



HUMBERSIDE FIRE AND RESCUE SERVICE

People & Development

Maternity Policy

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What we must
do well



How we support our
communities



We value and support
the people we employ



We efficiently manage
the Service

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1. INTRODUCTION

Humberside Fire & Rescue Service (HFRS) seek to provide protection for pregnant employees and their unborn children and is committed to establishing and maintaining a positive working environment where the dignity and respect of employees is not undermined.

This Policy has been developed to inform all employees of their maternity entitlements and reflects legislation and Government recommendations. Provisions for the Health and Safety of pregnant employees are also contained in HFRS's Health and Safety Policy (in accordance with the Management of Health and Safety at Work Regulations 1999 and the Workplace (Health, Safety and Welfare) Regulations 1992).

Core Code of Ethics

HFRS has adopted the Core Code of Ethics for Fire and Rescue Services. The Service is committed to the ethical principles of the Code and strives to apply them in all we do, therefore, those principles are reflected in this Policy.

National Guidance

Any National Guidance which has been adopted by HFRS, will be reflected in this Policy.

2. EQUALITY AND DIVERSITY STATEMENT

HFRS has a legal responsibility under the Equality Act 2010, and a commitment, to ensure it does not discriminate either directly or indirectly in any of its functions and services nor in its treatment of staff, in relation to race, sex, disability, sexual orientation, age, pregnancy and maternity, religion and belief, gender reassignment or marriage and civil partnership. It also has a duty to make reasonable adjustments for disabled applicants, employees and service users.

3. AIM AND OBJECTIVES

The aims and objectives of this policy are to provide information to pregnant employees and managers regarding maternity leave, pay and all other arrangements during the maternity period and returning to work following maternity leave.

4. ASSOCIATED DOCUMENTS

- [Equality Impact Analysis](#)
- Legal References
- National Guidance

5. HEALTH AND SAFETY

The Management of Health and Safety at Work Regulations 1999 requires the Service to carry out a Risk Assessment in respect of new, expectant or breast-feeding mothers. Arrangements will be made to remove any identified risks. If this is not possible, your duties may be re-organised or you may be relocated for a temporary period, including to other areas of the Service if necessary and reasonable (see [Appendix 'B' – Risk Assessment Template and Guidance](#)).

Every effort will be made to find you alternative employment for a temporary period. However, in the unlikely event that there is no suitable alternative work available, you may be instructed not to attend work for any period where there is an identified risk. If this happens, you will continue to receive full pay.

If you are offered suitable alternative work and then unreasonably refuse it, you may be suspended on maternity grounds and will lose your right to be paid during that period of suspension.

When it is considered that you are free from risk, you will return to your original employment (or similar employment if there has been a review during your absence).

Due to the nature of the role, operational employees who are pregnant will be automatically placed on modified duties, or moved to an alternative shift arrangement, all of which will be risk assessed. During the pregnancy they must not participate in development sessions, attend operational incidents or carry out physical activities such as carrying heavy equipment.

Your manager will maintain managerial responsibility and ensure that you are kept up to date with watch/department information, new policies and notices, etc. Following childbirth, a return to operational firefighting duties will take place once you have regained physical fitness and a specific risk assessment has been carried out. This will be undertaken with support and guidance from Occupational Health and the PTIs.

With regards to Control employees, once they have notified their manager of their pregnancy they may, if they wish, transfer to the day duty system. This transfer is optional and would be under guidance from the Occupational Health Team.

6. NOTIFICATION REQUIREMENTS

Once you know that you are pregnant, you should inform your line manager. This may well be before you have received the formal 'MATB1' form from your GP. It is still important to tell the Service because you will need to be assessed by the Occupational Health Team to determine whether or not your duties may put the baby's or your own health at risk.

Around 20-24 weeks, you will be given form MATB1. This will confirm the expected week of childbirth and should be given, together with a completed form

PER 32 – Application for Maternity Pay & leave, to the Service Support Centre (SSC). ([See Appendix 'A'](#)).

After receiving the MATB1 form, the SSC will write to you confirming dates and pay entitlements. The SSC will provide you with the date at which any pay entitlement will cease (after 39 weeks) and the date when entitlement to statutory maternity leave will cease (after 52 weeks). This will be subject to qualifying conditions (please see Section 7).

7. MATERNITY ENTITLEMENT

All pregnant employees are entitled to the following:

- Time off for antenatal care
- Maternity leave
- Maternity pay
- Keeping in Touch (KIT) days
- The right to return to work
- The right to request flexible working

8. MATERNITY LEAVE

All pregnant employees are entitled to take up to 52 weeks maternity leave (26 weeks 'ordinary' maternity leave and 26 weeks 'additional' maternity leave), with the exception of the first 2 weeks after the birth, which are compulsory.

If you decide to return to work before the end of your additional maternity leave, you must give the Service at least eight weeks' notice of the date on which you wish to return. If you do not give this notice, or give insufficient notice, the Service will have the right to postpone your return date for a number of days' equivalent to the unexpired portion of the eight weeks' notice period, or until the end of their additional maternity leave period if that occurs earlier.

You can commence maternity leave at any time within the period of 11 weeks before the beginning of the week in which your baby is due. Provided that you are well enough you can continue to work up until your chosen start date for maternity leave and your doctor agrees.

Where maternity leave has not commenced by the time of the birth, it shall commence on the day after the birth.

It may be that Maternity Leave starts before you planned it to. If, after the fourth week before the expected week of childbirth, you are absent from work wholly or partly because of reasons relating to pregnancy, this will automatically trigger your Maternity Leave.

You may end your maternity leave early and, with your partner or the child's father, opt for Shared Parental Leave instead of Maternity Leave. If you both

meet the qualifying requirements, you will need to decide how you want to divide your Shared Parental Leave and Pay entitlement (please refer to Shared Parental Leave Policy).

9. MATERNITY PAY

If you have at least 12 months continuous service at the beginning of the 11th week before the week in which your baby is due, you will be entitled to HFRS's contractual maternity pay which is paid at a higher rate than the Government's Statutory Maternity Pay scheme. This comprises of 6 weeks at 90% of pay and 33 weeks at half pay, in addition to the Statutory Maternity Pay or Maternity Allowance to which you may also be entitled to. The SSC will advise you of your entitlement once you have submitted a MATB1 form.

If you have less than 12 months' service, you may be entitled to pay under the Government's Statutory Maternity Pay Scheme (SMP). It is a two-tiered scheme with two rates of Statutory Maternity Pay: the higher rate, paid for 6 weeks and the lower rate paid for the following 33 weeks, making a total of 39 weeks.

SMP is treated like any other pay in that it is subject to PAYE Income Tax and National Insurance contributions and other deductions such as Trade Union subscriptions.

Any maternity leave taken beyond 39 weeks is unpaid.

To qualify for SMP, you must satisfy all of the following conditions:

- You must have continuous service for at least 26 weeks continuing into the 15th week before the week the baby is due. This 15th week is known as the qualifying week.
- Average weekly earnings must not be less than the lower earnings limit for the payment of National Insurance contributions.
- You must still be pregnant at the 11th week before the expected week of childbirth or have given birth by that time.
- You must have stopped work because of pregnancy or childbirth.
- If your baby arrives early, then SMP will start from 39 weeks beginning from the date of childbirth.

10. MATERNITY ALLOWANCE

If you do not qualify for SMP, you may still qualify for Maternity Allowance. Payroll will send out a Form SMP1, which you should complete and send to the Benefits Agency along with your Maternity Certificate (MATB1). The Benefits Agency will then calculate whether you have paid enough National Insurance contributions to qualify for Maternity Allowance.

To qualify for Maternity Allowance, you must:

- Have ceased work wholly or partly because of pregnancy or childbirth.
- Not be entitled to SMP.

11. ANNUAL LEAVE

You will continue to accrue annual leave during maternity leave. Your line manager will discuss with you, as early as possible, your plans for taking annual leave. You will be encouraged to take as much annual leave as possible within each leave year to avoid a large accrual of leave taking place.

If you want to stop work at the beginning of the 11th week before your expected week of childbirth, you can still do so but if, for example, you have two weeks' annual leave outstanding, you could take the first two weeks as annual leave and then start maternity leave.

If you are unsure whether or not you will be returning, you should only take accrued leave up to the end of the first six weeks of maternity leave, since, if you do not return, you will be asked to pay back money you have received in respect of 'excess' leave taken.

If you are unsure whether or not you will be returning to work, you should only take the leave to which you are entitled to up to the end of the six weeks paid at 90% of pay as, if you do not return to work, you will be asked to pay back money you have received in respect of 'excess' leave taken.

12. SICKNESS ABSENCE AND PUBLIC HOLIDAYS

Maternity leave will not be treated as sickness absence and will not therefore be taken into account when calculating sick pay entitlement.

If you are unable to return to work on the expected date due to sickness, you will still be regarded as having returned to work. The sickness should be notified and certified in the same way as any other period of sickness. Maternity leave shall be regarded as service for the purpose of calculating annual leave entitlement.

Employees subject to the Grey Book Terms and Conditions who are on ordinary maternity leave on a public holiday will be granted a days' leave in lieu of that public holiday.

13. BREASTFEEDING

In order to provide a supportive, suitable and dignified environment for mothers who are breastfeeding their babies, HFRS will provide access to a refrigerated storage facility and reasonable time for expressing breast milk.

If you wish to continue breastfeeding on your return to work, you should provide written confirmation that you intend to do so and ensure that this is mentioned at your assessment meeting with the Occupational Health Team. Occupational Health will consider this when making any recommendations for modification of duties to line managers. When you return to work, you will have a meeting with your line manager to discuss working arrangements and support, which will include carrying out a specific work risk assessment.

The purpose of the risk assessment is to identify actual and/or potential hazards present in the workplace and in the role to determine the extent of the risk from those hazards so that suitable controls can be put in place.

14. ANTENATAL CARE

You have the right to reasonable time off work, with pay, to attend antenatal appointments. This applies to all pregnant women regardless of length of service or hours worked. You must provide supporting documents for all appointments to your line manager.

15. PARENT-CRAFT CLASSES

These can be held at hospitals, local clinics and health centres and you are entitled to paid time off to these as well as relaxation classes. HFRS may allow reasonable unpaid time off for employees to accompany their pregnant partner to attend antenatal, relaxation and parent-craft classes, subject to the exigencies of the Service, and after discussion with their line manager.

16. RETURNING TO WORK

If you return immediately to Local Government Service following a break for Maternity Leave, your paid Maternity Leave and any authorised unpaid Maternity Leave will count as continuous service.

The SSC will provide dates when paid maternity leave will end and the final date after which you are due back to work.

4-6 weeks prior to the return to work date, the SSC will write to you asking about your intentions for returning to work and asking for a minimum of 28 days' notice to be provided.

If you decide not to return to work at all and would like the termination of your employment to coincide with the date on which you would have been returning to work (so that you would continue

to receive statutory/contractual maternity pay for as long as you are entitled to it), you must give the Service notice of your resignation in writing. You may, of course, give notice of your resignation earlier than this date (for example, if you have a new job to go to), meaning that your employment would terminate, and your statutory/contractual maternity pay would come to an end.

If you return to work up to 26 weeks after the birth of the baby, you will be entitled to return to the same job on the same terms and conditions of employment as if you had not been absent, unless a redundancy situation has arisen, in which case you will be entitled to be offered a suitable alternative vacancy where one exists.

If you return to work after more than the first 26 weeks of absence you will be entitled to return to the same job on the same terms and conditions of employment as if you had not been absent, unless there is a reason why it is not reasonably practicable for you to return to it, in which case you will be offered a similar job on terms and conditions which are not less favourable than your original job.

HFRS operates a 'Right to Request Flexible Working Policy' that allows all employees to apply to work flexibly, subject to certain conditions. Following maternity leave, as a qualifying condition for entitlement to Contractual Maternity Pay, employees must return to work for a minimum period of three months. If you do not return to work for this minimum period, you will be required to refund the contractual part of your maternity pay.

17. PENSION

Options are available to you if you are a member of the Local Government Pension Scheme (Support and Control staff).

Whether or not you decide to return to work, you can choose to opt out of the scheme before you start Maternity Leave. This will mean that you do not need to pay pension contributions during the paid part of your Maternity Leave.

You should indicate on the 'Application for Maternity Leave and Pay' form whether you wish to opt out of the Scheme. When the Pensions Section receives a copy of this they will write to you if you have chosen to opt out. The letter will explain what the effect of opting out of the scheme will be and ask you to confirm whether, in the light of that information, you still wish to opt out. Before making a decision, you may wish to seek independent financial advice.

If you decide to opt out of the Scheme, you can always seek to re-join when you return to work after Maternity Leave. You will have to satisfy the entry requirements, which include a satisfactory medical, which may be at your own expense.

If you choose to return to work after Maternity Leave and decide to stay in the Scheme, you may, when you return to work, elect to pay pension contributions on the unpaid part of your Maternity Leave. This contribution will be equal to the amount of contributions you would have paid on the pay you were entitled to receive immediately before the beginning of the unpaid period. In most cases, these will be contributions on half pay plus any SMP payable. If you choose to remain in the scheme, the Pensions Section will automatically write to you when you return to work informing you about electing to pay pension contributions on the unpaid period of your Maternity Leave. The letter will enclose a form showing the amount of contributions that will be due.

Members of the Firefighters' Pension Scheme should consult West Yorkshire Pension Fund for more specific details.

18. PREMATURE BIRTH

Where a baby is born prematurely, i.e. born before 37 weeks, the maternity leave period starts automatically on the day following the birth.

19. DEATH OR STILLBIRTH OF A CHILD

If you suffer a stillbirth after 24 weeks pregnancy, you are entitled to maternity leave and pay as detailed in this policy.

If this occurs before 24 weeks (miscarriage), HFRS will give sympathetic consideration to the circumstances, individual needs and to the relevant medical opinion. Each case will be reviewed on a case by case basis.

20. UNIFORM

HFRS acknowledges that uniform for staff should provide comfort whilst employees are working during their pregnancy.

If you are required to wear a Service uniform, you are advised to contact Stores regarding the issue of maternity wear. Maternity wear can be worn by all employees at any stage of their pregnancy.

21. KEEPING IN TOUCH DAYS

You are entitled to a maximum of 10 Keeping in Touch (KIT) days to enable you and the Service to keep in touch with one another, without affecting leave or payment entitlements.

Regulation 12A (2) of the Maternity and Parental Leave Regulations 1999 (SI 1999/3312) provides that "any work carried out on any day shall constitute a day's work". This means that keeping in touch days may be worked as half days, but each half day worked will count as a whole day. The 10 permissible keeping-in-touch days cannot be used to create 20 half days. If you attend work for a one-hour training session and do no other work on that day, you will have used up one of your keeping in touch days.

KIT days do not have to be consecutive and can be used for any work-related activity including training, conferences or meetings.

You are not obliged to attend work for KIT days.

If you choose to attend work, you will be paid your usual rate of pay for the applicable day, and the remainder of the week at the applicable maternity pay rate.

Once the 10 KIT days have been used, you will lose a week's statutory pay for any week in which you do work, even if it is for only one day or less than a day. If a week contains, for example, the last of the 10 KIT days and a further day of work, the employee will lose that week's statutory pay.

If you want to take KIT days, you should contact your line manager in the first

instance to discuss what would suit both you and the organisation and to decide on suitable dates. Your line manager will then notify the SSC of the dates so that your pay can be paid at the usual pay rate, rather than at the SPL rate.

22. CONTACT DURING MATERNITY LEAVE

During maternity leave reasonable contact should be maintained between you and your line manager. Ideally, arrangements should be made prior to commencing maternity leave as to the way contact will happen, who will initiate the contact and the frequency of the contact etc.

You should inform your line manager of any particular information that you wish to receive, such as weekly news bulletins etc. Your line manager will be expected to inform you of any promotion opportunities and other important information relating to your job that you would normally be made aware of if you were at work.

23. SURROGATE PARENTS

If you are having a child through a surrogacy arrangement, you will not be eligible for Statutory Maternity Leave or Statutory Maternity Pay as these benefits are available only to employees who give birth. However, adoption leave, and pay are available to you once you become the legal parent of a child by applying for a parental order in a surrogacy situation. In this case, your partner may be eligible for paternity leave and pay and both of you may also be eligible to take shared parental leave.

24. INFERTILITY TREATMENT

Paid time off for undergoing infertility treatment will be considered on an individual basis under the Special Leave Policy. Treatment includes both appointments and hospitalisation. HFRS may ask for supporting medical documentation to be provided.

**If you require any further guidance on this Policy, please contact the
Human Resources Team**

APPENDIX A - PER 32 APPLICATION FOR MATERNITY PAY AND LEAVE

How to Complete this Form

1. Read the information contained in the Maternity Policy so that you understand your entitlement.
2. Fill in this form and send it to the Service Support Centre (SSC) at least 21 days before your Maternity Leave/ Absence begins.
3. Attach your maternity certificate (Form MAT B1).

Section One: Please Complete the Following:

Name:
Address:
Post and Section/Location:
Employee reference number (shown on your payslip):
Date you began work with the Fire Service:
Start date of continuous Local Government service (if different from above):
Normal weekly hours of work:
Expected date of childbirth:

Section Two: Please Complete as Appropriate:

Date you wish to start maternity leave:
Do you intend to return to work: Yes: <input type="checkbox"/> No: <input type="checkbox"/>
If you are currently in the Local Government Pension Scheme, please tick below if you wish to opt out of the scheme during your maternity leave so that you do not pay pension contributions: <div style="text-align: center;"> Yes: <input type="checkbox"/> No: <input type="checkbox"/> </div>

I understand that I am eligible for 33 weeks ½ pay allowance, and if I have received this allowance, I am required to repay this if I do not return to work for the required minimum 3-month period.

I claim maternity pay **SIGNED:** **DATE:**

Section Three: For SSC Use Only			
All Dates Confirmed	<input type="checkbox"/>	Normal Weekly hours confirmed	<input type="checkbox"/>
Copy of form to payroll	<input type="checkbox"/>	MAT B1 to Payroll Section	<input type="checkbox"/>
Copy of form to Pensions Section	<input type="checkbox"/>		
SIGNED:		DATE:	
DESIGNATION:			

APPENDIX B - Risk Assessment template and guidance

Guidance for the risk assessment of new and expectant mothers at work **The Legal Framework:**

- Management of Health and Safety at Work Regulations 1999 (SI 1999/3242)
- The Equality Act 2010 sets out that any breach of health and safety law in relation to new and expectant mothers is considered to be automatic discrimination for the protected characteristic of pregnancy and maternity.

The regulations above apply providing that the Service has been advised that an employee is pregnant (or a certificate has been provided confirming pregnancy).

The Service is required to assess the workplace risks of all of its employees. Where there are women of child-bearing age in the workforce and the work is of a kind that could involve a risk to the health and safety of a new or expectant mother, or her baby, from any process, working conditions, or physical, biological or chemical agents, the legislation requires that the assessment shall also include an assessment of such risks.

When the Service is advised that an employee is pregnant, has given birth within the previous six months or is breastfeeding, the Service must carry out a specific risk assessment. The assessment must take into account any advice provided by the employee's GP or midwife about her health and it should be carried out with the new or expectant mother.

Where risks are identified by the assessment, the Service must take action to remove, reduce, or control the risks.

Where the risks to an employee cannot be avoided by other action, and it is reasonable to do so, the Service must avoid the risks by altering her working conditions or hours of work. If this is not reasonable, or would not avoid the risks, the Service must suspend her from work for as long as is necessary to avoid such risk, subject to the right the employee has to be offered suitable alternative work (where such work is available). For these purposes, the work must be suitable to the employee, appropriate in the circumstances and on terms and conditions not substantially less favourable than her normal terms and conditions.

Where a new or expectant mother works at night and provides a medical certificate from her GP or midwife that says that she should not work for a period of time because such work could affect her health, she must be suspended from work on full pay for as long as necessary. Again, this is subject to the right the employee has to be offered suitable alternative work (where such work is available). For these purposes, the work must be suitable to the employee, appropriate in the circumstances and on terms and conditions not substantially less favourable than her normal terms and conditions.

Where the risk relates to an infectious or contagious disease, the requirements of the legislation relate to risks at work that are additional to those to which a new or expectant mother may be expected to be exposed outside the workplace.

HAZARDS

1. Shocks/vibration/movement
 - Driving or riding off road vehicles may be associated with increased risk of prematurity or low birth weight.
2. Manual Handling of loads where there is a risk of injury:
 - Hormonal changes affect ligaments increasing susceptibility to injury.
 - Postural problems.
 - Post caesarean surgery (temporary limitation).
3. Movements or postures:
 - Travel.
 - Mental or physical fatigue.
 - Standing has long been associated with miscarriage, premature birth and low birthweight.
 - Excessive physical or mental pressure can lead to raised blood pressure and anxiety.
 - Problems working at heights, tight fitting workspaces etc. need to take into account increased abdominal size particularly during the latter stages of pregnancy.
 - Impairment of dexterity, agility, co-ordination, speed of movement, reach & balance (Increased risk of accidents).
4. Noise:
 - Prolonged exposure to loud noise may lead to increased blood pressure and tiredness.
5. Extremes of cold /heat:
 - During pregnancy heat is less well tolerated leading to possible faint & heat stress.
 - Breast-feeding may be impaired by heat dehydration.
6. Biological agents:
 - Including HIV and Hepatitis, TB, chicken pox and typhoid, which may affect the unborn child.
 - Rubella.
7. Chemical agents:
 - Substances labelled R40, R45, R46, R47-these are agents likely to cause harm to the unborn child.
 - Substances and processes covered by COSHH.
 - Antimitotic drugs.
 - Carbon monoxide.
 - Pesticides.
 - Lead & lead derivatives.
8. Working conditions:
 - VDU's-no need to stop work BUT avoid problems caused by stress and anxiety-give opportunity to discuss fears with OH.

GUIDANCE TO ASPECTS OF PREGNANCY THAT MAY AFFECT WORK

a = early pregnancy, b= late pregnancy, c = up to 5 months after birth, d = throughout breast-feeding.

	Condition	Area of risk	Time of greatest risk
1	Morning (usually) sickness	Early shift work/exposure to nauseating smells	A
2	Backache	Standing /manual handling/posture	B & C
3	Varicose veins	Standing/sitting	B&C
4	Haemorrhoids	Working in hot conditions	B&D
5	Frequent toilet visits	Difficulty in leaving job/site	ABCD
6	Increasing size/reach	Protective clothing/manual handling	B
7	Comfort	Work in confined areas	B& D
8	Tiredness	Overtime/evening work	BCD
9	Balance	Working on slippery, wet surfaces	B

PLEASE SUPPLY A COPY OF YOUR RISK ASSESSMENT TO THE OCCUPATIONAL HEALTH TEAM

If you need any further guidance or help, please don't hesitate to contact:

- Occupational Health Adviser
- Occupational Health Team
- E-mail: OccHealthAdmin@humbersidefire.gov.uk

Source: HSE guide for employees "New & Expectant mothers at work"

Any general risk assessment should already take into account and include the risk to any woman of childbearing age.

OCC. 4

NEW AND EXPECTANT MOTHERS RISK ASSESSMENT

As the manager of an expectant mother, you are best positioned to identify any risks she may face at work and monitor any specific health and safety needs as the pregnancy progresses. As required, risks to new mothers are also considered when producing the general risk assessment under the management of Health and Safety at Work Regulations and should be referred to.

The risks identified in this document are those which are considered to be reasonably foreseeable. You are asked to read this document carefully and decide which Hazards apply to your workplace and what needs to be done to remove or reduce any significant risks identified. Advice on risks and what actions may be necessary are contained in the Health and Safety Executive document 'New and expectant mothers at work – A guide for employers' and should be used as a reference guide. These can be obtained from the Occupational Health Team. Where uncertainty exists over any hazard then further advice should be sought from Health and Safety.

You are required to complete the attached Risk Assessment form, a copy of which should be sent to the Occupational Health Section. Prior to completing the form, you may find it useful to have a fresh look at the work environment and discuss the risk factors with your employee and also any concerns she may have. Opening a dialogue on the subject with your employee will also encourage early reporting of any problems, which may develop as the pregnancy progresses and feedback on the effectiveness of any measures taken.

Name of Employee:
Division/Department:
Signature of Employee:
Name of Manager:
Signature (Manager):
Date of assessment:

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Hazard	Is risk adequately controlled?	Further action to control risk	Other action as pregnancy develops	Overall risk High/Medium/Low
Physical – Shocks, vibration and movements				
Excessive physical or mental pressure, fatigue				
Use of steps and ladders				
Slips, trips and falls				
Manual handling				
Noise				
Radiation (Specify)				
Extremes of cold or heat				
Biological agents (Specify)				

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Hazard	Is risk adequately controlled?	Further action to control risk	Other action as pregnancy develops	Overall risk High/Medium/low
Chemical agents (Specify)				
VDU use				
Other hazards				