

## OSHN LTD - The Old School House Nursery

### Employment and Staffing: New and Expectant Mums

#### Policy statement:

#### **Welfare Requirements: Suitable People**

**Providers must ensure that adults looking after children, or who have unsupervised access to them are safe to do so.**

The law defines the new or expectant mother as someone who is pregnant, has given birth within the previous 6 months or who is breast feeding.

OSHN Ltd has a responsibility to protect the new or expectant mother under the Management of Health and Safety at Work Regulations 1999. Since it is possible for the first weeks of pregnancy to go undetected, this policy will be made known to all female employees. It will be added to prime Policy Folder and provided to all in their induction pack, so that all staff are aware of the procedures needed to be followed.

\*The expectant Mother must inform OSHN Ltd in writing that she is pregnant so that a specific risk assessment can be undertaken for the employee concerned. Legally, you are not obliged to disclose your pregnancy until you are 25 weeks pregnant, however you may choose to tell us earlier than this.

Management at OSHN Ltd may ask for written medical evidence and the employee is required to provide this if they are asked. The following certificates can be used for this purpose - Medical Statement (Med 3) ; or Maternity Certificate (MAT B1).

If a Med 3 is furnished with medical evidence from the employee's doctor, a specific risk assessment will be undertaken by the Health and Safety Officer immediately and reasonable steps will be taken to remove any risks identified.

#### Method:

Upon receipt of written confirmation of pregnancy from the employee and regardless of medical confirmation, the Health and Safety Officer, Camilla Brissenden, or in her absence Fiona Brissenden, will undertake an immediate risk assessment and discuss the issue with the employee concerned.

- Particular regard will be given to Safe lifting procedures. The pregnant or nursery employee will be advised not to lift children or heavy loads above chest height or to move any heavy furniture.
- If any aspect of the employees role causes discomfort, pain or distress, then she must speak with the Health and Safety Officer to tell them this. The matter will be discussed, and plans put into place to enable the employee to continue to work pain free - this may mean changing role / or moving to work with a different age group of children. If an employee is not able to fulfil the tasks involved with caring for children, then it may be agreed that they should start their maternity leave as soon as possible, or they may choose go on sick leave or in extreme cases, decide with management that they are no longer able to perform the fundamental key tasks and therefore are unfit to work, and leave their role. (should this be the case for any individual, then you will be entitled to Statutory Maternity Allowance, rather than Statutory Maternity Pay.
- Trip hazards which are part of daily risk assessment will be removed by any staff member upon seeing them, as it is a particular risk working with young children, when there may be toys or equipment lying around on the floor.
- Any spills must be cleared up immediately to avoid slipping.
- Kitchen duties should be undertaken with care, for example loading into the trays inside the dishwasher rather than lifting heavy loads in one go.
- We will try to ensure that adequate opportunity will be provided for the pregnant / nursery employee to be seated on adequate seating while working with children. However working with children is a physical job and if employees feel that they are unable to undertake usual daily tasks, or if their line managers report that they are struggling, then they should again speak with the Health and Safety Officer to tell them this and consider whether they should commence leave / or be deemed unfit to continue in the role for which they were employed.
- The employee will be encouraged to adopt the most comfortable and safe posture whilst still carrying out her duties.
- Notice will be given to parents reminding them of the requirements to notify the Manager or Senior Supervisor of the presence of infectious disease with the family e.g. German Measles - Management then have a duty of care to inform the pregnant / nursery employee. If such information is received, they will be advised to discuss the matter with their Midwife / GP to take advice of any necessary precautions required.
- Regular risk assessments will be conducted at regular monthly intervals by either the Health and Safety Officer or other management and the employee concerned.
- The employee will be signposted to : "A Guide for New and Expectant Mothers who work: Health and Safety Executive ISBN 07176 26148.

## Maternity Rights:

The employee's rights fall into four categories:

### Reasonable time off work for antenatal appointments with pay.

Depending on when you inform us of your pregnancy you may need time off for:

Booking in appointment -usually an hour plus travel time - Tenterden surgery will require a maximum 15 minutes travel time. The William Harvey Hospital will require 30 minutes paid travel time and allow 30 minutes for appointments.

If possible please book appointments for during your time off or late afternoon, thus avoiding additional stress caused covering lunch periods.

Monthly / periodic Midwife check ups - usually 20 minutes plus travel

Scans - If at the William Harvey then we would allow paid leave for 1.5 hours If clinics are running late and you know that you will be delayed then please either telephone 01233 850239 to tell us or message us on: 07889 590142 it would also be much appreciated if appointment times could be considered, and when possible arrange them either early in the day or later in the afternoon to avoid too much disruption to co-workers.

### Maternity Leave -

Employee and employer should discuss and plan when the employee wishes to start their leave as early as possible, to enable suitable cover to be found for key children and key roles and responsibilities. Due to the physical nature of working with young children, Management would usually expect Maternity leave to begin at least one month before employee's due date - *however this is not a requirement of law and will be subject to discussion and agreement with the employee.* You must give written notice of your intended maternity leave date, providing OSHN Ltd with at least 6 weeks notice of your intended leaving date.

Protection against unfair treatment or dismissal - legal advice

### There are two maternity benefits available to employees:

Statutory Maternity Pay, which is paid by the employer if employee is eligible.

6 weeks pay at 90% of salary, followed by 33 weeks being paid SMP which is currently £140.98 per week. You may extend your leave to a full 52 weeks, but the final period is without pay.

*Maternity Allowance, which is paid by the Department for Works and Pensions.*

*Maternity allowance can be claimed from 26 weeks of pregnancy. Payment can be paid from 11 weeks before your baby is due @ £145.18 per week for 39 weeks.*

*You may also claim for a £500 Sure Start Maternity Grant, other benefits and Tax Credits please visit: [www.gov.uk](http://www.gov.uk).*

When you are on Maternity leave, you are still an employee at OSHN Ltd and therefore you have legal responsibilities. We will assume that you will take the full 39 weeks SMP unless you decide to return to work sooner. You tell us in writing 8 weeks before your planned return to work.

If you wish to extend your maternity leave to the full 12 months, then you must inform us of this at least 8 weeks before the end of your statutory leave, during a return to work interview which will be scheduled 31 weeks into your leave.

When you are on maternity leave, if you decide to apply for other positions because you do not wish to return to your role here, then do please speak to your current employer - before giving permission for future employers to seek references - as a matter of mutual respect.

Your maternity leave can start no earlier than 11 weeks prior to your due date, which would mean that you would be 29 weeks pregnant. However most people choose to work longer than this to have as much time with baby after it is born.

You will need to consider when you think you might wish to commence your maternity leave and tell OSHN Ltd in writing to facilitate cover.

However from 29 week into your pregnancy, you may ask to change your planned leave date. You may also be asked to start your leave due to pregnancy related absence of more than three days, or if your baby is born earlier than expected, then your leave automatically commences the day after his/her birth.

**MANAGEMENT WILL OBSERVE COMPLETE PROFESSIONAL CONFIDENTIALITY AND NOT DISCUSS INDIVIDUALS DETAILS, ACCEPT WITH THE EXPECTANT EMPLOYEE.** Management would appreciate mutual respect and expect employees to share information with them relating to their pregnancy and future plans.

POLICY WRITTEN: 30 July 2017 Reviewed and additions amended date: December 2017

Further amended: June 2018 Review required: December 2018

Copy included in Policy Folder which is available in staff room and in both reception lobbies.

Copy will also now be included as part of our induction package.