

**POLICE NEGOTIATING BOARD**

Independent Secretary:  
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Kingsgate House  
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**AGREEMENT REACHED IN THE POLICE NEGOTIATING BOARD**

1. At the meeting of the Police Negotiating Board on 28 July 2010, agreement was reached on guidance on managing maternity and related issues. Details are set out in the attached memorandum.
2. This agreement requires no amendment to police regulations or determinations or specific authorisation by Home Department circular.
2. Any enquiries about this circular should be addressed to the Independent Secretariat at the Office of Manpower Economics ☎ 020 7215 8101, to the Official Side Secretary ☎ 020 7187 7341 or the Staff Side Secretary ☎ 01372 352101. Enquiries to the Independent Secretariat relating to the interpretation of this circular should be made in writing.

9 August 2010

## **MEMORANDUM**

The agreement on guidance on managing maternity and related issues is attached.

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### **GUIDANCE ON MANAGING MATERNITY AND RELATED ISSUES**

#### **INTRODUCTION**

1. The Police Service is committed to promoting a workplace culture that provides a supportive working environment for women who may want to become pregnant, are pregnant, are on maternity leave or who have just returned from maternity leave. This guidance is issued by the Police Negotiating Board to assist Forces to operate best practice arrangements in this area.
2. There are several pieces of legislation that relate to maternity, including health and safety legislation, regulations relating to statutory maternity pay as well as Police Regulations and Determinations 2003, the Police Scotland Regulations 2004 and the Police Service Regulations of Northern Ireland 2005. Forces should ensure that women officers are provided with all relevant current information on maternity provisions as defined in the relevant legislation and should provide accessible updates when changes are introduced.

#### **SCOPE**

3. This guidance covers maternity and related arrangements as they apply to police officers.
4. The purpose of this guidance is to highlight the key principles that should guide police forces in developing good policies and practices in respect of fertility treatment, pregnancy and maternity. This guidance sets out what action is needed to protect the health, safety and welfare of the woman and her child and the good practice principles that will support new and expectant mothers at work.
5. Whilst the guidance is aimed primarily at managing women in the Service, it is also important that Forces are aware of and sympathetic to the needs of new and expectant fathers or partners. The partners of new and expectant mothers may need time off to attend fertility and/or ante natal classes. They may also need time off at the birth of their child and to care for the child in the first months or years. As well as specifying leave arrangements for new and expectant mothers, Police Regulations set out a range of leave entitlements available for all officers with caring responsibilities. This includes maternity support leave, dependents' leave, and parental leave as well as arrangements for leave when officers adopt a child. The leave arrangements are not limited to officers in heterosexual relationships; they also cover lesbian and gay officers who may need time off for parental responsibilities.

## **TRAINING AND COMMUNICATION**

6. All managers should have clarity about their responsibilities and have confidence in handling issues of maternity and pregnancy. In addition to providing ready access to the policies and procedures, attention should be given to ensuring there is competence in the necessary skills required to conduct risk assessments and return to work plans.

## **FERTILITY TREATMENT**

7. Time off for police officers undergoing fertility treatment should be dealt with fairly and reasonably by Forces. This can be a difficult period both physically and psychologically for officers. Police Authorities/Forces are encouraged to make supportive time off arrangements for police officers undergoing fertility treatment and to provide them with reasonable time off outside of the Force sickness absence policy.

## **NEW AND EXPECTANT MOTHERS**

8. Being pregnant or a new mother does not prevent a woman from working or developing her career. Many women work while they are pregnant and return to work while they are breastfeeding. Pregnancy is usually a joyful occasion for women and their partners and Forces should encourage a supportive workplace culture.
9. In many workplaces there are risks which may affect the health, safety and welfare of new and expectant mothers and that of their child. Working conditions previously considered acceptable may no longer be so during pregnancy and while breastfeeding.
10. The Management of Health and Safety at Work Regulations 1999 cover the health and safety of new and expectant mothers who work in the police service. They cover all female officers, cadets and special constables who are, or in the future could be, a new or expectant mother. This includes all women of childbearing age, those who are pregnant, have given birth within the previous six months, or are breastfeeding. Additionally, less favourable treatment of women on grounds connected to their pregnancy or maternity leave could be unlawful discrimination.

## **GENERIC RISK ASSESSMENTS**

11. All employers who employ women of childbearing age must have a generic risk assessment for all roles available for women who may be planning to have a baby or who may think that they might be pregnant. This should be accessible to all officers who may need the information, via the Force intranet or similar.

## **NOTIFYING THE FORCE**

12. Police officers should be encouraged to tell their Force that they are pregnant as early as practicable. This is important to allow the Force to plan effectively and to ensure it comply with their statutory duties in respect of risk assessments. There may be many reasons why a woman may not want her pregnancy to be known by her work colleagues or managers: she may be unsure of the viability of the pregnancy or she may be worried that she will be removed from work that she enjoys.
13. Whatever the reason, managers need to ensure that women are treated fairly and appropriately and are supported when they disclose their pregnancy, so that their and their child's health, safety and welfare are protected. Removing someone from their work immediately they announce their pregnancy is rarely the appropriate response, unless there are justifiable reasons for so doing that are explained to the officer concerned.
14. A pregnant woman will be provided with a certificate for her employer (Mat B1) from her GP or midwife showing that she is pregnant. A Mat B1 is not issued until the woman is 21 weeks' pregnant.
15. In order to comply with the requirements for Statutory Maternity Pay, a woman officer must disclose her pregnancy to her Force no later than 28 days before her baby is due.

## **SPECIFIC RISK ASSESSMENTS**

16. As soon as a woman discloses her pregnancy to someone in her line management or HR department, the Force is deemed to know that she is pregnant. Her manager is then responsible for ensuring that a specific risk assessment of her work and her workplace is conducted. The manager may also wish to consult with the Force medical advisor and/or Occupational Health department.
17. Each woman's pregnancy is different, and the way it impacts upon her work and her workplace will be different. Some women may have no problems and wish to continue working for as long as possible but others may have had earlier problems or be unwell during their pregnancy. Each case should be treated individually and sympathetically
18. The woman should be involved in the risk assessment process. She should be provided with her risk assessment and encouraged to discuss it and the requirements of her role with her medical advisors. Any medical advice the

woman receives from her medical advisors which she discloses to the Force should be taken into account in the production of further risk assessments.

19. The risk assessment needs to be reviewed at suitable regular intervals; for example, on every occasion that a woman has been for an ante-natal care appointment. What a woman can do will change throughout her pregnancy and the risk assessment should reflect that and the changing medical advice.
20. Pregnant women may be at particular risk from many different physical, biological and chemical agents, working conditions and processes. These risks will vary depending on the woman's health, and at different stages of her pregnancy.

Some of the more common risks might be:

- Lifting/carrying of heavy loads
  - Standing or sitting for long periods
  - Exposure to extremes of temperature
  - Threat of violence in the workplace
  - Long working hours
21. If any risks are identified during the risk assessment process, the Force must take any reasonable steps to remove or reduce the risks, by
    - temporarily adjusting her working conditions and/or hours of work; (e.g. providing additional rest breaks, allowing her to come in later), or if it was not reasonable to do so or would not avoid the risk then
    - offering her suitable alternative work (at the same rate of pay) if available; or if that is not feasible,
    - sending her home on paid leave for as long as necessary to protect her health and safety and that of her child (maternity suspension).
  22. The Force should not be risk averse. Many women can and do work productively throughout their pregnancy. The Health and Safety legislation does not require that all risks are removed, just that they are reduced to an acceptable level. A woman may still work nights or shifts, unless the risk assessment has concluded otherwise. An officer who becomes pregnant should not have their period of acting or temporary promotion curtailed solely for reason of her pregnancy.
  23. In the final analysis, the Force is responsible for the health safety and welfare of the woman and her child, but it must have gone through a formal risk assessment process and taken all known relevant medical advice into account. Designating particular roles for pregnant women without a specific risk assessment would not be an appropriate response. It unnecessarily limits the

type of work that pregnant women are able to do and restricts the Force's capacity to use a woman's skills and experience to best advantage.

## **SICKNESS ABSENCE**

24. The risk assessment process should pick up any evidence of whether the woman's pregnancy is having an adverse impact on her ability to perform her role, and her work should be adjusted accordingly. Signing a woman off sick from work may not be in her best interests, and in some circumstances could adversely affect her sick pay and/or maternity benefits.

## **ANTENATAL CARE**

25. There is no set limit to how much time a woman can take off for antenatal care appointments. She is entitled to time off with pay to keep appointments for antenatal care made on the advice of her GP, Midwife or health visitor. After the first appointment she should provide, on request, an appointment card or some other document showing that an appointment has been made. She should not be refused any reasonable time off.

## **MATERNITY LEAVE & PAY**

26. Officers entitlements to maternity leave can be found within Police Regulations and Determinations
27. Officers entitlements to maternity pay can be found within Police Regulations and Determination and the statutory maternity provisions.
28. Women should continue to receive payments throughout their paid period of maternity leave in accordance with Police Regulations and Determinations.
29. If an officer on maternity leave is in receipt of an allowance to meet a duty related expense, the Chief Constable has the discretion under Regulation 36 to suspend the payment after 28 days if the expenditure for which the allowance is paid ceases.

## **ANNUAL LEAVE**

30. A woman officer's annual leave entitlement will accrue throughout her maternity leave. She can take this annual leave before, during or after her maternity leave.

## **MAINTAINING CONTACT**

31. It is all too easy to become disassociated from the workplace when absent for several months, and it is important that there are formal and/or informal contact arrangements for officers on maternity leave. Line managers should agree with the officer what form of contact she would prefer and what she may expect.
32. There should be clear, locally published arrangements in place to maintain formal contact with officers who are absent on maternity leave. This would include, for example, arrangements to ensure that women receive regular Force newsletters and notifications of any vacancies.

### **RECALL TO DUTY**

33. Police officers should only be recalled to duty for exceptional reasons such as Court duty or a discipline hearing. They should not be recalled during the two weeks immediately following the birth.

### **KEEPING IN TOUCH DAYS**

34. Women officers on maternity leave can return to work on a voluntary basis for up to a maximum of 10 days during their maternity leave. These days are known as Keeping in Touch or KIT days. Women who attend work should receive their normal hourly pay for any hours worked on a voluntary KIT day in addition to their SMP for that week. The pay is pensionable.
35. The days on which KIT days are to be undertaken should be agreed in advance between the officer and Force. Forces should be mindful of the benefits of KIT days for women on maternity leave and for the Force. They can enhance the woman's pay and ensure that she can remain in close contact with work and the workplace over her period of maternity leave. They can also be particularly useful if the officer wanted to attend a training course or event. It can also make her return to work easier for her. They can be pre-programmed into the maternity leave period thereby allowing the Force and the officer to plan their arrangements.
36. In all cases, a risk assessment will be needed to ensure that the officer is fit and able to undertake the work.

### **RETURN TO WORK**

37. Women officers must give at least 21 days' written notification of their intention to return to work or change their date of return.

38. Managers are required to ensure that a specific risk assessment is conducted for a new mother on her return to work. There may be risks, other than those associated with pregnancy, to consider when conducting the return to work risk assessment.

## **DEPENDANT'S CARE ALLOWANCE**

39. Forces should bear in mind that officers with caring responsibilities may experience particular difficulties when they return to work on non-duty days. Forces should not require officers to attend work without due consideration of the disruption to the officer's care arrangements and the additional costs that may be incurred. Forces should give consideration to formulating local arrangements in support of this.

## **BREASTFEEDING**

40. A woman may be breastfeeding when she returns to work and Forces should make every effort to facilitate this.
41. A risk assessment should identify any risks associated with breastfeeding and the means of accommodating the processes associated with breastfeeding during working hours. It may, for example, be possible to allow the woman additional rest periods in order to attend to her baby outside the workplace, or she may be provided with suitable private lockable facilities to express and store milk at work.

## **MONITORING**

42. Forces should monitor how their Force maternity policy is working in order to inform their workforce planning. As a minimum, they should record
- How many women have taken maternity leave each year
  - The length of maternity leave that officers take,
  - How many chose not to return.