

Protection of the Health, Safety & Welfare of New and Expectant Mothers Policy

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1. Introduction

Pregnancy should be regarded not as an illness but as part of everyday life. Protection of health and safety in respect of pregnant women can often be achieved by applying existing rules and procedures in the relevant areas. Many women work while they are pregnant, and many return to work while they are still breastfeeding. However, some hazards in the workplace may affect the health and safety of new and expectant mothers and of their children. A pregnancy entails great physiological and psychological changes. The hormonal balance is very sensitive and exposures capable of disrupting it can lead to complication, possibly resulting, for example, in miscarriage. Conditions which may be considered acceptable in normal situations may no longer be so during pregnancy.

The Management of Health & Safety at Work Regulations 1992 (since amended in 1999) incorporates into law the Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.

The law requires that an assessment of the risks to new and expectant mothers be made and that preventative measures are taken to eliminate or reduce the risk as far as is reasonable and practicable. This assessment is in addition to the general duties to undertake risk assessments for all workers including pregnant or expectant women. The additional assessment is triggered when the Trust is informed of the pregnancy by the woman.

2. Scope

This policy covers all settings and teams within the Trust without exception. This policy is intended for use in relation to new and expectant mothers.

3. Definitions

- **Damage to health** means for this purpose any disease or damage to a person's physical or mental condition, or any possible effect on the pregnancy or the unborn or new-born infant, or to women who have recently given birth.
- An **expectant or pregnant worker** shall mean a pregnant worker who informs her employer of her condition, in writing.
- A **new mother or worker who has recently given birth** shall mean a worker who has given birth within six months or who is breastfeeding. Given birth may mean delivering a living child or a still born child after 24 weeks of pregnancy.

4. Roles and responsibilities

4.1 Trust Board

The Board has overall responsibility for the health, safety and welfare of all staff, service users, visitors and others within the Trust. The Board will be informed of health and safety matters on a regular basis and ensure adequate resources are made available to provide and maintain the necessary standards of health and safety in the Trust.

4.2 Chief Executive

While ultimate responsibility is vested in the Trust Board, executive responsibility is delegated to the Chief Executive for managing health and safety, including compliance with relevant legislation and Trust policies.

4.3 Executive Directors

Members of the Executive Management Team have full responsibility for the health, safety and welfare of all service users under their specific care.

All Directors have a corporate responsibility to promote a responsible approach in health and safety in the Trust.

4.4 Director of Human Resources

The Director of HR, as Director responsible for training, takes responsibility for ensuring that the Learning & Development Department provides adequate training to ensure this policy is implemented and that the content of the training is regularly reviewed to ensure it continues to provide the necessary skills and knowledge to ensure staff are able to discharge their legal duties and duty of care in accordance with current standards and best practice.

4.5 Director of Operations

The Director of Operations takes responsibility for ensuring that this policy is implemented within teams. The Director of Operations will ensure that localities follow the policy and that all levels of management fulfil their responsibilities as described within this policy.

4.6 Responsibilities Of The Nursing and Quality Director

The Director of Nursing and Quality has responsibility for the co-ordination of health and safety policies, activities and governance within the Trust.

4.7 Responsibilities of Associate Directors (Divisional)

Associate Directors (Divisional) will ensure that all operational teams comply with this policy and ensure that risk assessments are undertaken and that risks are managed according to this policy and that of the Risk Management Policy.

- Risks should be monitored from LDUs at Divisional Performance reviews to ensure that risks are reviewed by their review date and that all units are maintaining their risk registers. Any serious or thematic risks are escalated as necessary.
- Feedback decisions and information regarding risks back to teams

4.8 Responsibilities of Operational Managers and Clinical Leads (LDUs)

LDU Operational Managers and Clinical Leads should designate trained competent (refer to Appendix 1) staff to undertake the systematic identification and record the assessment for all new & expectant mothers. In the absence of a trained assessor, the role of designated person should default to the team manager

They must also ensure safe systems of work are implemented where there is a risk to new or expectant mothers identified in the General assessment or specific employee assessment.

4.9 Line/Ward Managers & Team Leaders

The relevant manager should conduct a general risk assessment in line with Section 8 of this policy informing where necessary staff of the risks.

The relevant manager, involving the new or expectant mother, should conduct a specific employee risk assessment (see Section 9) as soon as the manager is notified that the worker is pregnant or in the case of a new mother returning to work prior to resumption of that work. In the case where a new mother returns to a new job the assessment should ensure that the working conditions are fully assessed and that the new mother is fully consulted.

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The manager, involving the new or expectant mother, should develop changes in conditions including safe systems of work which eliminate or reduce the risk to health to the worker. Refer to Section 10 for more guidance

The manager is responsible for implementing the agreed safe systems of work or changes to conditions as necessary to eliminate or control the risk.

The manager should seek additional advice from occupational health, the back care advisor and the safety advisor as appropriate

The manager must return a copy of each assessment to the HR department (do not send specific employee assessments to the Health and Safety Department).

4.10 Employees

Employees are responsible for informing their manager as soon as possible that they are pregnant. They should follow guidance on the HR pages for [maternity](#) including completing a [Maternity Leave Form of Declaration](#).

Failure to disclose pregnancy may put the employee at risk and prevent the Trust from making adjustments to work that would safeguard the expectant mother and unborn child (refer to Section 8 of this policy and in particular risks identified and communicated under Sections 8.6 and 8.7).

New and expectant mothers must follow the new working guidelines agreed with her manager.

If the employee is at all concerned about their work and health they are encouraged to seek advice from their general practitioner or the occupational health department.

5. Standards

There are no specific NHS standards relating to this policy. However the Management of Health and Safety at Work Regulations 1999 applies. The HSE publish guidance for employees and employers. Refer to Section 15 of this policy for references.

6. Welfare Facilities

The Trust is required to provide adequate welfare facilities including:

- Facilities for storing and expressing breast milk should be made available where requested. A refrigerator with a designated area within it will be sufficient. The refrigerator must be clean and the temperature adequately controlled. There must be a means of monitoring temperature. This refrigerator must not be one intended for use in service user areas of catering kitchens.
- Suitable resting facilities will need to be made available for new and expectant mothers to rest and express milk.
- Adequate toilet and hand washing facilities must be available

7. Approach to Risk Assessment

7.1 What is a risk assessment

Risk assessment is a systematic examination of all aspects of work in order to identify the probable causes of injuries or damage and to establish how these causes can be contained in order to eliminate or reduce risks.

7.2 Legal duties for risk assessment

Risk assessment comprises of general duties to all employees under the Management of Health & Safety at Work Regulations 1999 which also includes specific risks to new and expectant mothers.

7.3 When to undertake a risk assessment

Duties to undertake a risk assessment also include a requirement to carry out a specific employee assessment of risk to any worker on notification that she is pregnant. There is a duty to carry out a general assessment on all work to see if there is a risk to health irrespective if there are pregnant or new mothers present (see Section 10)

8. General Risk Assessment

8.1 Scope of the assessment

A risk assessment must be undertaken as part of the general risk management process (see Risk Assessment Policy P054). This assessment should include such elements as:

- lone working,
- the working environment,
- violence and aggression
- other legislative requirements such as COSHH

The Trust template for Risk Assessments within P054 should be used to record the assessment.. This policy (the New and Expectant Mother Policy) also requires that specific issues relating to the safety of new or expectant mothers is taken into account during these assessments (see Appendix 3 – Risk Assessment form).

8.2 When to undertake the assessment

This assessment should be undertaken BEFORE being notified of any worker becoming pregnant or before any mother returns from maternity leave. Normally assessments are carried out in line with the Trusts rolling schedule of risk assessments (see the Health and Safety [New and Expectant Mothers](#) page on Ourspace for further details).

8.3 What an assessment should cover

In accordance with the regulations assessment must comprise these phases:

- Identification of hazards (physical, chemical and biological agents, processes; movements and postures; mental and physical fatigue; other physical and mental burdens);
- Identification of the worker categories who may be at risk (exposed pregnant workers, workers who have recently given birth or workers who are breastfeeding);
- Risk assessment in both qualitative and quantitative terms.
- The risk assessment policy and guidelines gives clear definitions of these terms and a methodology for quantifying risk.
- Extensive data are already available in respect of physical agents (including ionising radiation) and chemical and biological agents. Relevant information is given in Appendix 4 of this policy's guidance.

8.4 Risks to pregnant workers and women of childbearing age

Whereas there is no difficulty targeting workers who have recently given birth or are breastfeeding, this does not apply in the case of pregnant workers. There is a period of between 30 and 45 days during which a worker may not be aware that she is pregnant and is therefore unable or reluctant to inform her employer. However, some agents do exist, especially physical and chemical agents, which may cause harm to the unborn child during the period immediately following conception, which means that appropriate preventive measures are essential before knowledge of a pregnancy. The problem is not easy to solve, in that it requires special care to be taken in respect of all workers by reducing their exposure to these harmful agents.

8.5 Qualitative and quantitative risk assessment

Qualitative and quantitative risk assessment represents the most delicate phase in the process, in that the person carrying out the assessment must be competent and take due account of relevant information including information from specialist advisors in order to be able to conclude whether or not the hazard identified entails a risk situation for workers. If the assessor has doubts they should contact the health and safety team for advice and support.

8.6 Communicating risk to staff

If the risk assessment does reveal a risk, the Trust should inform all employees concerned of the potential risks. They should also explain what they intend to do to make sure that new and expectant mothers are not exposed to risks that could cause them harm. The information should be given also to employees' representatives.

If there is a risk, the Trust should inform employees of the importance of early detection of pregnancy.

8.7 Steps required in making a risk assessment

The following steps give guidance on what issues are likely to need to be covered in undertaking a general risk assessment. Further information on the different health issues relating to various hazards is outlined in [Appendix 4](#) of the policy

The general risk assessment process must:

- Assess any risks to the safety or health and any possible effect on the pregnancy or breastfeeding of workers;
- Decide what measures should be taken.
- This risk assessment must take into account preventive aspects and should refer to the potential risks to pregnant workers, in so far as such risks are known (e.g. risks related to certain chemicals, etc).
- Ensure that where there is a change in the workplace or where there is suspicion that it is no longer valid that the assessment is reviewed
- Where the assessment highlights that hazards for reproduction and for pregnancy can be expected it is necessary to inform all workers of the potential risks.
- Ensure where chemical hazards are encountered that women working with hazardous substances should be made aware of the additional risks that these substances might pose to an unborn or breastfed child. It should be noted that occupational exposure limits are set for adult workers.
- Ensure that particular account of risks to new, breastfeeding and expectant mothers is made when assessing risks in the work activity. If the risk cannot be avoided by other means, there will be a need to change the working conditions or the worker should be exempted from these duties for as long as necessary to protect her health or safety or that of her child.

9. Specific Employee Risk Assessment

9.1 Duty to carry out a specific employee risk assessment

In addition to carrying out the general risk assessment required by the Management of Health & Safety at Work Regulations, on receiving notification that an employee is pregnant or that a new mother will be returning to work the Trust must assess the specific risks to that employee and take action to ensure that she is not exposed to anything which will damage either her health or that of her developing child. The guidance in [Appendix 1](#), [Appendix 2](#), & [Appendix 3](#) will help guide this.

9.2 Risk Assessment Template

The risk assessment should be recorded on the form in [Appendix 3](#). An example of factors to consider and possible actions to control these risks is given in [Appendix 4](#)

9.3 Employee consultation

The risk assessment must be done with full consultation with the member of staff involved taking into account their views on the physical conditions of the work and their feelings of vulnerability and perceived risks.

9.4 When to carry out the assessment

The specific risk assessment must be undertaken without delay in the case of a pregnant worker and before resumption of work in the case of a new mother

9.5 Returning to work which is not risk assessed

Where there is an unreasonable delay in undertaking a risk assessment, the member of staff will be required to cease working until such a time that the risk is known. The member of staff will be paid for such leave.

9.6 Steps required when making a risk assessment

The risk assessment process must:

- Assess any risks to the safety or health and any possible effect on the pregnancy or breastfeeding of workers; This risk assessment must take into account preventive aspects and should refer to the potential risks to pregnant workers, in so far as such risks are known (e.g. risks related to certain chemicals, etc).
- Decide what measures should be taken.
- Ensure the assessment is a continuous process that takes into account the continually changing state during and after pregnancy that varies according to each individual. In addition, it does not only affect the woman herself, but also the unborn child and the breast-feeding baby. In areas where hazards for reproduction and for pregnancy can be expected it is necessary to inform all workers of the potential risks. A one-off assessment may not be enough, as pregnancy is a dynamic process and not a static condition. Furthermore, not only during the various stages of a pregnancy but also after delivery, different risks can affect a woman and her unborn or new-born child to a varying extent. The same also applies where there is a change in working conditions, equipment or machines.
- Ensure that working conditions should take into consideration. This is of particular relevance to an individual's conditions (e.g. morning sickness, heightened sensitivity or smells such as tobacco smoke, etc.), which must be dealt with in strict confidentiality.

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- Keep the pregnancy confidential. The confidentiality concerning a woman's 'condition' must also ensure that an employer cannot make it known that a woman is pregnant if she does not wish it to be known or if she does not consent to it. Otherwise, for instance, it could lead to a considerable psychological strain for a woman who has already had one or more miscarriages.
- That where necessary to protect the woman's health, safety and welfare, in certain circumstances it may be necessary to take steps (including limited disclosure), but this should be done with the woman's agreement following consultation.
- Ensure risk assessments take due account of medical advice and the concerns of the individual woman.
- Ensure where chemical hazards are encountered that women working with hazardous substances should be made aware of the additional risks that these substances might pose to an unborn or breastfed child. It should be noted that occupational exposure limits are set for adult workers.
- Start all necessary protection to the mother and the unborn child as soon as possible. Since the first trimester of pregnancy is the most vulnerable period in terms of causing permanent damage to the unborn child this is essential
- Ensure that particular account of risks to new, breastfeeding and expectant mothers is made when assessing risks in the work activity. If the risk cannot be avoided by other means, there will be a need to change the working conditions or hours, or offer suitable alternative work. If that is not possible the worker should be exempted from normal duties for as long as necessary to protect her health or safety or that of her child.
- The risk assessment represents the most delicate phase in the process, in that the person carrying out the assessment must be competent and take due account of relevant information including information from the pregnant woman herself or her advisors, in applying appropriate methods in order to be able to conclude whether or not the hazard identified entails a risk situation for workers

10. Reduction of Risk

Where a significant risk has been highlighted it will normally need to be addressed by some form of action. As a general rule it is better to remove the hazard but in many cases this will not be possible and other measures may be needed to reduce the risk by preventing or controlling exposure. [Appendix 1](#) will guide the assessor through these steps.

Where there is still a significant risk from the work to the health and safety of the new or expectant mother which goes beyond the level of risk expected outside the workplace then the Trust has a duty to take steps to remove her from the risk.

Options are (in order of preference):

- Temporarily adjust her working conditions and/or hours of work; or if it is not reasonable to do so, or would not avoid the risk
- Offer her suitable alternative work if any is available; or if it is not feasible, you must
- Suspend her from work (giving paid leave) for as long as is necessary to protect her safety or health and that of her child

These actions will only be necessary when there is genuine concern for the safety of the individual involved.

11. Training

The Trust's overarching policy for training is the Learning and Development Policy and this should be read in conjunction with that policy. Attached as appendices to that policy are the

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Trust's learning and development matrices. These matrices describe the minimum statutory, mandatory and required training for all staff groups in respect of New and Expectant Mothers.

The Learning and Development Policy also describes the Trust's arrangements for training, in particular how there are processes in place to ensure staff receive the training they require and how non-attendance is followed up. These arrangements are further supported by management supervision and appraisal processes.

The Trust lead Health and Safety has agreed the training standard with the Learning and Development Team and training standards have been informed by statutory requirements, professional standards and national best practice.

The Trust lead for Health and Safety participates in a programme of continuous professional development to ensure they remain up to date and keep abreast of developments in this field.

The line manager is to inform Learning & Development of staff who are exempted from certain training courses (PMVA teamwork, Practical Patient Handling etc) due to being pregnant or being a new mother and when they become eligible to train again.

12. Monitoring and Audit

The Head of Health and Safety is responsible for monitoring implementation of this policy.

Implementation of this policy will be measured by a number of indicators including risk assessment activity via the Statutory Risk assessment schedule and team level returns from the annual health and safety self assessment process. These monitor key aspects of the management of safety regarding New and Expectant Mothers as well as the specific assessments undertaken ([Appendix 3](#)). The Health, Safety, Security and Fire Group also reviews and monitors actions contained within the organisational action plan for Risk Assessments.

Significant findings of the above are reported to the Quality and Standards Committee as part of the annual Health and Safety Report.

The Learning and Development Department will maintain records of health and safety risk management training and follow non-attendees. The training programme is routinely evaluated by participants and content reviewed by the Head of Health and Safety.

13. Archiving of Master Documents

This procedural document form part of a formal Trust record, and is to be managed in accordance with the Trust's records management policies and retention and disposal schedules.

An audit trail of all previous versions of this document is required for auditing purposes and will be automatically stored by the Board Library document repository.

The Board Library on SharePoint is the only recognised repository for master versions of procedural documents. Copies of this document must therefore not be stored elsewhere on the system, e.g. in workgroups. The library system will provide records management functionality to allow for the retrieval of previous versions of procedural documents stored on it.

14. Associated and Related Procedural Documents

Risk Assessment Policy [P054](#)

Risk Management Policy [P136](#)

Health and Safety Policy [P094](#)

Display Equipment Policy [P081](#)

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Control of Substances Hazardous to Health Policy [P055](#)

Policy for Prevention & Management of Slips, Trips and Falls and Falls from a Height [P067](#)

Management of Latex and Latex Allergy Policy [P123](#)

Maternity, adoption and parental policy [P166](#)

15. References

Health & Safety at Work Act etc. 1974

Management of Health & Safety at Work Regulations 1999

HSE New & Expectant Mothers at Work – A guide for Health Professionals [INDG 373](#)

16. Appendices

[Appendix 1](#): Risk Assessment Flow Chart

[Appendix 2](#): Aspects of Pregnancy which may require adjustments to Work Organisation

[Appendix 3](#): New and Expectant Mothers Risk Assessment Form

[Appendix 4](#): Risk Assessment of Generic Hazards and Associated Situations

Version History				
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1.0	30 Sep 2002	Ratified	PAD	Approved
2.0	25 Mar 2009	Approved by Trust Board of Directors	PAD	Approved
3.0	6 Mar 2012	Approved by Quality & Healthcare Governance Committee	PAD	Approved
3.1	1 Jun 2014	Administrative updates made to reflect Trust structures	SJ	Approved
3.2	14 Jan 2015	Draft version for Health, Safety, Security and Fire Group	PAD	Draft
4.0	17 Feb 2015	Approved by the Quality and Standards Committee	PAD	Approved
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