risk assessments and chemical datasheets)
Is the employee expected to work in awkward/confined spaces?		Does the role involve shift work? If so, does it involve work at night or into the night?
Does the work involve lone working or working in remote locations?		Is there a possibility of exposure to noise?
Does the work involve driving?		If Personal Protective Equipment is used, does it fit properly?

# Guidance and Tools

## Risk Assessment Guidance Template:

Risk Assessment Guidance Template for new and expectant mothers, an unborn child and children of women who are breastfeeding		
Factor	Details of risks	Measures to manage the risks effectively
Physical		
<p><b>Manual handling of loads/ persons</b>  <i>Including lifting, putting down, pushing, pulling, carrying, throwing, and supporting in a static posture by hand or bodily force. Where the effort is applied indirectly, for example by using a device such as a rope or lever, it is still classed as manual handling.</i></p>	<p>Hormonal changes in expectant mothers can affect ligaments, increasing susceptibility to injury.</p> <p>Postural problems may increase as pregnancy develops.</p> <p>Those who have recently given birth will have temporary limitations on their lifting and handling capabilities.</p>	<p>Where possible, manual handling activities for new and expectant mothers should be avoided.</p> <p>Where manual handling cannot be avoided, risk assessment should look at measures such as: -</p> <ul style="list-style-type: none"> <li>• decreasing the weight of loads;</li> <li>• reducing the amount of physical effort required;</li> <li>• ensuring sufficient working space;</li> <li>• providing assistance, mechanical aids.</li> </ul> <p><b>Action</b></p> <ul style="list-style-type: none"> <li>• Each manual handling/people handling tasks should be reviewed and checked that this task will not harm the mother/ baby</li> </ul>
<p><b>Ergonomics and Posture</b></p>	<p>Risks resulting from movements and postures during and after pregnancy will depend on a number of factors, including:</p> <ul style="list-style-type: none"> <li>• nature, duration and frequency of tasks/movements pace, intensity and variety of work;</li> <li>• patterns of working time and rest breaks;</li> <li>• ergonomic factors and general working environment;</li> </ul>	<p><b>Action</b></p> <p>The comfort of the individual at work should be reviewed regularly and adjustments made as required. Try to,</p> <ul style="list-style-type: none"> <li>• Avoid spending long periods handling loads, or standing/sitting without regular exercise/movement to maintain circulation.</li> <li>• Provide the opportunity to alternate between standing and sitting. If this is not possible, you should provide for breaks.</li> </ul> <p>Work stations/work routines may have to be adjusted</p>

# Case Study

## Scene Examiner

A scene examiner notifies her line manager that she is pregnant and a risk assessment is completed using the hazard checklist as an aide memoir. This identified three areas which required control measures:

- 1.Lone Working
- 2.Manual Handling
- 3.PPE/Clothing

The following control measures were identified as reasonable and appropriate for the tasks completed by the scene examiner.

# Case Study

1. Lone Working – The line manager reviewed the shift pattern to ensure that the scene examiner did not work alone and would have another member of staff with them while attending crime scenes.
2. Manual Handling – Dynamic risk assessment was discussed and the employee was reminded to only lift items within her own ability and ask for assistance when required.
3. PPS/Clothing – The employee was informed that she should contact her line manager if there is any requirement for additional PPE/Clothing. This would also be reviewed at each trimester through the risk assessment process.

The overall aim of the control measures is to keep the employee as operational as possible while control the risk.

**Thank you for listening**

**Any Questions?**

In scope.  
(partial)

**From:** [REDACTED]  
**Sent:** 26 October 2017 22:56  
**To:** [REDACTED]@cosla.gov.uk  
**Subject:** Pregnancy & Maternity Discrimination group meeting - PAPERS for 31 October

**Importance:** High

[REDACTED]

Please find attached papers for the upcoming Pregnancy & Maternity working group meeting on Tuesday:

### Agenda / June action points / attendee list and Full June Minutes



Meeting 4 -  
31.10.17 - Paper...



Meeting 3 -  
14.06.17 - Minut...

- Exemption Section 25

### Work Plan

- you will see that this has been reformatted slightly to make it more user friendly/ easy to read. The Minister will be going through this and there is an action point with your name against (p4 under SG Commitment 3), grateful if you could come ready to feedback on this.



Amended work  
plan.docx

Exemption 25/27

### Communications strategy (in line with SG Commitment 5 in the workplan)

- grateful if you could update and return with any relevant events



Meeting 4 -  
31.10.17 - Com...

Exemption 30.

Look forward to meeting you

[REDACTED] | Senior Policy Advisor | Workforce Equality Team

Fair Work & Skills Division | Directorate for Fair Work, Employability & Skills | Scottish Government | 5 Atlantic Quay | 150 Broomielaw | 6<sup>th</sup> Floor | Glasgow | G2 8LU

Tel: [REDACTED] | Blackberry: [REDACTED] | E-mail: [REDACTED]@gov.scot

\*Please note my working days are Tuesday, Wednesday & Thursday\*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Inscope.  
(partial).

**From:** [REDACTED]  
**Sent:** 26 October 2017 22:53  
**To:** [REDACTED]@stuc.org.uk  
**Subject:** For info: Pregnancy & Maternity Discrimination group meeting - PAPERS for 31 October

**Importance:** High

[REDACTED]

For your awareness as you are unable to attend next week, please find attached papers for the upcoming Pregnancy & Maternity working group meeting on Tuesday:

**Agenda /June action points /attendee list and Full June Minutes**



Meeting 4 -  
31.10.17 - Paper...



Meeting 3 -  
14.06.17 - Minut...

Exemption Section 25.

**Work Plan**

- you will see that this has been reformatted slightly to make it more user friendly/ easy to read. The Minister will be going through this at the meeting



Amended work  
plan.docx

Exemption 25/27.

**Communications strategy** (in line with SG Commitment 5 in the workplan)

- grateful if you could update and return with any relevant events



Meeting 4 -  
31.10.17 - Com...

Exemption 30

Minutes of the meeting and an updated workplan will be circulated in due course. Please note the next meeting is scheduled for **20 February 2018** at Atlantic Quay.

Thanks

[REDACTED] | Senior Policy Advisor | Workforce Equality Team

Fair Work & Skills Division | Directorate for Fair Work, Employability & Skills | Scottish Government | 5 Atlantic Quay | 150 Broomielaw | 6<sup>th</sup> Floor | Glasgow | G2 8LU

Tel: [REDACTED] | Blackberry: [REDACTED] | E-mail: [REDACTED]@gov.scot

\*Please note my working days are Tuesday, Wednesday & Thursday\*

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In scope  
partial

**From:** [REDACTED]  
**Sent:** 26 October 2017 22:53  
**To:** [REDACTED]@acas.org.uk  
**Subject:** For info: Pregnancy & Maternity Discrimination group meeting - PAPERS for 31 October

**Importance:** High

[REDACTED]

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14.06.17 - Minut...

Exemption Section 25

**Work Plan**

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Amended work  
plan.docx

Exemption 25/27

**Communications strategy** (in line with SG Commitment 5 in the workplan)

- grateful if you could update and return with any relevant events



Meeting 4 -  
31.10.17 - Com...

Exemption 30

Minutes of the meeting and an updated workplan will be circulated in due course. Please note the next meeting is scheduled for **20 February 2018** at Atlantic Quay.

Thanks  
[REDACTED]

[REDACTED] | Senior Policy Advisor | Workforce Equality Team

Fair Work & Skills Division | Directorate for Fair Work, Employability & Skills | Scottish Government | 5 Atlantic Quay | 150 Broomielaw | 6<sup>th</sup> Floor | Glasgow | G2 8LU

Tel: [REDACTED] | Blackberry: [REDACTED] | E-mail: [REDACTED]@gov.scot

\*Please note my working days are Tuesday, Wednesday & Thursday\*

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In scope.  
partial

**From:** [REDACTED]  
**Sent:** 26 October 2017 22:49  
**To:** [REDACTED]@lanarkshire.scot.nhs.uk  
**Subject:** Pregnancy & Maternity Discrimination group meeting - PAPERS for 31 October  
**Importance:** High

Please find attached papers for the upcoming Pregnancy & Maternity working group meeting on Tuesday:

**Agenda /June action points /attendee list and Full June Minutes**



Meeting 4 -  
31.10.17 - Paper...



Meeting 3 -  
14.06.17 - Minut...

Exemption. Section 25

**Work Plan**

- you will see that this has been reformatted slightly to make it more user friendly/ easy to read. The Minister will be going through this at the meeting.

Grateful if you could feedback on some of the best practice within NHS Scotland (as we discussed when we met at the start of September) and whether any reviews had been carried out in relation specifically to H&S guidance with any of the 22 different health boards.



Amended work  
plan.docx

Exemption 25/27

**Communications strategy** (in line with SG Commitment 5 in the workplan)

- grateful if you could update and return with any relevant events



Meeting 4 -  
31.10.17 - Com...

Exemption 30

Thanks

[REDACTED] | Senior Policy Advisor | Workforce Equality Team

Fair Work & Skills Division | Directorate for Fair Work, Employability & Skills | Scottish Government | 5 Atlantic Quay | 150 Broomielaw | 6<sup>th</sup> Floor | Glasgow | G2 8LU

Tel: [REDACTED] | Blackberry: [REDACTED] | E-mail: [REDACTED]@gov.scot

\*Please note my working days are Tuesday, Wednesday & Thursday\*

[REDACTED]

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[REDACTED]

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[REDACTED]

In scope  
partial.

**From:** [REDACTED]  
**Sent:** 26 October 2017 22:40  
**To:** [REDACTED]@turningpointscotland.com)  
**Subject:** Pregnancy & Maternity Discrimination group meeting - PAPERS for 31 October

**Importance:** High

Please find attached papers for the upcoming Pregnancy & Maternity working group meeting on Tuesday:

**Agenda /June action points /attendee list and Full June Minutes**

  
Meeting 4 -  
31.10.17 - Paper...

  
Meeting 3 -  
14.06.17 - Minut...

Exemption section 25

**Work Plan**

- you will see that this has been reformatted slightly to make it more user friendly/ easy to read. The Minister will be going through this and there is an action points with CCPS against (p7 under SG Commitment 6), grateful if you could come ready to feedback on this. (highlighted in earlier email)

  
Amended work  
plan.docx

Exemption 25/27

**Communications strategy** (in line with SG Commitment 5 in the workplan)

- grateful if you could update and return with any relevant events

  
Meeting 4 -  
31.10.17 - Com...

Exemption 30

Look forward to meeting you

[REDACTED] | Senior Policy Advisor | Workforce Equality Team

Fair Work & Skills Division | Directorate for Fair Work, Employability & Skills | Scottish Government | 5 Atlantic Quay | 150 Broomielaw | 6<sup>th</sup> Floor | Glasgow | G2 8LU

Tel: [REDACTED] | Blackberry: [REDACTED] | E-mail: [REDACTED]@gov.scot

\*Please note my working days are Tuesday, Wednesday & Thursday\*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

In scope  
partial.

**From:** [REDACTED]  
**Sent:** 26 October 2017 22:36  
**To:** [REDACTED]@carpetright.co.uk  
**Subject:** Pregnancy & Maternity Discrimination group meeting - PAPERS for 31 October  
**Importance:** High

Please find attached papers for the upcoming Pregnancy & Maternity working group meeting on Tuesday:

**Agenda /June action points /attendee list and Full June Minutes**



Meeting 4 -  
31.10.17 - Paper...



Meeting 3 -  
14.06.17 - Minut...

Exemption section 25

**Work Plan**

- you will see that this has been reformatted slightly to make it more user friendly/ easy to read. The Minister will be going through this at the meeting.



Amended work  
plan.docx

Exemption 25/27

**Communications strategy (in line with SG Commitment 5 in the workplan)**

- grateful if you could update and return with any relevant events



Meeting 4 -  
31.10.17 - Com...

Exemption 3D

Look forward to meeting you

[REDACTED] | Senior Policy Advisor | Workforce Equality Team

Fair Work & Skills Division | Directorate for Fair Work, Employability & Skills | Scottish Government | 5 Atlantic Quay | 150 Broomielaw | 6<sup>th</sup> Floor | Glasgow | G2 8LU

Tel: [REDACTED] | Blackberry: [REDACTED] | E-mail: [REDACTED]@gov.scot

\*Please note my working days are Tuesday, Wednesday & Thursday\*

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In scope  
partial

**From:** [REDACTED]  
**Sent:** 26 October 2017 22:34  
**To:** [REDACTED]@workingfamilies.org.uk  
**Cc:** [REDACTED]@workingfamilies.org.uk  
**Subject:** Pregnancy & Maternity Discrimination group meeting - PAPERS for 31 October

**Importance:** High

Cc: [REDACTED]

Please find attached papers for the upcoming Pregnancy & Maternity working group meeting on Tuesday:

### Agenda /June action points /attendee list and Full June Minutes



Meeting 4 -  
31.10.17 - Paper...



Meeting 3 -  
14.06.17 - Minut...

Exemption section 25

### Work Plan

- you will see that this has been reformatted slightly to make it more user friendly/ easy to read. The Minister will be going through this at the meeting.



Amended work  
plan.docx

Exemption 25/27

### Communications strategy (in line with SG Commitment 5 in the workplan)

- grateful if you could update and return with any relevant events



Meeting 4 -  
31.10.17 - Com...

Exemption 30

Thanks  
[REDACTED]

[REDACTED] | Senior Policy Advisor | Workforce Equality Team

Fair Work & Skills Division | Directorate for Fair Work, Employability & Skills | Scottish Government | 5 Atlantic Quay | 150 Broomielaw | 6<sup>th</sup> Floor | Glasgow | G2 8LU

Tel: [REDACTED] | Blackberry: [REDACTED] | E-mail: [REDACTED]

\*Please note my working days are Tuesday, Wednesday & Thursday\*

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

In scope  
partial

**From:** [redacted]  
**Sent:** 26 October 2017 22:31  
**To:** [redacted]@equalityhumanrights.com  
**Subject:** Pregnancy & Maternity Discrimination group meeting - PAPERS for 31 October  
**Importance:** High

Please find attached papers for the upcoming Pregnancy & Maternity working group meeting on Tuesday:

**Agenda /June action points /attendee list and Full June Minutes**

  
Meeting 4 -  
31.10.17 - Paper...

  
Meeting 3 -  
14.06.17 - Minut...

Exemption section 25

**Work Plan**

- you will see that this has been reformatted slightly to make it more user friendly/ easy to read. The Minister will be going through this and there is an action point with your name against (p2 under SG Commitment 1), grateful if you could come ready to feedback on this. Victoria and I will feedback on the H&S meetings, including that with Healthy Working Lives.

  
Amended work  
plan.docx

Exemption 25/27

**Communications strategy** (in line with SG Commitment 5 in the workplan)

- grateful if you could update and return with any relevant events

  
Meeting 4 -  
31.10.17 - Com...

Exemption 30

Also, at a previous meeting you mentioned looking up some legal case examples, grateful if you could bring these also.

Thanks

[redacted] | Senior Policy Advisor | Workforce Equality Team  
Fair Work & Skills Division | Directorate for Fair Work, Employability & Skills | Scottish Government | 5 Atlantic Quay | 150 Broomielaw | 6<sup>th</sup> Floor | Glasgow | G2 8LU  
Tel: [redacted] | Blackberry: [redacted] | E-mail: [redacted]  
*\*Please note my working days are Tuesday, Wednesday & Thursday\**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In Scope  
partial

**From:** [REDACTED]  
**Sent:** 26 October 2017 22:24  
**To:** [REDACTED]@fsb.org.uk  
**Subject:** Pregnancy & Maternity Discrimination group meeting - PAPERS for 31 October  
**Importance:** High

Susan

Please find attached papers for the upcoming Pregnancy & Maternity working group meeting on Tuesday:

### Agenda /June action points /attendee list and Full June Minutes



Meeting 4 -  
31.10.17 - Paper...



Meeting 3 -  
14.06.17 - Minut...

Exemption section 25

### Work Plan

- you will see that this has been reformatted slightly to make it more user friendly/ easy to read. The Minister will be going through this and there is an action points with your name against (p4 under SG Commitment 3), grateful if you could come ready to feedback on this.



Amended work  
plan.docx

Exemption 25

### Communications strategy (in line with SG Commitment 5 in the workplan)

- grateful if you could update and return with any relevant events



Meeting 4 -  
31.10.17 - Com...

Exemption 30

Look forward to meeting you

[REDACTED] | Senior Policy Advisor | Workforce Equality Team

Fair Work & Skills Division | Directorate for Fair Work, Employability & Skills | Scottish Government | 5 Atlantic Quay | 150 Broomielaw | 6<sup>th</sup> Floor | Glasgow | G2 8LU

Tel: [REDACTED] | Blackberry: [REDACTED] | E-mail: [REDACTED]

*\*Please note my working days are Tuesday, Wednesday & Thursday\**

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In scope

partial

**From:** [REDACTED]  
**Sent:** 26 October 2017 22:13  
**To:** [REDACTED]@scotland.pnn.police.uk); [REDACTED]  
[REDACTED]@scotland.pnn.police.uk)  
**Subject:** Pregnancy & Maternity Discrimination group meeting - PAPERS for 31 October  
**Importance:** High

Please find attached papers for the upcoming Pregnancy & Maternity working group meeting on Tuesday:

### Agenda /June action points /attendee list and Full June Minutes



Meeting 4 -  
31.10.17 - Paper...



Meeting 3 -  
14.06.17 - Minut...

Exemption 25

### Work Plan

- you will see that this has been reformatted slightly to make it more user friendly/ easy to read. The Minister will be going through this and there are a few action points with your name against (p2 under SG Commitment 1; p5 under SG commitment 4; and p7 under SG commitment 6). grateful if you could come ready to feedback on these.



Amended work  
plan.docx

exemption 25/27

### Communications strategy (in line with SG Commitment 5 in the workplan)

- grateful if you could update and return with any relevant events



Meeting 4 -  
31.10.17 - Com...

Exemption 30

[REDACTED] who are attending on Tuesday to present on the GUS report were going to turn up around 10:30am, nearer their presenting slot, will someone be able to bring them to the meeting room ok? Or is it best if the arrive for 10am with the rest of the group?

Many thanks again for hosting

[REDACTED] | Senior Policy Advisor | Workforce Equality Team

Fair Work & Skills Division | Directorate for Fair Work, Employability & Skills | Scottish Government | 5 Atlantic Quay | 150 Broomielaw | 6<sup>th</sup> Floor | Glasgow | G2 8LU

Tel: [REDACTED] | Blackberry: 07557 867 811 | E-mail: [REDACTED]@gov.scot  
*\*Please note my working days are Tuesday, Wednesday & Thursday\**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]@scotland.pnn.police.uk>  
**Sent:** 27 November 2017 13:26  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Scottish Government Pregnancy and Maternity Discrimination Working Group [NOT PROTECTIVELY MARKED]  
**Attachments:** Police Scotland Pregnancy and Maternity Information Booklet - Scottish Government copy.pdf; Police Scotland Risk Assessment Guidance - Scottish Government Copy.doc; SWDF Pregnancy and Maternity REPORT October 2015 For Circulation.pdf

**NOT PROTECTIVELY MARKED**

Hi there

As discussed at the last meeting please find attached the original report I produced on behalf of the Scottish Women's Development Forum for Police Scotland and the SPA concerning Pregnancy and Maternity. In addition I have enclosed the current Pregnancy and Maternity Information Booklet and Risk Assessment Guidance which followed as a result of the Recommendations and Action Plan.

Kind regards

[REDACTED]

[REDACTED]

Scottish Women's Development Forum Committee Member

Head of National Systems Support  
Corporate Services Division

Police Scotland  
2 French Street  
Dalmarnock  
Glasgow  
G40 4EH

Tel: [REDACTED] } redact  
Mobile: [REDACTED]  
Email: [REDACTED]@scotland.pnn.police.uk

Website: [www.scotland.police.uk](http://www.scotland.police.uk)  
Twitter: @policescotland  
Facebook: [www.facebook.com/policescotland](http://www.facebook.com/policescotland)

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POLICE SCOTLAND on (+44)1786 289070 and delete the e-mail.

Tha am fiosrachadh sa phost-d seo, agus ann an ceangal(an) sam bith na chois, pròbhaideach agus dh'fhodte  
FO SHOCHAIR LAGHAIL.

S ann a-mh' in airson an neach-uidhe a tha e.  
Mura tusa an neach-uidhe no mura h-eil cleastanas ort a chuir an adhart chun an neach-uidhe,  
thathar le seo a' leigeil fios dhut gu bheil e toirmisgte am post-d seo a chleachdadh air dh'igh sam bith, no  
fhoillseachadh, no sgrìdadh, no sgaoileadh, no riarachadh, no lethbhreac a dh'anamh dheth.

Ma th' inig am post-d seo thugad le mearachd, leig fios sa bhad chun an neach a sgaoil e,  
a' cleachdadh a' ghoireis fhreagairt ann am bathar-bog a' phuist-d agad no le fios a chur gu  
POILEAS ALBA air (+44) 1786 289070 agus cuir s dhan phost-d.

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This email has been received from an external party and has been swept for the presence of computer  
viruses.

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*A study of the perceptions and experiences  
of Police Officers and Staff during pregnancy  
and maternity*

October 2015

Twitter: @ScottishWDF

Facebook: Scottish Women's Development Forum

Website: [scottishwdf.org](http://scottishwdf.org)



This report was prepared by the Scottish Women's Development Forum (SWDF) Pregnancy and Maternity Working Group.

### **About the SWDF**

The SWDF is a diversity staff association which assists and supports Police Scotland and the Scottish Police Authority to provide a positive working environment which enables everyone to reach their full potential.

### **Our Objectives**

The SWDF seeks to achieve its aim by:

- Acting as a consultative body on behalf of Police Scotland and the Scottish Police Authority in relation to gender equality issues.
- Considering equality impact issues developing within Police Scotland and the Scottish Police Authority.
- Seeking solutions to ensure that there are no barriers to the personal and professional development of all staff.
- Monitoring organisational change within Police Scotland and the Scottish Police Authority for any risk to fair and equal opportunities.

### **Acknowledgements**

We would like to thank the large number of individuals who had the confidence to volunteer and share their experiences by contributing to the focus groups, case studies and survey.

We would also like to thank Police Scotland's Equality and Diversity team and People and Development for providing statistical data and information relating to our research throughout the study.

Thanks particularly go to Police Scotland and the Scottish Police Authority Executive for their commitment and encouragement regarding this issue. The SWDF are confident that they take their responsibilities as employers seriously and are fully supportive in considering any matters that arise as a result of our findings.

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## Executive Summary

The Scottish Women's Development Forum (SWDF) undertook a programme of research between 1<sup>st</sup> March and 31<sup>st</sup> July 2015 to examine the real experience of individuals who were pregnant and on maternity leave within Police Scotland and the Scottish Police Authority (SPA) since 1<sup>st</sup> April 2013. Those who took part also highlighted issues concerning fertility and IVF as well as pregnancy loss and their experience upon return to work, particularly around flexible working.

The results in this report are based on confidential feedback from 129 police officers and staff (herein referred to as "staff") and capture their personal perceptions and experience during this time.

Anecdotal evidence suggested that the experience of women during maternity and pregnancy differed across the organisation and the SWDF wanted to examine if this was in fact the case.

The aim of this research is driven by a desire to inform, influence and support Police Scotland and the SPA (herein referred to as the "organisation") in securing its status as an employer of choice, who listens and responds to its staff and seeks to improve their experience.

### **Our main findings indicated that:**

- There is a disparate approach to managing pregnancy and maternity across the organisation. This is compounded by the fact that legacy Terms and Conditions are still in existence (albeit currently under review)
- There is a lack of understanding and awareness by line managers regarding their legal obligations and responsibilities
- Police officers and staff do not have a clear understanding of their role, responsibilities and legal rights
- Aspects of the Adoption, Maternity and Paternity Standard Operating Procedure (SOP) are out of date, inaccurate and misleading
- An unconscious bias exists in relation to pregnancy and maternity

The SWDF proposes the following high level recommendations (supported by an action plan) to help address the main findings, increase awareness amongst managers and ultimately improve the experience of staff during this time.

**Recommendations:**

- 1) Review, revise and re-launch the Adoption, Maternity and Paternity Standard Operating Procedure**
- 2) Devise an internal communication strategy to promote awareness, improve practice and increase knowledge of pregnancy and maternity related matters across the organisation**
- 3) Develop SCoPE (System to Co-ordinate Personnel and Establishment) to incorporate the consistent management, monitoring and recording of pregnancy and maternity**
- 4) Undertake an evaluation of the organisations approach to Flexible Working, its implementation, recording and monitoring practices**

# 1. Introduction

## 1.1 Background

The Equality Act 2010 lists Pregnancy and Maternity as a protected characteristic. It states that "it is unlawful for an employer to subject a woman to unfavourable treatment during the 'protected period' (from pregnancy until she returns to work)".

### **Examples of unlawful discrimination include:**

- Failure to consult a woman on maternity leave about changes to her work or about possible redundancy;
- Disciplining a woman for refusing to carry out tasks due to pregnancy related risks;
- Assuming that a woman's work will become less important to her after childbirth and giving her less responsible or less interesting work as a result;
- Not offering the same training or promotion opportunities to a woman because she is pregnant or on maternity leave;
- Refusing a pregnant employee reasonable time off for ante-natal appointments
- Depriving a woman of her right to an annual assessment of her performance because she was on maternity leave;
- Denied the right to return to the same job or having some of her responsibilities taken away because of pregnancy or maternity leave<sup>1</sup>.

Many women commented anecdotally to the SWDF that they felt disengaged from the organisation once they disclosed their pregnancy and felt forgotten about when on maternity leave.

As part of the Corporate Strategy the organisation is committed to '*creating an attractive and inclusive working environment, which supports mobility and flexibility through innovative, modern and practical working environments*'. In practice, this commitment may not be consistently delivered in relation to Pregnancy and Maternity.

The strategy also outlines the aspiration that it aims to become an organisation that '*listens and responds to its staff, creating an environment where people feel valued and motivated to optimise their contribution to deliver excellent customer service*<sup>2</sup>.

With the support of the organisation the SWDF established a short life working group (SLWG) to examine this issue and ultimately help deliver this key objective.

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<sup>1</sup> Equality Act 2010 – Equality and Human Rights Commission (EHRC) Statutory Code of Practice

<sup>2</sup> Police Scotland Corporate Strategy 2014

Previous studies undertaken by Strathclyde Police (2007/2010), Tayside Police (2012) and Lothian and Borders Police (2013) have been reviewed again as part of our research. The results highlighted that many of the same issues exist today. Whilst each individual force made areas of improvement, it appears that the organisation has inherited areas of weakness and in some cases is performing less favourably than before.

## 1.2 Terms of Reference

The working group agreed the following terms of reference which were presented and endorsed by the Police Scotland Executive in February 2015:

- To focus on the experience of women before, during and after maternity leave
- To understand the roles managers play in supporting their staff during pregnancy and maternity
- To seek volunteers to act as case studies to highlight their experience (along with existing research and evidence) capturing any areas of good practice or opportunities for improvement
- To consider the 'application' of relevant processes and SOP's for pregnancy and maternity within Police Scotland/SPA
- To provide Police Scotland/SPA with the findings and relevant recommendations with a view to updating current practices

## 2. Research Findings

Police Scotland is the second largest police force in the UK. 62% of police staff and 29% of police officers are female. In the SPA 36% are female. Between 1<sup>st</sup> April 2014 and 31<sup>st</sup> March 2015, 574 were on paid or unpaid maternity leave<sup>3</sup>.

During March 2015, a joint letter from the organisation and the SWDF was sent to over 200 staff on maternity leave inviting them to take part in our research. In April 2015, the Chief Constable (via Police Scotland TV) promoted and encouraged the participation of officers, staff and line managers to speak out about their experience. In total 129 individuals volunteered to share their stories. These were captured through a variety of methods, namely case studies, surveys and focus groups<sup>4</sup>.

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<sup>3</sup> People and Development – May 2015 – Appendix A

<sup>4</sup> SWDF - Statistical breakdown of research group – Appendix B

The following section provides a breakdown of our results.

*(The statistics quoted relate to the online survey (83 individuals) only, whilst the views and comments expressed are taken collectively from the survey, case studies and focus groups. It should be noted that not all respondents answered each question, so percentages may vary).*

A number of common themes have been identified and divided into relevant sections for ease of reference.

The findings have resulted in four high level recommendations supported by a proposed action plan for the organisation to consider.

## 2.1 Adoption, Maternity and Paternity Standard Operating Procedure (SOP)

- 2.1.1 96% of respondents referred to the SOP during their pregnancy. This would indicate that it is a well-used reference document and the main area for information for pregnant women seeking direction on this matter.
- 2.1.2 Comments made regarding the SOP varied with some women stating that they found it informative and valuable, whilst others reported it as very complicated, open to interpretation, fragmented and inaccurate in places.
- 2.1.3 Some staff highlighted that they received conflicting advice and support following miscarriage and stillbirth and that the SOP was not accurate in relation to the terminology or process to be followed during this experience.
- 2.1.4 Suggestions were made that the SOP could be easier to understand, more reader friendly and that an easy to follow step-by-step guide to assist line managers and staff would be more beneficial. An excellent example of this is available from 'Working Families'<sup>5</sup> and provides a checklist for each stage of pregnancy, maternity and return to work.
- 2.1.5 With fertility and IVF treatment increasing, it was felt that there should be more awareness within the organisation of the challenges, both physically and emotionally for those involved and details should be signposted within this SOP.
- 2.1.6 A number of respondents commented that their line managers were not 'up to speed' regards the content of the SOP and did not always follow procedures. Often it was the staff member who guided their managers through the process.

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<sup>5</sup> Working Families – UK leading work-life organisation. A Pocket Guide for Managers and Employees

2.1.7 There is a significant responsibility on the line manager to follow the practices outlined in the SOP not only in the interest of the staff member but to ensure that as an organisation it meets its legal obligations in relation to this protected characteristic. Managers need to be more conscious of their actions and the consequence of such if they do not follow the guidelines.



## 2.2 Risk Assessments (RA)

2.2.1 The Health and Safety Executive state that "while it is a legal obligation for employers to regularly review general workplace risks, there is actually no legal requirement to conduct a specific, separate risk assessment for new and expectant mothers. However, this may help you decide if any additional action needs to be taken"<sup>6</sup>.

2.2.2 Section 4.2 of the SOP states "SPA/Police Scotland must take particular account of risks to new and expectant mothers before, during and after the maternity leave period. Line managers must review the relevant generic risk assessment(s) and update them with any pregnancy related risks in consultation with the individual and a trained risk assessor. Line managers should also review the risk assessments as the pregnancy progresses".

2.2.3 62% of women had a RA carried out once they had notified the organisation of their pregnancy. This is consistent with previous research carried out by Strathclyde Police in 2010 where the rate of RA's carried out were 63% at some point during pregnancy. The results highlight there has been no increase in the volume of RA's being undertaken.

2.2.4 There were a number of comments concerning decisions 'being made for the individual, rather than with the individual', which is not consistent with policy guidelines. In cases where informal consultation did take place this led to suitable work being identified which had a positive outcome for the member of staff.

2.2.5 Differences were identified in some cases as to who conducted the RA, with some being People and Development (P&D) led, however the majority were carried out by the line manager. A number of

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<sup>6</sup> Health and Safety Executive – HSE Website FAQs – September 2015

respondents commented that they felt their line manager was not sufficiently aware of the requirements and consideration necessary to effectively carry out a RA, or that they were simply too busy.

2.2.6 There were a number of other comments made regarding RA's, which have been summarised as follows:

- A generic risk assessment was conducted, which seemed purely like a paper exercise
- Conflicting advice given concerning contact with members of the public, productions and chemical handling
- RA's being ignored, e.g. time to rest identified but not actually provided. A number of women reported being required to work long hours with no opportunities for rest breaks or refreshments
- Lack of participation of the female in the RA being undertaken and driven purely by senior management
- Some women reported increased travel time to work, due to RA dictating they could no longer perform existing role in current location. In a few instances this meant officers travelling further to their place of work despite being categorised as high risk
- Managers making assumptions about what they think a pregnant officer can do rather than being informed by a risk assessment involving the individual
- A lack of a risk assessment led to some difficulties during pregnancy and subsequent time off having to be taken as a result
- A lack of consultation, flexibility and no work place adjustments being carried out perpetuated an increase in individual absence levels

2.2.7 The nature and type of roles given to pregnant woman varied, some of which were risk assessed but in a number of cases weren't, these included:

- Carrying out vehicle checks, which required washing cars and lifting items
- Managing productions, which included dealing with bloodstained items, faeces, drugs and required heavy bags to be lifted
- CCTV viewing without comfort breaks
- Public bar duties dealing with members of the public and consistently on their feet
- Long commuting distances, with no flexibility to work in stations nearer to home at any stage during pregnancy

2.2.8 It is vital that the generic RA for the role is reviewed by the line manager upon notification and throughout pregnancy. These are a useful tool in determining what the staff member can continue to do (or not do) during the course of their pregnancy. The RA process should be approached as a consultative exercise. Instead of managers making assumptions about what they think a pregnant staff member can do they should be informed by the risk assessment process. Whilst

managers may feel they have the staff member's interests at heart, by moving them to a new role or office, often has the opposite effect and in some cases a detrimental impact on the individual.

- 2.2.9 The suggested actions associated with the RA process have been incorporated into *Recommendation 1 – Review, revise and re-launch the Adoption, Maternity and Paternity Standard Operating Procedure.*

## 2.3 Consultation and Communication

- 2.3.1 44% of women were moved to a different post during their pregnancy but only half of them were consulted regards their move. Whilst a number of them felt the move was beneficial, a few indicted that the experience was not entirely positive, including:

- Being moved to protected duties and subsequently having no formal line management agreed, which meant no contact was maintained during maternity leave
- A great deal of uncertainty about returning to work as their team and management had all changed
- Unintended consequences of deployments - Physical or emotional wellbeing not being considered or addressed
- Being moved roles with no consultation and made to feel like an inconvenience, particularly in specialist departments
- Having responsibilities and tasks taken away without reason
- Being utilised for administrative tasks and jobs that no one else wanted to do
- Not being given an appraisal
- Lack of notice of being moved shift

- 2.3.2 Section 4.3 of the SOP clearly outlines the responsibilities of the line manager and factors to be considered in relation to the deployment of new and expectant mothers. The study indicated that in a number of cases the SOP was not being followed in its entirety.

- 2.3.3 In preparation for maternity leave, only 33% of respondents confirmed they had a conversation with their line managers regarding who would maintain contact with them. This is a significant drop compared to the study carried out in Strathclyde in 2010 where 84% of women knew who to maintain contact with whilst on maternity leave.

- 2.3.4 It was disappointing to note that contact during maternity leave was inconsistent. 42% of women reported that they received none at all and only 10 % reported receiving the agreed amount. Respondents felt that an identified point of contact should be agreed prior to maternity leave. Whilst the SOP indicates that this is the line manager's responsibility, in practice this has proven problematic. Comments included:

- Contact not being made, despite being requested
- A lack of contact regarding training, promotion or job opportunities
- No discussion or contact prior to maternity leave and subsequently no dialogue
- Feeling extremely disconnected and disappointed with the organisation due to a lack of engagement
- Poor communication throughout even through full departmental restructures
- Contact being made through husband, which was felt to be inappropriate
- Court citations and lack of contact/knowledge about facilities for breastfeeding

2.3.5 Many respondents felt that line managers were uninformed and need to have a greater awareness, despite the information being readily available in the SOP. From the feedback it is reasonable to deduct that line managers are not referring to the SOP and are not aware of their legal responsibilities and obligations during this time.

2.3.6 It might be unrealistic to expect the line manager to monitor the website for job opportunities, promotions, bulletins and training. On this basis consideration should be given to elements of these tasks being centrally supported or made available via the internet.

**Recommendation 2**  
 Develop an internal communication strategy to promote awareness, improve practice and increase knowledge of pregnancy and maternity related matters across the organisation

**Recommendation 3**  
 Develop SOPs to incorporate the consistent maintenance, monitoring and recording of pregnancy and maternity

## 2.4 Access to facilities and attending appointments

- 2.4.1 During pregnancy, 54% of respondents indicated that there were no facilities where they could rest whilst on duty.
- 2.4.2 Positively 97% of women were given access to attending medical and antenatal classes. Overall line managers were reported to have been very supportive and enabled women to attend their appointments. It was very rare that women encountered difficulties however some reported the following:
- On two occasions one woman missed her appointments as her supervisor forgot to send someone to cover for her
  - Having to use TOIL or annual leave as line managers complained about the amount of time required for the appointments
- 2.4.3 The suggested actions associated with access to facilities and attending appointments are captured in *Recommendation 1 – Review, revise and re-launch the Adoption, Maternity and Paternity Standard Operating Procedure*.

## 2.5 Support and Information

- 2.5.1 Only 39% of women felt fully supported by their line manager during their pregnancy. Some of the main reasons for this seem to include a lack of communication and discussion around moving posts and also lack of awareness by line managers on the impact of pregnancy and work. Others also commented on the line manager simply not knowing what to do. One respondent stated:
- "I was offered no support or advice and generally feel like I was let down by the organisation. I did not enjoy what should have been a special time for me"*
- 2.5.2 Just over 45% of respondents felt that P&D did not support them during their pregnancy. Some reported no contact from P&D at all. There is clearly an expectation that P&D will engage with staff, however it is the line manager's responsibility to maintain contact and provide support during this period.
- 2.5.3 On a positive note almost 75% of women felt that their colleagues supported them during their pregnancy. Many women reported that it was their colleagues who maintained any contact with them during maternity leave as opposed to anyone else. However during maternity leave, support and information available seemed to be very inconsistent with comments including:

- Not being made aware of organisational changes
- Changes of role during maternity leave, which caused upset and distress
- Not being made aware of developmental opportunities, including promotion processes
- Lack of advice from HR on issues or questions
- Lack of awareness concerning postnatal depression
- Lack of appreciation by line manager on the impact of moving teams, whilst on maternity leave
- Lack of awareness concerning miscarriage and associated absence management processes

2.5.4 77% of women felt the organisation could do more to improve the support given to staff during pregnancy and maternity leave, whilst 17% were unsure. Only 6% felt there were no improvements that could be made.

2.5.5 Some women reported good support from their line manager whilst undergoing IVF, facilitating time off and providing support when required. Other women commented on issues they have experienced during IVF and fertility treatment which included:

- Being overlooked for development opportunities due to disclosing they were undergoing treatment. *(NB: this is not pregnancy discrimination but could potentially be sex discrimination)*
- A comment by a supervisor that the period of treatment had been a difficult time for the department
- Being moved and deployed to work with pregnant colleagues
- Six different line managers during IVF thus having to disclose multiple times
- Line manager disclosing to other staff about the IVF/pregnancy without consent

2.5.6 Disappointingly a large number of comments were made regarding how women were made to feel during their pregnancy and maternity leave. Some were positive, but in the main the comments related to negative experiences in terms of feeling less valuable, a burden on the organisation and that their career would suffer as a result of having children.

2.5.7 The level of support is inconsistent. Whilst senior officers may think they are 'doing the right thing' quite often they are causing the staff member unnecessary anxiety and stress during what is already an emotional time.

2.5.8 Our study indicated that the experiences of staff often go unchallenged or reported. There was perception from all the respondents that if they made a complaint it would have a detrimental impact on their career. Steps should be taken to enable staff to report potential issues without recrimination.

2.5.9 The suggested actions associated with Support and Information are captured under *Recommendation 2 – Devise an internal communication strategy to promote awareness, improve practice and increase knowledge of pregnancy and maternity related matters across the organisation.*

## 2.6 Keeping in Touch Days

2.6.1 Keeping in Touch (KIT) Days are an option available to staff. 97% of respondents were aware of KIT days with 47% actually using them.

2.6.2 Women who used KIT days reported that they were a beneficial experience and were used for a number of different reasons, such as progressing flexible working applications, officer safety training, attending courses, departmental meetings and checking emails. For some women they were used very informally and this helped them stay engaged with the office and their team, aiding the transition back to work. One officer reported using all 10 and found it very beneficial. Two of our respondents said:

*"I found these an invaluable way to gradually make the change to return to work".*

*"If I had not attended during KIT days I would have not been fit for purpose. During my second pregnancy I continued to use KIT days to maintain working knowledge as the systems were changing".*

2.6.3 Other women though reported confusion around KIT days regards their application and use. Experiences include:

- Not understanding the financial implications of KIT days during paid or unpaid leave
- Line managers not understanding or being clear on what KIT days can be used for. One officer was refused a KIT day even though she was in the office checking statements
- The authorisation process of KIT days is confusing
- Not being allowed to use KIT days for training
- Who to contact to organise a KIT day
- Assumption by line manager that once the baby was born the staff member would not be interested in KIT days

2.6.4 The use of KIT days are outlined and explained in the SOP (section 7.4) and again should be discussed with the staff member prior to and during maternity leave. The line manager should take responsibility for supporting the staff member in the application and use of KIT days and should make reference to the SOP in terms of the forms that need to be completed in relation to pay.

- 2.6.5 The suggested actions concerning KIT days are captured in *Recommendation 1 - Review, revise and re-launch the Adoption, Maternity and Paternity Standard Operating Procedure.*

## 2.7 Breastfeeding

- 2.7.1 The Health and Safety Executive states "You are legally required to provide somewhere for pregnant and breastfeeding employees to rest. Where necessary, this should include somewhere for them to lie down. It is not suitable for new mothers to use toilets for expressing milk"<sup>7</sup>.
- 2.7.2 Police Scotland and the SPA recognise the World Health Organisation and Department of Health advice regarding the benefits of breastfeeding to mother and child. As such it has committed to providing a private and secure space for mothers to express and hygienically store breast milk upon return to work.
- 2.7.3 From those who responded to the question 'were you breastfeeding on your return to work?' 20% answered yes. One respondent commented that:
- "Breastfeeding facilities were excellent and management were very supportive"*
- 2.7.4 However 46% of women experienced issues in relation to breastfeeding on their return. One officer had to express milk in a staff toilet in between going to calls. Many felt that operationally it was not an option to continue breastfeeding or expressing upon return due to the nature of their shifts and felt pressure to finish before returning to work.
- 2.7.5 A number of women reported issues with breastfeeding arrangements when they were required to attend court during their maternity leave. One officer contacted 10 different people to try to organise a room for privacy whilst at court, but no one could assist her. A wider look at the provisions in place with partner agencies may need to be considered.
- 2.7.6 Guidance regarding breastfeeding is incorporated into the SOP but again there appears to be a lack of understanding from both staff and line managers regarding this. The suggested actions associated with Breastfeeding are incorporated into Recommendations 1 and 2 of this report.

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<sup>7</sup> Health and Safety Executive FAQ's website – September 2015

## 2.8 Returning to Work (RTW)

2.8.1 Only 24 % of women reported that they were contacted by the line managers to discuss their return to work and what their needs might be. Where contact was made the discussion was mainly regarding working hours.

2.8.2 The majority of comments were fairly negative and centred around a lack of dialogue or information. One staff member said:

*"I feel very strongly about the lack of support, information and contact... I find this extremely frustrating and contributed to my anxiety about my return to work"*

2.8.3 Other experiences included:

- Immediately being deployed into role on first day back without any direction or support on new systems or processes
- No training in regards to new procedure especially on the computer and was expected to get on with it
- Lack of follow up or welfare check from line management. Some women reported a two minute "are you ok" chat
- Returning to work without knowing shift pattern
- Concern and problems connected to organising flexible working patterns and child care arrangements
- Change of office location during maternity leave with no prior notification
- Starting new job where manager didn't know individual
- No opportunity to discuss staggered or a phased return
- Lack of awareness around loss of confidence and the impact of being away from the organisation for some time
- Returning to work too soon because of financial reasons. Suggestion that maternity pay be staggered throughout the year

2.8.4 Some women did report more positive experiences where they were given opportunities to return to work on a phased return, one included:

*"I was happy with how my maternity leave and return to work was handled on this occasion. The whole process and my return ran smoothly. I feel I had the right amount of support throughout. Being updated throughout my maternity leave was really helpful. My line manager also spent a number of hours updating me with the ongoing work and other issues in the first week of my return. He made sure he was available to me if I needed him. I asked to phase my return using accrued leave and this again was supported"*

- 2.8.5 Consideration should be given to formal 'Return to Work' discussions similar to those adopted in Greater Manchester Police<sup>8</sup> and phased returns (using accrued annual leave) as an option for all staff.
- 2.8.6 30% of female leavers during 1<sup>st</sup> April - 31<sup>st</sup> March 2015 were in the 25-34 age group<sup>9</sup>. Return to work rates should be monitored for up to twelve months to determine if leaver rates (including resignations) are in any way associated with issues that arise following maternity leave. The suggested actions associated with returning to work are captured in Recommendations 1, 2 and 3.

## 2.9 Flexible Working and changes to work patterns

- 2.9.1 When asked the question 'If you applied for a change to your working pattern was the request approved?' 58 % responded yes.
- 2.9.2 Some women reported a lot of support from their line managers who were very helpful and positive, one comment included:

*"I requested a flexible working pattern on return to work with a view to moving to a part time job share with a colleague following her return to work after a period of Maternity leave. Process managed well by Line Managers"*

- 2.9.3 Other women reported experiencing a lot of problems and issues when applying for flexible working. One respondent stated:

*"This was the hardest thing I came across. The process is very long and complicated with most supervisors not knowing what to do. After putting in 10 different plans and being told contradicting information on every occasion a plan was finally accepted".*

Other examples included:

- Delays in discussing a flexible working application
- Delays in responses or confirmation, which impacted upon child care arrangements
- Stressful and upsetting experience due to multiple applications being made
- Lack of guidance despite request for assistance
- No consideration of the emotional impact involved
- Negative comments from line managers about part time workers and those on compressed hours
- Procedures not being followed and inconsistent responses
- No support and being treated differently because they worked part time

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<sup>8</sup> Greater Manchester Police and London School of Economics Research - 2013

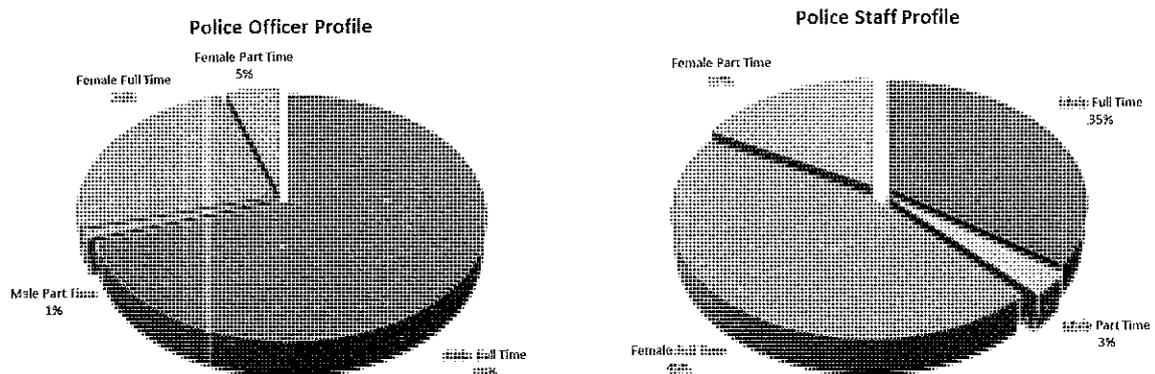
<sup>9</sup> Police Scotland Employment Monitoring Profile – October 2015

- Being moved role because of being a part time officer without rationale or explanation
- Resource Management declining request despite line management approval
- Having to resign as no suitable options could be agreed in relation to work pattern
- Made to feel less valuable than a full time member of staff

2.9.4 There are no records of the number of flexible working applications received, authorised or declined. There are also no records of the number of different working patterns in existence across the organisation. Patterns such as compressed working, annualised hours, home working, term time working and job share arrangements are not currently monitored.

2.9.5 The SWDF are aware flexible working patterns exist which benefit both staff and their teams. It would be in the organisations interest to capture these and demonstrate its commitment to a flexible and mobile workforce.

2.9.6 As at 31<sup>st</sup> March 2015 the following charts demonstrates the number of police officers and staff who undertake part time working in the organisation. In relation to police officers, 88% are the rank of Constable, 11% are in the rank of Sergeant and 1% are in the ranks of Inspector<sup>10</sup>.



2.9.7 There is still clearly work to be done in promoting and encouraging flexible and part time working. Whilst the SWDF appreciates the complexities of policing and the roles police officers, in particular undertake, there is an opportunity to consider what more can be done to promote and encourage the application of flexible working not just for females but their male counter parts also. With the introduction of Shared Parental Leave, the organisation needs to encourage and embrace the adoption of more modern day working practices.

<sup>10</sup> Equality and Diversity Employment Monitoring Update Report 2015

#### **Recommendation 4**

**Undertake an evaluation of the organisations approach to Flexible Working, its implementation, recording and monitoring practices**

### **3. Recommendations**

It is imperative that the right level of support is given during pregnancy and maternity. The SWDF have identified four main recommendations for consideration:

- 1. Review, revise and re-launch the Adoption, Maternity and Paternity Standard Operating Procedure**
- 2. Devise an internal communication strategy to promote awareness, improve practice and increase knowledge of pregnancy and maternity related matters across the organisation**
- 3. Develop SCoPE to incorporate the consistent management, monitoring and recording of pregnancy and maternity**
- 4. Undertake an evaluation of the organisations approach to Flexible Working, its implementation, recording and monitoring practices**

A proposed Action Plan (Appendix C) has been designed to support the delivery of the aforementioned recommendations. If endorsed, the SWDF is willing to provide ongoing support and assistance in order to achieve the desired outcomes.

## 4. Conclusion

The organisation is clearly committed to addressing gender equality. At a tactical and operational level however the implementation of pregnancy and maternity related practices requires additional attention and focus.

The experience and perceptions of staff within our study highlight that they feel disconnected from their department, senior managers and the organisation during what should be a memorable and happy time.

Whilst there is no doubt that there are positive experiences within the organisation, there are a number of areas that require action.

Our research concluded that managers and staff are not fully aware of their roles, responsibilities and legal obligations during pregnancy and maternity. The policy needs to be clearer and designed to support both parties during this time.

The role of the line manager stood out as key to the experience of staff. Whilst there is an appreciation of the huge demands on line managers, at every level, some simple steps could vastly improve the situation.

Managers appear reluctant to enter into dialogue with staff out of fear of doing or saying the wrong thing. They then make assumptions based on their own perceptions of what the member of staff might need or want.

Meaningful conversations with staff about their pregnancy and maternity are central to improving the culture and unconscious bias that exists within the organisation. By providing managers with the 'right' questions and topics to be covered during one to ones with staff would help remove any ambiguity or uncertainty.

It is important to highlight that the findings in our study are not unique to this organisation. As a result of his research in England and Wales, Dr Pete Jones a chartered psychologist determined that there is a 'Women with Children' bias in policing<sup>11</sup>. He determined that this is caused by two main assumptions that once women have children, they are less reliable and less committed to their work.

A recent report by the Equality and Human Rights Commission found one in five mothers said they had experienced harassment or negative comments related to pregnancy or flexible working from their employer and/or colleagues. 10% of mothers said their employer

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<sup>11</sup> Shire Professional Chartered Psychologists – [www.shirepro.co.uk](http://www.shirepro.co.uk) – August 2015

discouraged them from attending antenatal appointments and others were treated so poorly they felt they had to leave their job<sup>12</sup>.

Furthermore a report produced by the Intelligence and Security Committee of Parliament stated that:

*"It is clear that the primary barriers to women returning to roles following maternity leave are cultural. This needs to change. No initiative will succeed if it doesn't address cultural and behavioural issues which may prevent progress. Whilst we do not ignore the potential cost and impact on output in the short term this may involve, we consider that these factors are easily outweighed by the longer term rewards"*<sup>13</sup>

It is hoped that our results, recommendations and action plan are considered by the organisation and that there is a commitment to work in partnership with the SWDF to address the main findings and take forward the proposals within this report.

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<sup>12</sup> EHRC – Pregnancy and Maternity – Related Discrimination and Disadvantage – July 2015

<sup>13</sup> Women in the Intelligence Community – Presented to Parliament pursuant to section 3 of the Justice and Security Act 2013, Ordered by the House of Commons – March 2015

## 5. Appendices

Appendix A – People and Development Staff Profile

Appendix B – Statistical Breakdown of Research Group

Appendix C – Draft Action Plan

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## **Pregnancy and Maternity Information Booklet**

**Owning Department:** People and Development

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## **1. Introduction**

- 1.1 This information booklet is applicable to Police Officers and Authority/Police Staff. Although there may be some provisions that are different for Police Officers and Authority/Police Staff due to legislation and regulations these are highlighted where appropriate. Please note that this information booklet is intended as a source of additional guidance and individuals should refer to the Adoption, Maternity and Paternity SOP for more detailed information.
- 1.2 The aim of this booklet is to provide individuals with relevant and useful information to support them through their pregnancy, maternity and return to work. The information may answer some of the questions that individuals may have concerning pregnancy and the support available within the workplace, not only prior to commencing maternity leave but also during maternity leave and on their return to work. In addition, this booklet highlights sources and contacts for additional information that may be useful to individuals throughout their maternity period.
- 1.3 On receipt of Application for Maternity Leave Form (089-002) the People and Development Department (Shared Services) will issue a letter to individuals outlining entitlements and other important information. Individuals should read the letter and keep it in a safe place to refer to throughout their maternity leave.

## **2. Your Pregnancy and Work**

### **2.1 Informing your line manager**

- 2.1.1 Although there are no legal requirements to inform the Scottish Police Authority (SPA) / Police Scotland immediately, notification must be made a minimum of 15 weeks before the expected date of confinement. Individuals are encouraged to notify their line manager of their pregnancy as early as possible to ensure that a risk assessment can be completed and any necessary adjustments or support are implemented where appropriate.

### **2.2 Risk Assessments**

- 2.2.1 SPA/Police Scotland has a duty of care to ensure that the health and safety of any pregnant officer or member of staff and their unborn child is protected whilst at work. The existing generic risk assessment for the individual's current post should be reviewed to take into consideration any impact that the pregnancy will have on their duties. This will be carried out in line with normal health and safety risk assessment procedures taking account of specific hazards relating to pregnancy and specific information about the individual. Please refer to New or Expectant Mother – Risk Assessment Guidance to help identify some of the hazards and control measures that should be considered. It is important that individuals complete the risk assessment in partnership with their line manager. Advice or information that has been received from a

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doctor or midwife that could impact on the assessment should be included and highlighted at this point.

- 2.2.2 The risk assessment should be reviewed several times at different stages throughout the pregnancy. If an individual believes that a change in their pregnancy means that the most recent review is no longer applicable they can request that a further review is carried out to take into consideration the changing physical condition or any new information.

### **2.3 Role Adjustments**

- 2.3.1 Where the risk assessment identifies health risks that cannot be reduced or lessened to a reasonable extent, SPA/Police Scotland will consider: altering the role, working conditions or hours (if reasonable to do so in order to avoid the risks); or identify a suitable alternative role. Individuals should discuss any concerns they may have regarding any proposed role adjustments or temporary postings with their line manager in the first instance or a representative from People and Development (P&D).

- 2.3.2 In addition, risk assessments may be carried out for training courses, court attendance or Keeping in Touch (KIT) days during the maternity period. Individuals should continue to participate in training courses and attend court unless the risk assessment identifies health risks that cannot be reduced or lessened to a reasonable level. On return to work, a risk assessment for the individual's post will be reviewed and if appropriate the review will take into account any requirements for breastfeeding.

### **2.4 Time Off For Ante-Natal Care**

- 2.4.1 Individuals are entitled to reasonable paid time off to attend antenatal care where the appointment is attended on the advice of a registered doctor, midwife or health advisor. This may include medical examinations, appointments with a midwife, antenatal classes, relaxation and parent classes. Individuals may be asked to provide evidence of the appointments.
- 2.4.2 Wherever possible individuals should try and arrange appointments at times which cause minimal disruption to the working day e.g. on rest days or as near to the start or end of a shift as possible. Individuals should give their line manager as much notice of appointments as possible so they can arrange for cover, if necessary.
- 2.4.3 An expectant father, or partner, of a pregnant woman is entitled to take unpaid time off work to attend up to two antenatal appointments. Time off is capped at six and a half hours for each appointment.

### **2.5 MATB1 Certificate**

- 2.5.1 Individuals must provide proof of their pregnancy and due date by submitting a MATB1 Certificate. The MATB1 Certificate is normally issued by the doctor or midwife 20 weeks before the due date. Individuals will not receive any

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entitlement to Occupational Maternity Pay (OMP) or Statutory Maternity Pay (SMP) if they do not submit the MATB1 Certificate.

### **3. Maternity Leave**

#### **3.1 Application for Maternity Leave**

3.1.1 Individuals are required to submit Application for Maternity Leave Form (089-002) to their line manager no later than the 15<sup>th</sup> week before the Expected Week of Childbirth (EWC) to apply for maternity leave. The MATB1 Certificate should be submitted along with the Application for Maternity Leave Form (089-002). If an individual wishes to change their maternity leave start date they must submit another application giving the appropriate notice before the original or new intended start date, whichever is earlier (Police Officers – 21 days and Authority/Police Staff - 28 days).

#### **3.1.2 Police Officers**

3.1.3 An officer can have up to 15 months maternity leave.

3.1.4 The earliest a Police Officer can start their maternity leave is 6 months before their EWC. The latest maternity leave can end is 12 months after the child is born.

3.1.5 Maternity leave will start on whichever is the earlier date of:

- your chosen start date; or
- the day your child is born.

#### **3.1.6 Authority/Police Staff**

3.1.7 Members of Authority/Police Staff can have up to 52 weeks maternity leave.

3.1.8 The earliest maternity leave can start is 11 weeks before the EWC.

3.1.9 Maternity leave will start on whichever is the earlier date of:

- your chosen start date
- the day after your child is born
- the day after you are absent for a pregnancy-related reason if this happens 4 weeks before the date your child is due.

### **4. Maternity Pay**

4.1 SPA/Police Scotland offer enhanced maternity pay, dependant on an individual's length of service. The Occupational Maternity Pay (OMP) provisions are different for Police Officers and Authority/Police Staff.

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Individuals will receive a letter confirming their entitlement to maternity pay after Application for Maternity Leave Form (089-002) has been submitted to P&D (Shared Services).

### 4.2 Police Officers

Continuous Service	Entitlement
Less than 26 weeks	Officers may be eligible for Maternity Allowance (paid directly by Jobcentre Plus) which starts on same day as maternity leave.
More than 26 but less than 63 weeks	Statutory Maternity Pay (SMP) is paid for up to 39 weeks - 90% of your average weekly earnings for the first 6 weeks followed by 33 weeks at the lower rate of SMP (or 90% of your average weekly earnings, whichever is lower). Current rate of SMP can be found at <a href="http://www.gov.uk">www.gov.uk</a> .
More than 63 Weeks	18 weeks full pay followed by 21 weeks SMP at the lower rate or 13 weeks full pay, followed by 10 weeks half pay, followed by 16 weeks SMP at the lower rate.

### 4.3 Authority/Police Staff

Continuous Service	Entitlement
Less than 26 weeks	Individuals may be eligible for Maternity Allowance (paid directly by Jobcentre Plus) which starts on same day as maternity leave.
More than 26 weeks but less than 1 years reckonable service	Statutory Maternity Pay (SMP) is paid for up to 39 weeks - 90% of your average weekly earnings for the first 6 weeks followed by 33 weeks at the lower rate of SMP (or 90% of your average weekly earnings, whichever is lower). Current rate of SMP can be found at <a href="http://www.gov.uk">www.gov.uk</a> .
More than 1 years reckonable service	90% of your average weekly earnings for the first 6 weeks followed by 20 weeks at half pay plus the lower rate of SMP followed by 13 weeks at the lower rate of SMP.

## 5. Pregnancy Related Absence

5.1 The normal absence reporting procedures detailed within the Attendance Management SOP apply in terms of the reporting and recording of absence prior to the start of a maternity leave period. Line managers should record on SCoPE if the absence is pregnancy related.

### 5.1.1 Police Officers

5.1.2 Where an officer is absent from work due to a pregnancy-related reason and the absence falls or continues beyond the beginning of the fourth week before

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the EWC then SMP will commence (as per police regulations). In these circumstances, an officer's OMP would commence on the original date notified.

### **5.2 Authority/Police Staff**

- 5.2.1 Where an individual is absent from work due to a pregnancy related reason and the absence falls or continues beyond the beginning of the fourth week before the EWC, then maternity leave and pay will commence from the day after the first complete day of pregnancy-related absence which falls after the beginning of the fourth week before the EWC.

## **6. Baby Born Early**

### **6.1 Police Officers**

- 6.1.1 Where an officer's baby is born early and before their maternity leave has started, SMP and leave will commence from the day the baby is born. OMP will start from the original notification date unless the officer gives proper notification of a change in the start date. The officer must notify their line manager as soon as reasonably practicable of the birth.

### **6.2 Authority/Police Staff**

- 6.2.1 Where an employee's baby is born early and before maternity leave has started, maternity leave and pay will commence from the day after the baby is born. The individual must notify their line manager as soon as reasonably practicable of the birth.

## **7. Maintaining Contact During Maternity Leave**

- 7.1 Prior to commencing maternity leave an individual should meet with their line manager to discuss how much contact they would like to have during maternity leave and agree who will make contact and when. Contact can be by telephone, email, letter, a visit to the workplace, or in other ways. Contact required whilst on Adoption, Maternity, Paternity Leave or Career Break (089-009) should be completed prior to going on maternity leave.
- 7.2 Maintaining contact provides the opportunity to discuss what's happening at work including job vacancies, other important developments or training events which could be included as part of Keeping In Touch (KIT) days.

## **8. Keeping In Touch Days**

- 8.1 The maximum number of KIT days an individual can work without bringing maternity leave to an end is 10. Through agreement with the line manager an

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individual can take a KIT day to attend a training course or event, or to meet with their team for an update. Individuals don't have to attend KIT days but many people find it makes returning to work easier.

- 8.2 Individuals must submit an Adoption Maternity or Shared Parental Leave Record of Keeping in Touch (KIT or SPLIT) Days Form (089-006) to ensure the correct payments are made.

## **9. Annual Leave and Public Holidays**

- 9.1 Annual leave will continue to accrue during the full period of maternity leave. Individuals will receive a day in lieu for any public holidays that they are entitled to that fall during the maternity period.

## **10. Court Attendance**

- 10.1 Individuals on maternity leave must attend court if cited unless a doctor certifies them unfit to do so. Please note that attendance at court does not count as a KIT day although individuals will be compensated if they are required to attend. Individuals must submit Adoption, Maternity or Paternity Leave Claim for Attendance at Court (089-008) if attendance at court is required.

## **11. Pension Contributions**

- 11.1 Pension contributions will continue to be paid at the appropriate rate during all periods of paid maternity leave based on the actual amount of pay received. No pension contributions will be made during periods of unpaid maternity leave except for any KIT days worked. If an individual takes a period of unpaid maternity leave then they can elect to make back payments of their pension contributions on their return to work. For further information please contact People Direct on 01786 897022.

## **12. Shared Parental Leave**

- 12.1 Shared Parental Leave (SPL) enables eligible parents to choose how to share the care of their child during the first year after birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible individuals have a statutory right to take SPL and there may also be an entitlement to some Shared Parental Pay. Please refer to the Shared Parental Leave SOP for further information.

### **13. Returning to Work**

- 13.1 It is important that individuals plan for their return to work while on maternity leave and the line manager should be able to support this process. The individual and line manager may wish to consider and discuss the following:
- flexible working;
  - refresher training;
  - risk assessment including arrangements for breastfeeding if appropriate; and
  - annual leave requests. Please note accrued annual leave does not have to be taken in full prior to returning to work. Using annual leave to support a phased return is an option that is available to both Police Staff and Officers.
- 13.2 Form (089-013) should be completed by the line manager prior to the individual returning to work to record any agreed actions from the return to work support meeting.
- 13.3 Where an individual wishes to return prior to the end of their full maternity leave period they must submit Adoption, Maternity or Additional Paternity Leave Change of Return to Work Date (089-007) to their line manager. If an individual fails to provide the required notice (Police Officers - at least 21 calendar days and Authority/Police Staff - at least eight weeks) their return to work date may be postponed.

### **14. Not Returning to Work**

- 14.1 If an individual decides they do not wish to return to work following a period of maternity leave they must give the appropriate notice of their resignation. In these circumstances an individual may be required to pay back the sum of the difference between OMP and SMP.

### **15. Childcare Vouchers**

- 15.1 Childcare Vouchers are a form of 'employer supported childcare' and an easy way for individuals to pay for certain types of childcare. By opting to take part of your salary in Childcare Vouchers (this is also known as 'salary sacrifice'), individuals can take advantage of important tax and national insurance savings. Further information is available on the intranet.

### **16. Miscarriage, Still Birth or Infant Bereavement**

- 16.1 Where an individual suffers a miscarriage before the end of the 24<sup>th</sup> week of pregnancy, any absence associated with the miscarriage should be treated as

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pregnancy related. Provisions in line with the Attendance Management SOP will apply in terms of reporting any absence.

- 16.2 In the unfortunate circumstances that a baby is still born after 24 weeks of pregnancy or is born at any point in the pregnancy but then later dies, the individual will be entitled to receive their full maternity leave and pay.

## **Additional Support / Information**

Childcare and Parenting	<a href="http://www.gov.uk">www.gov.uk</a>
Childcare Vouchers	<a href="http://www.childcarevouchers.co.uk">www.childcarevouchers.co.uk</a>
Employee Assistance Programme	<a href="http://www.axabesupported.co.uk">www.axabesupported.co.uk</a>
Health and Safety Executive	<a href="http://www.hse.gov.uk">www.hse.gov.uk</a>
Health and Wellbeing Team	<a href="mailto:healthandwellbeing@scotland.pnn.police.uk">healthandwellbeing@scotland.pnn.police.uk</a>
HM Revenue and Customs (Child Benefit)	0300 200 3100
Miscarriage Association	<a href="http://www.miscarriageassociation.org.uk">www.miscarriageassociation.org.uk</a>
NHS Health Scotland	<a href="http://www.healthscotland.com">www.healthscotland.com</a>
Occupational Health	<a href="mailto:policescotland@optimahealth.co.uk">policescotland@optimahealth.co.uk</a>
People Direct	01786 897022
Postnatal Depression	<a href="http://www.mind.org.uk">www.mind.org.uk</a>
SANDS	<a href="http://www.uk-sands.org">www.uk-sands.org</a>
Scottish Family Information Service	<a href="http://www.scottishfamilies.gov.uk">www.scottishfamilies.gov.uk</a>
Scottish Police Federation	<a href="http://www.spf.org.uk">www.spf.org.uk</a>
Scottish Women's Development Forum	<a href="mailto:scottishwdf@hotmail.co.uk">scottishwdf@hotmail.co.uk</a>
Tommy's	<a href="http://www.tommys.org">www.tommys.org</a>
Unison	<a href="http://www.unison.org.uk">www.unison.org.uk</a>
Unite	<a href="http://www.unitetheunion.org">www.unitetheunion.org</a>
Working Families	<a href="http://www.workingfamilies.org.uk">www.workingfamilies.org.uk</a>

## **List of Associated Reference Documents**

- Adoption, Maternity and Paternity SOP
- Annual Leave and Public Holiday SOP (Police Officer)
- Attendance Management SOP
- Career Break SOP
- Flexible Working SOP
- Health and Safety SOP
- New or Expectant Mother – Risk Assessment Guidance
- Parental Leave SOP
- Postings and Transfer SOP (Police Officer)
- Shared Parental Leave SOP
- Special Leave SOP

## **List of Associated Forms**

- Adoption, Maternity, Paternity Leaver Claim for Attendance at Court (089-008)
- Adoption, Maternity or Additional Paternity Leave Change of Return to Work Date (089-007)
- Application for Maternity leave (089-002)
- Contact required whilst on Adoption, Maternity, Paternity Leave or Career Break (089-009)
- Adoption Maternity or Shared Parental Leave Record of Keeping in Touch (KIT or SPLIT) Days (089-006)
- Contact Made whilst on Adoption, Maternity, Additional Paternity, Parental Leave or Career Break (089-010)
- Return to Work – Support Meeting (089-013)

## **Individual to do List**

### **Before Maternity Leave**

- Inform line manager of pregnancy.
- Complete a risk assessment with your line manager and include any relevant information that could impact on the risk assessment.
- Inform line manager of any change in pregnancy and request a further risk assessment.
- Discuss any concerns regarding proposed role adjustments or temporary postings.
- Advise line manager in advance of ante-natal appointments.
- Attend antenatal appointments.
- Submit MATB1 certificate.
- Submit Application for Maternity Leave Form (089-002) to line manager no later than the 15<sup>th</sup> week before EWC.
- Discuss and agree with line manager the frequency of contact throughout maternity leave.
- Submit Contact required whilst on Adoption, Maternity, Paternity Leave or Career Break (089-009) prior to going on maternity leave.
- Consider when you would like to use any accrued annual leave.

### **During Maternity Leave**

- Notify line manager as soon as reasonably practicable of birth if baby is born early.
- Maintain agreed contact with line manager.
- Consider whether you wish to take a KIT day and if appropriate discuss with line manager.
- Submit an Adoption Maternity or Shared Parental Leave Record of Keeping in Touch (KIT or SPLIT) Days Form (089-006) to ensure the correct payments are made, if appropriate.
- Attend court if cited.
- Submit Adoption, Maternity or Paternity Leave Claim for Attendance at Court (089-008) if attendance at court is required.
- Consider flexible working, childcare provisions etc.
- Advise line manager of any refresher training you may require or any other support.

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- Submit Adoption, Maternity or Additional Paternity Leave Change of Return to Work Date (089-007) to line manager if you wish to return prior to the end of full maternity leave or change the date of return.
- Consider when you would like to use any accrued annual leave and discuss with line manager.

### **On Return to Work after Maternity Leave**

- Advise line manager of any health issues or factors to be considered upon return e.g. breastfeeding
- Meet with line manager and discuss refresher training and any other support etc.
- Consider whether you wish to make back payments for pension contributions for any period of unpaid maternity leave, if applicable.
- Progress any requests for outstanding annual leave.

## **Managers to do List**

### **When Informed of Pregnancy**

- Signpost individual to the Adoption, Maternity and Paternity SOP and ensure procedures are followed when relevant.
- Arrange a convenient time with the individual to complete a risk assessment.
- Consider all information provided by individual and discuss and agree role adjustments where appropriate.
- Where identified risks cannot be reduced or lessened to a reasonable level it may be necessary to consider an alternative role through consultation with the individual.
- Discuss and address any concerns that the individual may have regarding role adjustments or proposed alternative roles.
- Ensure risk assessments are reviewed throughout the pregnancy at agreed intervals and consider any new information provided.
- Coordinate any agreed adjustments or temporary posting(s) and ensure individual is fully aware of what is happening.
- Consider requests for antenatal appointments and ensure individual is able to be released from duty.
- Record any time taken off on SCoPE under the appropriate headings.

### **Prior to Individual Commencing Maternity Leave**

- Ensure individuals complete Application for Maternity leave (089-002) correctly and forward to P&D (Shared Services) within seven days. MATB1 Certificate should be submitted at same time.
- Discuss and agree with individual the frequency of contact throughout maternity leave.
- Ensure individual completes Contact required whilst on Adoption, Maternity, Paternity Leave or Career Break (089-009) prior to going on maternity leave.
- Discuss when the individual would like to use any accrued annual leave.
- Notify P&D of any pregnancy related sickness absence that occurs within the 4 weeks prior to individuals' due date.

### **Individual on Maternity Leave**

- Notify P&D (Shared Services) of the actual date of birth.
- Maintain agreed contact with individual and provide updates as required such as training or promotion opportunities.
- Consider any requests for KIT days, if appropriate.

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- Authorise any relevant forms if appropriate and forward to P&D (Shared Services) to ensure correct payments are made.
- Manage any annual leave requests and public holiday entitlement in discussion with individual.
- Discuss whether any refresher training is required to support return to work.

### **Individual Returning to Work**

- Consider any requests for flexible working, if appropriate.
- Arrange refresher training as appropriate.
- Arrange new PPE or OSD training as required.
- Discuss any changes to working procedures and provide any relevant updates that individual should be aware of.
- Complete risk assessment and consider any requirements or support. Take appropriate action and ensure individual is kept informed of what is happening.
- Arrange one to ones to ensure the individual receives any required support in the early weeks after returning to work.

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# **New or Expectant Mother Risk Assessment Guidance**

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4. Risk Assessments
5. Further Information and Guidance
6. Risk Assessment Guidance – New and Expectant Mothers

## **Appendices**

Appendix 'A'	Risk Assessment Guidance
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## **1. Introduction**

- 1.1 The following guidance is provided for individuals and line managers to help identify some of the hazards and control measures that should be considered when completing a risk assessment for new or expectant mothers. The definition of a new or expectant mother is a woman who is pregnant, has given birth within the last six months or is breastfeeding.

## **2. What Does Being a New and Expectant Mother Mean for an Individual?**

- 2.1 Being pregnant or a new mother does not generally prevent an individual from working, although there may be risks in some workplaces that could affect the health and safety of the individual and/or the child. Individuals are encouraged to inform their line manager of their pregnancy at an early stage, particularly if there are potential health and safety concerns due to the nature of their work. It is essential that the new or expectant mother is involved in the risk assessment process from the onset to ensure all the relevant facts and concerns are correctly identified and assessed.
- 2.2 Individuals need to ensure they comply with any control measures identified through the risk assessment which are deemed necessary to reduce the risks to the health of the mother and/or health of the child. An individual should notify their line manager if they intend to return to work within six months of the birth of the baby, or if they are still breastfeeding when they return to work.
- 2.3 The Health and Safety Executives guidance for new and expectant mothers can be found at [www.hse.gov.uk/mothers](http://www.hse.gov.uk/mothers) .

## **3. What are the Responsibilities of SPA/Police Scotland?**

- 3.1 The Management of Health and Safety at Work Regulations 1999 include regulations that protect the health and safety of individuals who are, or in the future could become, new and expectant mothers. SPA/Police Scotland will undertake a risk assessment to identify any hazards that may apply to new or expectant mothers.
- 3.2 Where particular risks have been identified, consideration is required to be given to appropriate control measures. Control measures may involve making temporary changes to an individual's role or working conditions. In some cases, this may involve an offer of alternative work and in extreme cases where suitable safe work cannot be found, the law requires that the individual is suspended on full pay.
- 3.3 Where there are no risks identified and no changes required to the role, the line manager must ensure that the risk assessment is reviewed at each trimester stage as the pregnancy progresses and where the individual identifies changes in her health or if any changes are to be made to the role. The risk assessment also requires to be reviewed if the individual returns to work within six months of the birth of the baby, or is still breastfeeding when they return to work.

## **4. Risk Assessments**

- 4.1 An existing risk assessment already in place in relation to each work activity should be used and adapted accordingly when considering the specific risks for a new or expectant mother in their role. When specific action is required this should be recorded on the risk assessment form. Where a risk assessment is not available for a particular role or work activity Form 076-001 must be completed and any specific risks for a new or expectant mother should be recorded. If there is any difficulty in reaching agreement concerning the appropriate control measures then further advice should be sought from either the Health and Safety Team, People Direct or Occupational Health.
- 4.2 Individuals may be at risk from different physical, biological, chemical, working conditions and processes. These risks will vary depending on the individual's role and health at different stages of the pregnancy. Any advice received from a doctor or midwife that could impact on the risk assessment should be discussed with the line manager. Some of the generic risks and appropriate control measures identified for new and expectant mothers are documented in the following pages for reference, however please note this is not an exhaustive list and any risks identified should be specific to the individual and their role.
- 4.3 Some of the more common risks may include: lifting/carrying of heavy loads; standing or sitting for long periods of time; exposure to infectious diseases; exposure to lead; work-related stress; workstations and posture; exposure to radioactive material; threat of violence; long working hours and excessive noise.

## **5. Further Information and Guidance**

- 5.1 Further information regarding specific risks for new and expectant mothers is available from:
- Health and Safety Team                      [HealthandSafety@scotland.pnn.police.uk](mailto:HealthandSafety@scotland.pnn.police.uk)
  - Health and Safety Executive                [www.hse.gov.uk](http://www.hse.gov.uk)
  - Occupational Health                            0844 225 4546
  - People Direct                                    01786 897022

**Risk Assessment Guidance – New and Expectant Mothers**

The following may be used as a reference guide to identify hazards and control measures for new and expectant mothers. Any specific risks identified should be recorded on the Health and Safety Risk Assessment Form 076-001.

Description of Activity	Hazard Details	Persons at Risk	Control Measures (required to reduce the risk to acceptable levels)
Ergonomics /Posture, Work Environment	Suitability of Work Station and display screen equipment (DSE)	New or expectant mother	<ul style="list-style-type: none"> <li>• A DSE assessment should already be in place. This must be re-assessed and thereafter regularly reviewed as the pregnancy progresses (not less than each trimester)</li> <li>• Sitting for long periods of time should be avoided and more frequent breaks away from work area should be considered</li> <li>• Ensure adequate space to move around the workstation especially as the pregnancy develops</li> </ul>
	Various trip hazards	New or expectant mother	<ul style="list-style-type: none"> <li>• Assess area in which individual is working for tripping hazards</li> </ul>
Discomfort/ Stress/Fatigue	Increased discomfort, stress, fatigue and lower tolerance to temperatures	New or expectant mother	<ul style="list-style-type: none"> <li>• Exposure to nauseating smells such as cooking or chemical odours may increase "morning sickness". Avoid or minimise exposure where feasible</li> <li>• Consider more frequent / longer rest breaks where appropriate</li> <li>• Minimise exposure to very high / low temperatures</li> <li>• Provide rest facilities as appropriate and access to refreshments</li> <li>• As the expectant mother increases in size consideration will require to be given to                         <ul style="list-style-type: none"> <li>- Work in awkward or confined areas</li> <li>- Clothing - uniforms, PPE, etc.</li> <li>- Mobility issues such as emergency evacuation in the later stages of pregnancy</li> </ul> </li> <li>- Ensure adequate maternity cover arrangements are in</li> </ul>

**NOT PROTECTIVELY MARKED**

**APPENDIX 'A'**

Description of Activity	Hazard Details	Persons at Risk	Control Measures (required to reduce the risk to acceptable levels)
Physical workload	<p>Unsustainable level of workload</p> <p>Manual handling of loads including limited ability to lift safely</p>	<p>New or expectant mother</p> <p>New or expectant mother</p>	<p>place</p> <ul style="list-style-type: none"> <li>• Ensure workload is assessed at frequent intervals and reduced accordingly</li> <li>• Apply Manual Handling Operations Regulations 1992</li> <li>• Risk assessment of moving and handling hazards to be considered prior to any manual handling task. This must be re-assessed immediately and thereafter regularly reviewed as the pregnancy progresses</li> <li>• Lifting operations which present a significant risk of injury must be avoided</li> <li>• Apply Working at Height 2014 and Confined Space 2012 regulations</li> <li>• Avoid where possible individual working at height or in confined space</li> </ul>
Violence and aggression	<p>Working at height/Confined space</p> <p>Applying physical pressure, may feel more vulnerable</p> <p>Potential physical trauma to individual</p>	<p>New or expectant mother</p> <p>New or expectant mother</p>	<ul style="list-style-type: none"> <li>• Remove requirements for participation in Control and Restraint with agreement of individual</li> <li>• Where possible remove from front line duties with agreement of individual</li> <li>• Ensure adequate control measures are in place for individual in relation to court/bar duties</li> </ul>
Travelling/ Driving	<p>Driving using a marked/unmarked police vehicle</p> <p>Travelling to and from place of work</p>	<p>New or expectant mother</p>	<ul style="list-style-type: none"> <li>• Avoid where possible requirement to drive marked vehicle</li> <li>• Minimise excess duty travel where appropriate</li> <li>• Consider changes to work pattern to minimise exposure to heavy/peak hour travel as pregnancy develops</li> </ul>
Noise	<p>Prolonged or repeated exposure to loud noise in excess of 80dBA can</p>	<p>New or expectant mother</p>	<ul style="list-style-type: none"> <li>• Control of Noise at Work Regulations 2005 should be applied as appropriate including provision of suitable hearing protection is assessed as a need</li> </ul>

**NOT PROTECTIVELY MARKED**

**APPENDIX 'A'**

Description of Activity	Hazard Details	Persons at Risk	Control Measures (required to reduce the risk to acceptable levels)
Lone Working	<p>lead to noise induced hearing loss (NIHL)</p> <p>Lone or out of hours working</p>	New or expectant mother	<ul style="list-style-type: none"> <li>Lone or out of hours working should be minimised or avoided where feasible</li> <li>Where this cannot be avoided, a specific risk assessment should already be in place. This must be re-assessed and thereafter regularly reviewed as the pregnancy progresses</li> </ul>
Exposure to harmful chemicals	<p>Work with Hazardous Substances, including:-</p> <p>Carcinogens (R40/ R45/ R49),</p> <p>Teratogens (R61/ R63/ R64/ R68),</p> <p>Mutagens (R46),</p> <p>Mercury or mercury derivatives,</p> <p>Lead or lead derivatives,</p> <p>Antimitotic (cytotoxic) drugs,</p> <p>Pesticides, etc. can cause harm to unborn child or breast fed babies.</p>	New or expectant mother	<ul style="list-style-type: none"> <li>Obtain and refer to relevant risk phrases contained within the Material Safety Data Sheet (MSDS) for each chemical</li> <li>Where appropriate a COSHH assessment should already be in place. This must be re-assessed immediately and thereafter regularly reviewed as the pregnancy progresses</li> <li>Work with substances which may present a significant risk to the mother and/or child must be avoided – remove the mother from specific high risk activities as appropriate</li> <li>Contact the Occupational Health Unit for general advice if necessary</li> </ul>
Infectious diseases	<p>In addition to hepatitis B and HIV, specific considerations are potential vulnerability to chicken pox and rubella infection due to the potential effects of developing</p>	New or expectant mother	<ul style="list-style-type: none"> <li>Universal precautions and infection control measures to be adhered to at all times</li> <li>If there is an outbreak of infectious disease in workplace, needs of pregnant workers to be considered</li> </ul>

**NOT PROTECTIVELY MARKED**

**APPENDIX 'A'**

Description of Activity	Hazard Details	Persons at Risk	Control Measures (required to reduce the risk to acceptable levels)
Ionising Radiation	Harmful to foetus	New or expectant mother	<ul style="list-style-type: none"> <li>Assess in accordance with Ionising Radiation Regulations 1999</li> <li>Avoid exposure to radioactive contamination</li> </ul>
Non Ionising Electromagnetic radiation (NIEMR) – Optical Radiation (inc ultraviolet and infra-red sources) or electromagnetic fields and waves	No Specific risk	New or expectant mother	<ul style="list-style-type: none"> <li>Exposure to electric and magnetic fields should be within National Radiological Protection Board (NRPB) guidelines</li> </ul>
Other individual factors	Various other aspects of pregnancy not noted above may also affect individual's work i.e. Morning Sickness, Frequent visits to toilet, tiredness, haemorrhoids	New or expectant mother	<ul style="list-style-type: none"> <li>The list is not exhaustive and should be considered along with any other issues when undertaking and reviewing risk assessment</li> <li>Various control measures can be considered;                             <ul style="list-style-type: none"> <li>- Agreeing a suitable dress code</li> <li>- Alternating hours of work</li> <li>- Flexible working</li> <li>- Design of work station</li> </ul> </li> </ul>
Return to work – identify any control measures which may still need to apply or are specific to a new mother	Stress, injuries arising from manual handling, ability to wear Personal Protective Equipment	New or expectant mother	<ul style="list-style-type: none"> <li>The provisions of the expectant mother's risk assessment should be reviewed when a new mother returns to work</li> <li>If required, arrangements should be made for breastfeeding or expressing milk including adequate facilities for storage.</li> </ul>