



Pregnancy and Maternity

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6.00	February 2021	Reformatted

Executive Summary - The Service has a responsibility to ensure that:

Protection is provided for all its pregnant employees and their unborn child/ren, ensuring their health, safety, well-being and welfare is maintained as they progress through pregnancy.

When dealing with pregnancy and maternity related issues at work, they are handled in a manner that is fair and equal, with no less favourable treatment being displayed to employees who are pregnant or on maternity leave (including breast feeding).

The policy and supporting Pregnancy and Maternity Provisions Guidance Toolkit supports managers and employees ensuring that any additional risks arising as a result of pregnancy are reduced and managed efficiently and effectively. The policy and guidance document also seeks to promote family friendly working practices to ensure that, as far as practicable, staff are able to reconcile work with family responsibilities.

Other policies are in place dealing with time off work for other circumstances however with effect from 5 April 2015 Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) will be available for eligible employees whose child/ren are expected to be born or adopted after this date.

The statutory leave amount available to the mother and her partner to share is a maximum of 52 weeks. This leave entitlement is conditional upon eligibility criteria and is calculated based upon the amount of maternity/adoption leave and pay that has not been used by the mother, the remaining leave can then be shared with the partner becoming shared parental leave. The leave enables eligible parents to choose how to share leave arrangements in order to care for their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond, with their child.

Further detailed information can be found within the Shared Parental Leave SPI.

Alternative Formats

If you require this document in another format please contact the Human Resources and Development Department.

Service Values

This policy supports our commitment to the Service values.

What we believe in

Integrity

We will do the right thing and show fairness and consistency in our approach, taking responsibility for the decisions we make and the actions we take.

Teamwork

By working collaboratively, we can exceed expectations and go beyond the achievements of individuals

Honesty

We will be truthful in our actions and duties to build trust amongst our colleagues and within the communities we serve.

Openness

We will act in a way that is transparent and open to review and will welcome new or innovative ways of thinking.

Respect

We value the differences between individuals and create an inclusive environment which recognises everyone's experiences and opinions.



HEREFORD & WORCESTER
HWFR
FIRE AND RESCUE SERVICE

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Pregnancy and Maternity Policy

1. Introduction

- 1.1 Hereford & Worcester Fire and Rescue Service (the Service) has a responsibility for providing protection for pregnant employees and their unborn child/ren. The Service also recognises the positive benefits that family friendly working practices can achieve and will continue to consider existing working practices to ensure that, as far as practicable, staff are able to reconcile work and family responsibilities.
- 1.2 The Service applies the various National Conditions of Service concerning maternity leave and pay. This policy is designed to give organisational direction: it may not cover all eventualities and therefore should be read in conjunction with the Pregnancy and Maternity Provisions Guidance Pack and other appropriate Scheme of Conditions of Service. More detailed advice can be obtained from the Human Resources and Development Department at Service Headquarters.
- 1.3 Pregnancy and Maternity provisions are periodically amended by new legislation; this document will be reviewed to take account of any future amendments.
- 1.4 As soon as the employee knows or thinks that they may be pregnant they must inform their manager. The line manager is responsible for ensuring that risk assessments are undertaken and any changes made to working conditions to protect the employee and her unborn child/ren. The manager is responsible for providing ongoing support for the pregnant employee. The Human Resources and Development Department will provide any necessary support and guidance on request as soon as the employee has confirmed that they are pregnant for example the notification periods that is required in order to be eligible for maternity leave and pay.

2. Aims and Responsibilities of the Service

- 2.1 The Service has a duty under the Management of Health and Safety at Work Regulations to assess risks at work and to provide a safe and healthy working environment. These regulations place specific duties on the Service in respect of new and expectant mothers. Additionally under the Equality Duty 2010 to ensure that pregnant women and women on maternity leave (including breastfeeding mothers) are not treated any less favourably than other employees.

The service aims:

- To provide protection for the pregnant employee and their unborn child/ren, ensuring their health, safety, well-being and welfare are maintained as they progress through their pregnancy.
- To assess any additional risks arising as a result of being an expectant or new mother.
- To ensure confidentiality is maintained where requested, unless this compromises the Service.
- To provide family friendly working practices to ensure that, as far as practicable, staff are able to reconcile work and family responsibilities.
- To provide a fair, equitable and dignified place of work for all employees, ensuring that pregnant employees and employees on maternity leave (including breastfeeding) are not treated less favourably due to their condition.

3. Purpose

- 3.1 Maternity provisions refer to the leave (compulsory, ordinary) and pay to which the pregnant employee may be entitled and their right to resume employment with the Service following the period of leave. The employee has the right not to be treated less favourably on the grounds of pregnancy, childbirth or maternity, irrespective of hours of work or length of service.
- 3.2 If the pregnant employee is seeking to take maternity leave, they must produce medical evidence of the Expected Week of Childbirth (EWC). This will normally be in the form of a Maternity Certificate (MATB1), available from the doctor or midwife and will be issued approximately 14 weeks before the expected week of birth.
- 3.3 Maternity leave is available after 24 weeks of pregnancy.
- 3.4 This policy applies to all pregnant employees regardless of the number of hours worked per week or length of service.

4. Health and Safety

4.1 Risk Assessment

- 4.1.1 The Management of Health and Safety at Work Regulations 1999 require the Service to carry out a risk assessment in respect of new or expectant mothers. As soon as the employee knows or suspects that they are pregnant they should inform their line manager so that a risk assessment can be undertaken as a priority with the expectant mother. To identify and remove any risk that may be present, temporary adjustments in working arrangements may be required and this will be discussed during the Risk Assessment Meeting and recorded within the Risk Assessment.
- 4.1.2 Hereford & Worcester Fire and Rescue Service (HWFRS) have a duty to identify hazards and to assess and control the risks that could have a detrimental effect upon the pregnant employee or their unborn child.
- 4.1.3 A Generic Risk Assessment to identify hazards in the workplace can be found on the Service's SharePoint site. This form is used to identify potential risk to any new, expectant, or breast feeding mothers. This is for use as a guide only, each individual will be required to have a specific risk assessment conducted by their line manager in conjunction, if necessary with the Health and Safety Advisor or Occupational Health Service, to ensure that all risks and hazards are identified, eliminated or minimised.
- 4.1.4 Further risk assessments must be carried out at appropriate intervals throughout the duration of the pregnancy and upon the individuals return to work. Further information to enable decision making can be found within the toolkit.
- 4.1.5 Pregnant employees will normally remain on their watch, or in their department, unless this is deemed inappropriate following an individual risk assessment.
- 4.1.6 All training exercises will be properly risk assessed by the person responsible for the training exercise and should take into account each trimester. In the case of **On-Call** fire-fighters, attendance at drill nights and participation in any other work related activity, including training exercises, may be continued provided this is permitted within the scope of the individual Risk Assessment.

4.1.7 As the pregnancy develops the employee should inform the Service, in writing if required, of any advice or recommendations received from her doctor.

4.2 Occupational Health

4.2.1 When pregnancy is suspected or confirmed medical advice should be sought immediately as to whether the employee can continue within their current duties. All employees have access to the Occupational Health Service to discuss any concerns they may have whilst pregnant. Arrangements to attend an appointment should be made through the line manager.

4.3 Implications for Pregnant Firefighters

4.3.1 As an operational firefighter exposure to toxic inhalants, heat, humidity and physically arduous conditions of work may be faced. Medical advice is to be followed regarding the implications for pregnant firefighters.

4.3.2 In view of the potential risk to the employee and their unborn child, as soon as it is known or suspected that the employee is pregnant, they must stop attending operational incidents. The Service has undertaken significant research in this area as well as seeking the advice of the Occupational Health Service.

4.3.3 Following childbirth, a return to operational firefighting should not happen until the firefighter has regained physical fitness and has ceased breast-feeding.

5. Responsibilities of the Pregnant Employee

5.1 There is an obligation, under the Health and Safety at Work Act 1974, for the employee to inform the Service without delay, of any work situation which might present a serious and imminent danger to themselves or others.

5.2 The employee must be aware of their own capabilities and work within boundaries of what is safe for both themselves and their unborn child. It is the employee's responsibility to keep their line manager informed of any changes experienced during pregnancy which would need to be considered in the on-going risk assessments.

6. Confidentiality

6.1 Individual pregnancy or maternity records and personal details about the employees' health will be treated confidentially at all times. Information will only be available to those people who need to have access to it in order to support and manage the individual.

6.2 Any pregnancy or maternity records that are maintained, for example by line managers, will be kept securely and treated as confidential. The Service will ensure that all pregnancy or maternity information held on Service manual and IT systems are managed within the parameters of the Data Protection Act 1998. Occupational Health Records (as held by the Occupational Health provider) will also be managed within the guidelines of the Access to Medical Records Act 1988 and other relevant legislation.

7. Maternity Leave

7.1 Pregnant employees are entitled to take up to 52 weeks maternity leave consisting of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave. This is regardless of the number of hours worked or length of service. It is up to employees to decide how much maternity leave they wish to take, up to the 52 weeks maximum. (Maternity leave and pay entitlements are per pregnancy and not per child. If an employee is expecting more than one child, they can apply for additional unpaid leave. All such requests will be considered on their individual merits).

7.1.1 Other Service Policy/Instructions (SPIs) cover other time off provisions for example, Ordinary Parental Leave.

7.1.2 Compulsory Maternity Leave - the individual is not permitted to work for at least 2 weeks starting from the day after childbirth.

7.1.3 *Ordinary Maternity Leave (OML) - the first 26 weeks of maternity leave.*

7.1.4 Additional Maternity Leave (AML) - this lasts for a further 26 weeks and if taken, must follow immediately after OML. There cannot be a gap between the two types of maternity leave.

7.1.5 During the 26 weeks ordinary maternity leave (plus optional 26 weeks additional maternity leave) the employee is entitled to benefit from all of their normal terms and conditions of employment, except for remuneration (monetary wages or salary, including rent allowance). They can also work for up to 10 keeping in touch days during their maternity leave without losing any Statutory Maternity Pay. The line manager should agree payment with the employee for the actual hours that have been worked (for example, a 2 hour session will count as one whole keeping in touch day; however the employee will only be paid for the 2 hours that were worked that day, not a full day's pay).

7.1.6 If the employee returns to work after their OML, they have the right to return to the job they occupied before their maternity leave. If they have taken additional maternity leave, they have the right to return to their original job unless this is not reasonably practicable, in which case they have the right to be offered suitable alternative employment on terms no less favorable than the terms they had in their original job.

7.1.7 If a redundancy situation arises, they will be offered a suitable alternative vacancy if one is available. If the Service cannot offer suitable alternative work, they may be entitled to redundancy pay.

7.2 Time off for Antenatal Care

7.2.1 Pregnant employees are entitled to take reasonable paid time off work during their pregnancy to keep appointments for antenatal care made on the advice of a doctor, midwife or health visitor, regardless of their length of service or the hours they work.

7.2.2 Antenatal care is not strictly restricted to medical appointments and examinations; it also includes, for example, relaxation classes and parent craft classes where their doctor or midwife recommends attendance.

7.2.3 Pregnant employees must inform their line manager as early as possible of their antenatal appointments and that they intend to attend any associated classes which require them to take time off work. After the first appointment the employee should be provided with an appointment card which should be given to the line manager (or some other documents showing that an appointment has been made). Wherever possible, employees should try to arrange appointments outside normal working hours or as close to the start or end of the working day as possible.

7.3 Time off to Accompany to Antenatal Appointments

7.3.1 Employees who have a qualifying relationship with the pregnant woman and wish to take time off to attend antenatal, classes, have a right to unpaid time off (up to six and a half hours on no more than two occasions) in order to accompany their partner to the appointment. Employees are requested to complete the necessary declaration form Pers 7 which can be found within Appendix A.

8. Maternity Pay

This is made up of 2 elements, Maternity Pay from the Service due under a contract (Contractual Maternity Pay) and Statutory Maternity Pay (SMP). There is a maximum entitlement of 39 weeks maternity pay. Entitlements are dependent on length of service and earnings. Income Tax and National Insurance will be deducted from Maternity Pay.

8.1 Statutory Maternity Pay

8.1.1 Statutory Maternity Pay (SMP) is available to employees if they have been employed within the Service for a continuous period of at least 26 weeks, ending with the 15th week before the expected week of childbirth and have average weekly earnings at least equal to the lower earnings limit for National Insurance contributions.

8.1.2 SMP can be paid for up to 39 weeks; it is payable by the Service. The standard rate of SMP is reviewed every April and usually changes.

8.1.3 For the first six weeks the rate is 90 per cent of average weekly earnings with no maximum limit.

8.2 Maternity Allowance

8.2.1 If the employee does not qualify for SMP, entitlement to Maternity Allowance (MA) may be available, paid by the Jobcentre Plus. If they do not qualify for SMP or MA, they may be able to get Employment and Support Allowance (ESA) instead. If employees require more information on this, they can contact the Jobcentre Plus for further advice.

8.3 Contractual Maternity Pay

To qualify for Contractual Maternity Pay, an employee must:

- Have at least one year's continuous Local Government Service *(1) by the 11th week before the baby is due, and
- Be earning above the Lower Earnings Limit for the payment of National Insurance contributions, and
- Meet all of their notification requirements.

*(1) If employees have previous Local Authority service, their eligibility for continuous service should be checked with the Human Resources and Development Department.

8.3.2 Contractual Maternity Pay (with SMP) is paid in the following stages:

Weeks 1 – 6

90% of average weekly earnings in the 8 weeks before the end of the 15th weeks before the baby is due.

Weeks 7 – 18

If an employee declares in writing that they will return to Service employment for at least 3 months, directly following on from their maternity leave, they will receive half pay plus the flat rate of SMP - provided that the total amount does not exceed their normal earnings.

8.3.3 If an employee does **not** declare in writing that they are planning to return to Service employment for at least 3 months they will be paid the flat rate of SMP (or 90% of the employee's weekly earnings if this is less) only, for weeks 7 - 18.

8.3.4 If an employee decides not to return to work and they have already received half pay, they will be required to repay it. If they are not intending to return to work, they will still be entitled to SMP for weeks 7 - 18. (Sick leave taken immediately after the completion of maternity leave does not count towards the accrual of 3 months employment).

8.3.5 If an employee is unsure whether or not they wish to return to Service employment, the half pay element may be paid over a different mutually agreed distribution. This could be as a lump sum when they return to work.

Weeks 19 - 39

Employees will be paid the flat rate of SMP (or 90% of the employee's weekly pay if this is less).

Weeks 40 – 52

No payments due.

8.3.6 Paid maternity leave counts as full pensionable service and pension deductions will be made from maternity pay. Employees can also choose to pay pension contributions for any period of unpaid leave if they wish this period to count as pensionable service.

They should contact the Pensions Section at Worcestershire County Council for full information on this.

8.3.7 Other deductions, such as Trade Union subscriptions, will only continue as long as employees are being paid enough to cover them.

9. Shared Parental Leave Arrangements

9.1 Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) are available to eligible employees and their partners. The leave allows them to choose how to share leave arrangements providing flexibility in order to care for their child during the first year of birth or adoption. It applies to children expected to be born or adopted on or after 5 April 2015.

9.2 This leave entitlement is conditional upon eligibility criteria and is calculated based upon the amount of maternity/adoption leave and pay that has **not** been used by the mother, primary adopter. The remaining leave and pay can then be shared with the partner becoming Shared Parental Leave (SPL) / Shared Parental Pay (ShPP).

9.3 A minimum of 8 weeks' notice must be given to bring the maternity/adoption leave to an end by providing a curtailment notice. If a child is born more than 8 weeks early, this notice can be shorter.

9.4 The compulsory 2 weeks maternity/adoption leave must be taken however the maternity leave must come to an end at least 1 week before the end of the additional maternity leave period if this is taken.

9.5 Pay arrangements mirror those provided under the relevant SPI either Pregnancy and Maternity or Adoption dependent upon which leave/pay entitlements the employee is choosing to share with their partner. Where both employees work for the Service these arrangements can be transferred to the partner if the mother/primary adopter chooses to provide an end date for their period of maternity/adoption leave or returns to work.

9.6 For more detail regarding Shared Parental Leave please refer to the Shared Parental Leave policy.

10. Contractual Benefits

10.1 Employment is continuous throughout the whole period of the individual's maternity leave.

10.2 The employee is entitled to the benefit of their normal terms and conditions of employment, (except those parts relating to pay), throughout both Ordinary and Additional Maternity leave. Normal salary will not be due, but most employees will be entitled to Contractual Maternity Pay, Statutory Maternity Pay or Maternity Allowance for at least part of this period.

10.3 Annual leave during Ordinary and Additional Maternity Leave will continue to accrue at the same rate as if they were at work without the loss of holiday entitlement. Holiday entitlement however, should be taken in the holiday year that it is accrued. Any outstanding annual leave that may be due should wherever possible be taken before the start of their Ordinary Maternity Leave.

10.4 Where their maternity leave period coincides with the annual leave year and spans two leave years and the employee is unable to take their full entitlement for the current holiday year before their maternity leave begins. An employee whose maternity pay reduces to half or nil pay can opt to end their maternity leave and commence their annual leave entitlement.

11. Related Documents/Policies and Instructions

Service Policy/Instruction, Management and Administration, Personnel, **Attendance Management.**

Service Policy/Instruction, Management and Administration, Personnel, **Special Leave (includes Disability and Dependents leave).**

Service Policy/Instruction, Management and Administration, Personnel, **Ordinary Parental Leave.**

Service Policy/Instruction, Management and Administration, Personnel, **Shared Parental Leave.**

Service Policy/Instruction, Management and Administration, Personnel, **Paternity Leave and Pay.**

Service Policy/Instruction, Management and Administration, Personnel, **Annual Leave Entitlement and Procedures.**

The National Joint Council for Local Authorities' Fire Brigades Scheme of Conditions of Service (The Grey Book).

The National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (The Green Book).

The National Joint Council for Brigade Managers of Fire and Rescue Services, Scheme of Conditions of Service (The Gold Book).

The National Agreement on Pay and Conditions of Service for Local Authority Craft and Associated Employees (The Red Book).

12. Monitoring and Review

- 12.1 The Head of Human Resources and Development is responsible for monitoring the impact of this SPI and for its review (or as necessary due to the organisation or legislative change).

APPLICATION FOR UNPAID ANTENATAL SUPPORT LEAVE

Please read the SPI entitled ‘Pregnancy and Maternity Policy’ before completing this Form.)
 PERS 7

Full Name: _____

Job Title/Role: _____ **Service No:** _____

Work Location: _____

Declaration

I am:

- The baby’s father
- The expectant mother’s spouse, her civil partner, or partner (of either sex) in an enduring relationship; or
- Intended parents of a child in a surrogacy arrangement if they expect to be entitled to and intend to apply for a parental order in respect of that child

and

- I will take time off work to attend the antenatal class.

The baby is due on: _____ (date)

I would like my Antenatal time off to be on: _____ (date) for _____ (hours)

This is my **first/second** request for antenatal time off (*delete as appropriate.)

I am aware I am only entitled to unpaid time off up to six and a half hours on no more than two occasions for each baby.

I declare that I meet the eligibility criteria laid out above and in the SPI ‘Pregnancy and Maternity Policy’.

Signature		Date	
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To be Completed by Line Manager

I approve the Antenatal Appointment Leave requested above:

Signature		Date	
Name (Please Print)		Role	

The Form and attachments are to be forwarded to the HRD Department by the Line Manager.