



## Maternity, Paternity and other Parental Leave Policy

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Reviewer	Rachel Brazier, HR Manager
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If you require any support in understanding or applying this policy, please contact the Corporate Services Manager. In addition, in line with the Equality Act 2010, we will make reasonable adjustments to remove or reduce disadvantages faced by disabled employees, Councillors, or applicants.

## **Maternity Leave**

### **1- Purpose and Scope**

- 1.1 The legal name for the time off is 'statutory maternity leave'. If an employee is not comfortable calling it maternity leave, they can let the Council know so we can support them.
- 1.2 This policy and procedure applies to all current employees, whether full or part-time, temporary or fixed term.
- 1.3 The purpose of this policy and procedure is to provide clear information about our maternity provisions. This document sets out our policy on maternity leave, pay, and arrangements surrounding returning to work after maternity leave. It also sets out the procedures which we need to follow at various stages, before, during and after maternity leave.
- 1.4 This document provides basic guidance on the health and safety aspects of working whilst pregnant.

### **2- Procedure**

#### Telling your manager that you are pregnant

- 2.1 As soon as you know that you are pregnant, you are encouraged to let us know. This is in your own interests and ensures that we can take any necessary steps to look after your health and safety and that of your baby.
- 2.2 As soon as you tell us that you are pregnant, we will conduct an assessment of any health and safety risks to you or your baby (appendix A). Early notice also allows us to let you know what your rights will be to maternity leave and pay. However, you do have the right to wait until the 15th week before you expect the baby before telling us that you are pregnant. Either way, you are required to confirm in writing the fact that you are pregnant, attaching a copy of your MAT B1 and indicating when you expect to start your maternity leave. You should note that you have the right to change the start date of your maternity leave provided that you give at least 28 days written notice of the change.
- 2.3 The MAT B1 is a form signed by a doctor/midwife confirming your expected week of childbirth (EWC). Hospitals and GP surgeries have different policies regarding when the MAT B1 should be signed and by whom. The MAT B1 is not always issued automatically and you may have to ask your doctor/midwife for a copy.

### **3- Entitlements**

#### **3.1 Ante-natal care**

- 3.1.1 During your pregnancy, your doctor/midwife will make regular appointments with you for ante-natal checks, scans, tests etc. You are entitled to take reasonable time off work to attend these appointments, regardless of your length of service or the hours that you work. This time off will be paid and you will not be expected to make up the time. You should, however, give us as much notice as possible of your appointments and, after the first one, if possible, should present the appointment card from the hospital or clinic.

#### **3.2 Fertility Treatment**

- 3.2.1 We will allow reasonable time-off arrangements for employees undergoing fertility treatment.

#### **3.3 Maternity leave**

- 3.3.1 You are entitled to take up to 52 weeks' maternity leave. This is made up of 26 weeks of ordinary maternity leave (OML) plus 26 weeks' additional maternity leave (AML). You also have the right to return to work after the end of your OML or AML. This right applies to all employees regardless of length of service or the number of hours worked per week.
- 3.3.2 You can choose when to start your maternity leave. This can be any date from the beginning of the 11th week before the week the baby is due. The law requires that an employee take a minimum of two weeks maternity leave immediately following the birth.

#### **3.4 Sick leave during your pregnancy or maternity leave**

- 3.4.1 If you are off sick due to a pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), then your maternity leave period will begin straight away.
- 3.4.2 If you are off sick due to a non-pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), it will be treated as sick leave in the usual way.
- 3.4.3 Any pregnancy related sick leave taken before the start of the fourth week will be treated as sick leave in the usual way.
- 3.4.4 Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sickness leave.

#### **3.5 Rest facilities**

- 3.5.1 The council will provide somewhere where a pregnant or nursing employee can rest. This may be a staff room, first aid room or if space does not permit, a comfortable chair away from the work area may have to suffice.

#### **3.6 Early births**

- 3.6.1 If the birth of your baby occurs before the 11th week before the EWC or your planned date of leaving, your maternity leave will commence the day after your baby is born.

#### **3.7 Miscarriage, Termination, Still-birth and Death of a Baby**

3.7.1 If the baby dies or is still-born after 24 weeks' pregnancy the maternity scheme applies. Where this occurs before 24 weeks (miscarriage) or there is a termination the Council will consider the circumstances and where necessary grant special leave or sick leave, as appropriate on the basis of the individual circumstances. The decision will be based on the needs of the employee and medical opinion.

### 3.8 Maternity pay

3.8.1 You are eligible to receive 39 weeks statutory maternity pay (SMP) if:

- You have at least 26 weeks' continuous service with the council by the end of the 15th week before the expected week of childbirth (EWC) ("the qualifying week"), and,
- You have average weekly earnings in the eight weeks up to and including the qualifying week of at least the lower earnings limit for Class 1 National Insurance contributions.

3.8.2 If you qualify for SMP, it will usually be paid for a period of up to 39 weeks. Rates are fixed by law and are subject to tax and National Insurance deductions. During the first 6 weeks of this 39-week period, SMP is paid at 90% of your average weekly earnings; thereafter you will receive the weekly lower statutory maternity rate or 90% of your weekly earnings, whichever is the lesser amount. Your average weekly earnings are calculated over the 8 weeks prior to the end of your qualifying week (15th week before the EWC) (see here for details of statutory rates - [www.gov.uk/maternity-pay-leave/pay](http://www.gov.uk/maternity-pay-leave/pay)).

3.8.3 If you do not qualify for SMP you may be eligible to receive Maternity Allowance. If you are not entitled to statutory maternity pay, we will issue you an SMP1 form to allow you to claim the Maternity Allowance.

3.8.4 Payments for employees who have more than 26 weeks continuous service but less than 1 year's continuous local government service at the beginning of the 11th week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP), where eligible.

3.8.5 Payments for employees who have completed 1 year's continuous local government service at the 11th week before the EWC shall be as follows: -

- i. For the first six weeks of absence an employee shall be entitled to nine-tenths of a week's pay offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.
- ii. An employee who declares in writing that they intends to return to work will for the subsequent 12 weeks receive half a week's pay without deduction except by the extent to which the combined pay and SMP (or MA and any dependant's allowances if the employee is not eligible for SMP) exceeds full pay. Alternatively, the equivalent amount (i.e. 6 weeks' pay) may be paid on any other mutually agreed distribution.
- iii. For the remainder of the maternity leave period the employee will receive their entitlement to SMP currently 39 weeks in total), where eligible.
- iv. For employees not intending to return to work payments during the subsequent 20 weeks shall be the employee's entitlement to SMP.
- v. Payments made by the Council during maternity leave under (ii) above shall be made on the understanding that the employee will return to the Council's employment for a

period of at least three months, which may be varied by the Council on good cause being shown and, in the event of her not doing so, they shall refund the monies paid, or such part thereof, if any, as the Council may decide. Payments made to the employee by way of SMP are not refundable.

#### **4- Shared Parental Leave (SPL)**

4.1 You are entitled to curtail your maternity leave and pay and instead take SPL and pay with your partner/the father of the child, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. (<https://www.gov.uk/shared-parental-leave-and-pay>)

#### **5- The effect of maternity leave on contractual benefits**

5.1.1 During your maternity leave you will be entitled to receive the contractual benefits that you would normally receive if you were at work with the exception of cash benefits (e.g. remuneration and allowances).

5.1.2 On return to work following OML and AML you are entitled to benefit from any general improvements to the rate of pay (or other terms and conditions) that you would have received had you been at work. This may also lead to a re-calculation of your SMP Entitlements.

#### **5.2 Annual leave**

5.2.1 Your contractual annual leave entitlement continues to accrue during your maternity leave. You can choose to take any leave accrued, as a block, either before you commence maternity leave, immediately upon your return to work or a combination of the two. You should be aware that if you take the annual leave before starting maternity leave and then leave employment mid-way through the maternity leave, the usual deductions will apply from your final salary or the Council may ask for an appropriate refund.

#### **5.3 Pension scheme**

5.3.1 Occupational pension contributions continue during OML and during any period of paid maternity absence.

#### **6- Maintaining contact during maternity leave**

6.1 Some people choose to have little if any contact with work during their maternity leave while others want to maintain a high level of contact. Before you start your maternity leave, we will meet with you to discuss reasonable contact arrangements during your maternity leave. Below is a list of the sorts of information you may want to be kept informed about:

- Notes of important meetings or announcements affecting staff
- Details of internal vacancies which arise
- Details of significant developments to working practices
- Details of any training courses which are offered to the team

6.2 There may be occasions when we need to contact you even if you have indicated that you do not wish to be contacted. In these circumstances contact will only be made when there is significant information which might affect you. For example, where there are changes proposed to the job you are expected to return to.

#### **7- Keeping in touch (KIT) Days**

7.1 You may work for up to 10 days during your maternity leave. KIT days can only be worked by mutual agreement; that is to say both you and the council must agree to the work / training

taking place. When agreeing KIT days, we will agree the type of work to be carried out and the duration in advance. Particular care should be taken when agreeing a rate of pay because payment for KIT days is off-set against Statutory Maternity Pay and not in addition to it. Therefore, we should agree a rate for that week which must be equal to or in excess of the rate of SMP.

7.2 Keeping in touch (KIT) days are intended to facilitate a smooth return to work for women returning from maternity leave. Before going on leave, the employer and the employee should discuss and agree any voluntary arrangements for keeping in touch during the employee's maternity leave. An employee may work for up to 10 KIT days during OML or AML without bringing her maternity leave to an end. An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby. (b) The work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace. Any such work must be by agreement and neither the employer nor the employee can insist upon it.

## **8- Returning to work**

8.1 We will assume that you will take your full maternity leave entitlement and intend to return to work doing the same job (see paragraph below regarding entitlement to return to the same job after maternity leave), with the same hours, unless you notify us, in writing, or request otherwise. In other words, you do not have to notify us if you intend to return to work at the end of your AML.

8.2 Within 28 days of receipt of the initial notification the Council will write to the employee informing them of the last day of their maternity leave and the expected date of their return.

8.3 If you want to return to work before the end of your maternity leave, you will need to notify us in writing giving at least eight weeks' notice of your intended return date. If you do not give at least eight weeks' notice, we may delay your return to work by up to a further eight weeks where there is good reason.

8.4 You have the right to resume working in the same job if returning to work from OML. If you return to work after a period of AML, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

8.5 If you decide not to return to work after your maternity leave, you will need to resign giving the appropriate notice as specified in your contract of employment. See section 3.8.5 v regarding refunding the monies paid, or such part thereof.

8.6 Where an employee is unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.

## **9- Requesting a change to your work pattern of work**

9.1 You have the right to request that we consider changing your pattern of work (subject to eligibility criteria). See the Flexible Working Policy.

## **10- Health and Safety**

### Risk assessment

10.1 Whilst most women are able to work normally during pregnancy there are some duties which are best avoided or minimised. We may be able to reorganise your work to avoid/minimise such duties or may arrange different work for you for health and safety reasons. Only in

exceptional cases would other action be required e.g. suspension on medical grounds or other appropriate action.

10.2 Once you tell us of your pregnancy, we will hold a meeting with you to discuss health and safety issues. In consultation with you, we will complete a risk assessment (appendix A), agreeing with you any measures to be taken. We will hold regular meetings with you throughout your pregnancy in order to review the initial assessment. If you have any concerns please raise these directly with the council.

10.3 The needs of breastfeeding employees should be taken into account.  
(<https://www.hse.gov.uk/mothers/>)

## 11 Redundancy

11.1 You should be assured that in the event a redundancy situation should arise, you will not be dismissed or selected for redundancy for reasons related to pregnancy, nor because you intended to take or took, maternity or shared parental leave in accordance with this policy. It is however lawful to dismiss or select employees for redundancy on unrelated grounds if these are fair. In this situation, our normal redundancy consultation procedure would be followed.

11.2 If the role of an employee who is either pregnant, is on maternity, or shared parental leave is proposed to be made redundant, the employee will be included in the applicable redundancy consultation process. In some cases, it may be appropriate to extend consultation periods for employees on family leave.

11.3 Furthermore, if an employee's role becomes redundant during a protected period of pregnancy, or whilst taking maternity leave or shared parental leave, they will be offered a suitable alternative vacancy in preference to other employees if one is available.

11.4 Employees who are made redundant at or following the 15th week prior to the expected week of childbirth, and who are eligible for SMP, and those who are on shared parental leave and eligible for ShPP will still receive the full entitlement to statutory pay. In these circumstances, SMP, or ShPP may be paid weekly or as one lump sum. Any other benefits such as holiday entitlement would only be provided or accrued to the end of the notice period.

## 12 Data Protection

12.1 When managing your maternity leave and pay, we will process personal data collected in accordance with the data protection policy. Personal and or sensitive information is held securely and accessed by, and disclosed to, those who need to manage maternity leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policy and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

## Paternity Leave

### 13 Eligibility

13.1 The legal name for the time off is 'statutory paternity leave'. If an employee is not comfortable calling it paternity leave, they can let the Council know so we can support them.

13.2 From 6 April 2026 employees will qualify for statutory paternity leave from their first day of employment, this will be unpaid until they have worked for the Council for 26 weeks.

13.3 To qualify for ordinary paternity pay, you will need to have at least 26 weeks service by the end of the 15th week before the expected week of childbirth (EWC) or ending with the week in which you were notified of having been matched with the child. You must also have, or expect to have, responsibility for the upbringing of the child.

## 14 Ante- natal appointments

14.2 An expectant father or the partner (including same sex) of an expectant partner is entitled to take unpaid time off work to accompany the expectant partner to up to 2 of the ante-natal appointments. The time off is capped at six and a half hours for each appointment. "Partner" includes the spouse or civil partner of the expectant partner and a person (of either sex) in a long-term relationship with them.

14.3 The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions, and intend to apply, for a Parental Order for the child born through that arrangement.

14.4 You should endeavour to give the council as much notice as possible of when you need the time off for the antenatal appointment. We may ask you for a declaration stating the date and time of the appointment and that you qualify for the unpaid time off through your relationship with the expectant partner or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant partner that has been made on the advice of a registered medical practitioner, nurse or midwife.

## 15 Ordinary Paternity Leave (OPL)

15.2.1 An employee whose partner gives birth to a child, or who is the biological father is entitled to two weeks' ordinary paternity leave. OPL can commence from the date of the child's birth, or child's placement with the adopter, or within 52 weeks after the birth or date of placement

15.2.2 Ordinary Paternity Leave may be taken as either, one week, or two weeks in one consecutive block or two weeks in two one week non-consecutive blocks.

15.2.3 If you choose to start your OPL on a fixed and predetermined date and the child is not born or placed for adoption by that date, you must change the date you want to start your leave and notify us in writing as soon as you reasonably can. If you take both OPL and shared parental leave you must take ordinary paternity leave first.

### Notification of Ordinary Paternity Leave

15.2.1 You must inform the council in writing, of your eligibility and intention to take paternity leave in or before the 15th week before the EWC.

15.2.2 You must then provide us with at least 28 days' notice before the dates upon which they intend to take each period of leave, unless this is not reasonably practicable (in which case as soon as it is reasonably practicable).

15.2.3 The notification should specify:

- the week the baby is due
- the date of starting the leave

- that you are taking leave for the purpose of taking time off to look after your child in line with your entitlement to paternity leave
- How you wish to take the leave
- You can choose to take two one-week non-consecutive blocks of leave may inform us of when you want each block of leave to begin in one notification, or you may choose to provide us with a separate notification at a later date once you have made a decision. However, as above, you must ensure that a minimum of 28 days' notice is provided before the beginning of each period of leave.

15.2.4 In the case of an adopted child, you must give notice of your intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date you intend to start ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

15.2.5 You can change your mind about the date on which you want the leave to start providing you tell your manager at least 28 days in advance (unless this is not reasonably practicable).

## **16- Ordinary Statutory Paternity (OSPP)**

16.1 You will qualify for OSPP if your weekly earnings in the 8 weeks up to and including the Qualifying Week (QW) are not less than the lower earnings limit for the payment of National Insurance contributions. The QW is 15 weeks before the baby is due or the week during which you are notified of being matched with a child for adoption.

16.2 Paternity leave will be paid at the prevailing rate of SPP or 90% of average weekly earnings if this figure is less than OSPP.

## **17- Shared Parental Leave (SPL) – see section 4**

## **18- Pay increases awarded during pregnancy leave**

18.1 We will ensure that whilst you are on PL you are not left out of a pay award which you would ordinarily have been entitled to. This means that if we make a pay award which takes effect during your PL, then when you return to work, you will return to the 'new' rate of pay that applies to the job you are returning to.

## **19- Returning to work**

19.1 On resuming work after PL, you are entitled to return to the same job as you occupied before commencing paternity leave on the same terms and conditions of employment as if you had not been absent.

## **20- Requesting a change to your pattern of works**

20.1 You have the right to request that the organisation considers changing your pattern of work (subject to eligibility criteria). See the Flexible Working Policy.

## **21- Additional paternity leave**

19.1 Additional paternity leave is available to eligible employees who may take up to 26 weeks' unpaid additional paternity leave within the first year of their child's life provided that their partner has returned to work.

## **22- Data protection**

22.1 When managing your paternity leave and pay, we will process personal data collected in accordance with the data protection policy. Personal and or sensitive information is held securely and accessed by, and disclosed to, staff who need to manage paternity leave and pay.

22.2 Inappropriate access or disclosure of personal data would breach our data protection policy and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

## **23- Adoption**

23.1 In order to be entitled to adoption leave and pay you must have a child matched and placed for adoption through an adoption agency. If you apply directly to a court for an adoption order you will not be eligible for adoption leave. Parents who have a child through a surrogacy arrangement and are eligible for a Parental Order and foster parents who are prospective adopters are entitled to adoption leave and pay. [Leave and pay - Adoption leave and pay - Acas](#)

## **24- Other parental leave**

24.1 For other unpaid parental leave (a maximum of 4 weeks unpaid leave per year, per child) see Annual Leave and other leave policy.

**APPENDIX A: RISK ASSESSMENT TEMPLATE FOR NEW OR EXPECTANT EMPLOYEES**

		<b>Reference:</b>	
<b>Name:</b>	[Name of employee]	<b>Contact number:</b>	
<b>Job role:</b> (including typical tasks)		<b>Department / location:</b>	
<b>Expected date of delivery:</b>		<b>Actual date of birth:</b>	
<b>Manager completing assessment:</b>		<b>Initial assessment date:</b>	
<b>Any health / wellbeing issues:</b>			

**Risk assessment: Hazards and controls**

<b>Significant Hazard</b>	<b>Perceived Nature of Risk</b>	<b>Generic Control Measures</b>	<b>Residual Risk/Low Medium/ High</b>	<b>Additional Control Measures</b>	<b>Managers Comments</b>
Display Screen Equipment	Increased susceptibility to musculoskeletal disorders and deep vein thrombosis (DVT)	DSE assessment to be undertaken if not already in place. Workstation should provide adequate adjustment to allow for increase in abdominal size. Advice on posture to prevent musculoskeletal problems. Adjust working practices to avoid continuous sitting at workstation (risk of DVT)	Low	Review DSE assessment as pregnancy progresses	
Slips, Trips & Falls	Increased risk of injury due to physical change and or hormonal changes	Maintain high standards of housekeeping in work area. Individual may have difficulty negotiating stairs during later stages of pregnancy	Low		
Lifting and Carrying Loads	Musculoskeletal injury Weakening of the skeletal structure	Reduce amount of physical work associated with task. Physical tasks become more difficult to achieve as pregnancy progresses Carrying heavy loads to be avoided	Low		
Welfare	Access to toilets to protect against risk of infection and kidney disease	Provision of easy access to toilet facilities and more frequent breaks from work activity Consideration should be given to providing access to quiet area where the individual can rest as necessary	Low	Agree provision of suitable rest facility as necessary	
Fatigue	Fatigue from prolonged standing or physical activity	Avoid long periods of time standing. Task modified to provide seating or more frequent rest periods.	Low		

		Aspects of the work may need to be modified as physical capability will be reduced as a result of pregnancy			
Work Related Stress	Individual vulnerable to stress due to hormonal, psychological and physiological changes during pregnancy	Monitoring and reduction of risks in relation to work demands, relationships with colleagues / manager and requirements of the role.	Low		
Temperature / Humidity	Lower tolerance to heat and humidity resulting in discomfort/ faint	Temperature of the working environment to be suitably controlled. Individual may require access to fresh air for periods during the working day. Individual to have ready access to fresh drinking water	Low	Provision of equipment to provide local heating / cooling as necessary	
Out of Hours Working	Long working hours or shift work patterns can affect the health of pregnant women.	Allowance made for tiredness and nausea at early stages of pregnancy. Consult with occupational health and individual on modification to working hours / avoidance of night work	Low		
Personal Safety	Violence or fear of violence can increase	If there is a perceived risk of violence or threat of violence / abuse consideration needs to be given to modifying the role to reduce the risk to the individual and or make provision for staff to be available should support be required	Low		
Access / Egress	Mobility may be impaired during later stages of pregnancy	Seek to modify the individual's work task to avoid walking significant distances or traversing flights of steps.	Low	PEEP assessment should be completed with health and safety team	

Working at Height	Loss of agility and or balance	Modify task to avoid aspects of working at height	Low		
Biological or  Chemical	Exposure to certain biologicals e.g. bacteria, viruses, moulds, fungi.  Exposure to certain Chemicals; dust, fumes, gas vapour, mist, liquids solids, fibres	Expectant or nursing employees must not be exposed to biological agents. Consider alternative tasks to working environment where exposure is recognized  Expectant or nursing employees must not be exposed to chemical agents. Consider alternative tasks to working environment where exposure is recognized.			

## Risk assessment: Risk Assessment Review

Action to be taken to further reduce risk	Person responsible for completing action	Target completion date (Prioritized on risk)		Action closure	
		Date	Priority	Signature	Date
Review DSE assessment as pregnancy progresses	DSE Assessor				
Agree provision of suitable rest facility if necessary	Manager of work area				
Provision of equipment to provide local heating / cooling if necessary	Manager of work area / E&FM				
Additional procedures for lone working / working off site	Manager of work area				
PEEP assessment form to complete	Safety Adviser for the work area				
Seek advice from medical practitioner / Occupational Health before making International travel arrangements	Manager of work area				
	<b>Date</b>	<b>Employee signature</b>		<b>Manager signature</b>	
<b>Initial risk assessment completed:</b>					
<b>Proposed date for next assessment:</b>					
<b>Assessment reviewed on:</b>					