

# Pregnancy and Maternity Discrimination Working Group

Tuesday 31 October, 10:00 – 12:00

Minutes of the fourth meeting of the Pregnancy and Maternity Discrimination Working Group, held at Police Scotland, Dalmarnock, Glasgow.

## **Members Present:**

Jamie Hepburn, Minister for Employability and Training (Chair) (JH)  
Helen Miller, EHRC (HM)  
Clare Craig, Police Scotland (CC)  
Clare Hussain, Police Scotland (CH)  
Louise Lissaman, COSLA (LL)  
Kenneth Small, NHS (KS)  
Lisa Gallagher, Family Friendly Working Scotland (LG)  
Katherine Wainwright, CCPS (KW)

## **Guests:**

Line Knudsen, ScotCen Social Research (LK)

## **Scottish Government (SG) Officials:**

Victoria Beattie (VB)  
Lindsay Edgar (LE)  
Andrew Boney (AB)  
Ganka Mueller (GM)

## **Apologies:**

Helen Martin, STUC (HM)  
Chris Oswald, EHRC (CO)  
Susan Love, FSB (SL)  
Mark Lundie, Police Scotland (ML)  
Frank Blair, ACAS (FB)  
Nikki Slowey, Family Friendly Working Scotland (NS)  
Paula Smith, Carpetright (PS)

## **1. Welcome and Introductions**

JH welcomed everyone to the meeting and thanked Clare Craig for hosting it. He introduced and welcomed Katherine Wainwright who was now representing CCPS on the group and Lisa Gallagher who was representing Family Friendly Working Scotland for this meeting. JH then provided an overview of the agenda for the meeting. A group photograph was taken and subsequently tweeted on the Minister's twitter page.

## **2. Minutes of the Last Meeting and Action Points**

### **Action Points:**

- Andrew Boney (AB) to circulate e-version of Kelly Rosbender's presentation to the group – *Completed*
- KW to give update at next meeting on the findings of the CCPS survey exploring barriers to good practice (carried over from the second meeting). – *update given*
- Victoria Beattie (VB) to work with the EHRC and SG business policy colleagues to explore the development of a communications strategy. – *In progress and document was circulated to the group prior to this meeting*
- CO to share EHRC's first tranche of pregnancy and maternity data for the PSED commitment with the group. – *HM provided update*

- VB to consider including a reference to pregnancy and maternity discrimination in the Workplace Equality Fund criteria. – *Completed*
- Kelly Rosbender to share any guidance LBG have on operating flexibility within teams who work shift patterns. – *Lloyds offered to do a webinar however this received little interest*
- VB to circulate a copy of the Workplace Equality Fund application form to the group. - *Completed*

KW updated the group on the findings of the CCPS survey exploring barriers to good practice, for which 47 organisations were surveyed. Some of the main findings included that information on flexible working had the highest figures amongst respondents; formalisation of the flexible working process was found to be stressful; and limited Statutory Maternity Pay (SMP) was an issue with 84% being in favour of a fund to help women working in the third sector. Respondents had indicated a need for changes and improvements to guidance on pregnancy and maternity leave. CH commented that these findings were similar to those of Police Scotland and she agreed to share their results with the group. KW agreed to share the CCPS survey findings with the group.

HM gave an update on EHRC's first tranche of pregnancy and maternity data for the PSED (Public Sector Equality Duty) commitment. Of those surveyed, 41% had given relationships with their line manager as a key issue. The findings on pregnancy and maternity were poor with only 8% of respondents reporting on recruitment. HM confirmed that EHRC's report on the findings would be published on 19 November. VB commented that she and LE had engaged with SG Health Directorate officials on the PSED issues and would update the group in due course on the findings.

### **3. Pregnancy and maternity leave policy in Police Scotland – Clare Craig**

CC gave a presentation on health and safety in relation to pregnant women within the police force. Key points included:

- Risk assessments for pregnant officers were on occasion carried out without consultation;
- A risk assessment guidance document had been produced that covered all legal issues;
- Risk assessments needed to be done with all pregnant employees and had to be monitored throughout the maternity period;
- Pregnant officers needed to talk to their line manager on their needs for additional protective clothing;
- An example of what a risk assessment might consider was the need for an officer to accompany pregnant officers at certain crime scenes, particularly where violent individuals were involved;
- CH commented that there was a need for line managers to engage with pregnant staff on what their particular needs are. Line managers should not be seen to be imposing on their staff;
- Breast feeding can be a sensitive issue for officers who had returned to work;
- Creation of a national flexible working group;
- Keeping in touch (KIT) day pilot being held in Ayrshire – all of those currently on maternity leave are invited to attend as a group to be updated and speak with HR and Finance; and
- The importance of looking at an individual's personal development plan when a change of role is a required developmental opportunity.

A discussion took place which included the following comments and questions:

- JH asked how the study had arisen. CC replied that it arose from a programme of research that had been undertaken by the Scottish Women's Development Forum (SWDF) for four months during 2015 to examine the experiences of individuals within Police Scotland and the Scottish Police Authority who had been on maternity leave since 1 April 2013. One of the key findings of the research was that an unconscious bias in relation to pregnancy and maternity existed in the organisations.
- CH commented that a pilot approach for pregnant officers had been used in U Division. The findings had been useful and could be rolled out across Police Scotland as good practice.
- CC added that key factors were pregnant staff having a single point of contact and a good line manager who ensured that they had what they needed.
- KS commented that, in NHS Scotland, there was a need to get the right balance between having a duty of care for pregnant staff and responding to the person's wishes, including doing jobs that they were interested in but where there were potential risks to them.
- CC commented that there was a need to look at ways of putting pregnant staff into work areas that they were interested in even if there was potential risk.
- LL said that carrying out risk assessments in consultation with pregnant women was important, so that the woman's perception of risk was also understood and factored into decisions about whether it was appropriate for a particular woman to remain in a particular role during pregnancy. The Local Government approach was similar to NHS Scotland in taking steps to mitigate risks to avoid having to move pregnant staff from a job that they enjoyed doing.
- CC agreed to share the presentation with the group (embargoed until 01 November).

#### **4. Growing up in Scotland: Maternal Employment Research – Line Knudsen**

LK gave a presentation on the *Growing Up In Scotland: Maternal Employment* research, due to be published on 01 November. Key points included:

- Three age ranges used (10 months, 3 years and 5 years) in the study; 58% of mothers with young children were in employment;
- The proportion of those in paid work had increased over time;
- Most of the women were not in graduate-level jobs;
- Women seeking employment were younger in age;
- Those that gave up work after a child were more likely to be single parents, living in disadvantaged areas or not have a degree;
- Reasons given for not finding work - childcare (cost and time), availability of work (skills, transport, job quality and flexible working);
- Some women did not have the skills or experience needed to compete in the jobs market; and
- No change in the numbers unemployed or the proportion of mothers looking for work

#### **5. Group Discussion on Work Plan**

JH led discussion which included the following comments:

##### **SG Commitment 1**

- HM commented that EHRC work to find out how different sectors were engaged in the research was ongoing. Working with 171 members (such as finance, manufacturing and agriculture) and this now included the Royal Bank of Scotland.
- Single website – VB commented that Phase 2 of the Enterprise and Skills review was a longer study and the group would be kept updated on outcomes.

- VB commented that the SG's Workforce Equality Team had recently engaged with Environment Directorate officials on the Women in Agriculture taskforce. She had asked that pregnancy and maternity discrimination be included in this work.

#### SG Commitment 2

- Work on including best practice within the Scottish Business Pledge was ongoing. VB agreed to share the relevant parts of the recent Scottish Business Pledge report with the group and a request was made for case studies.

#### SG Commitment 3

- 47% of Councils have Gold accreditation and a further 33% of Councils have either silver or bronze Healthy Working Lives (HWL) accreditation. Pregnancy and maternity policies are in place in all Councils, providing managers with clear processes for ensuring safe, healthy working environments for pregnant women.
- LL commented that local authorities were moving to the next stage, away from process and onto empowering line managers to take the lead. This would ensure sustainable and operationally viable safer working environments for pregnant staff.
- It was agreed that work investigating how many organisations sought advice from HWL or Health and Safety Executive would be ongoing. In addition VB and LE will be meeting with UK Government officials soon to discuss MAT B1 (maternity certificate) forms.
- SL advised that the FSB's information does include advice on pregnancy and maternity – though their information is legal advice, so it is information and tools (e.g. risk assessment template) to comply with legal requirements only. (*updated post meeting*)

#### SG Commitment 4

- Work on pregnancy and maternity reporting under the Public Sector Equality Duty (PSED) was ongoing.
- Police Scotland are working on ways to improve their HR systems. Police Scotland have access to improved data which includes better monitoring of those who leave the organisation within five years of having a family.

#### SG Commitment 5

- Work on developing a communications strategy was ongoing. LE was developing a strategy (circulated to the group) which is a collated list of forthcoming events in which Ministers or SG officials were giving speeches where positive pregnancy and maternity messages could be included. LE encouraged the group members to add in any forthcoming events where these positive messages could be shared.

#### SG Commitment 6

- CC commented that Police Scotland's action, to establish a working group to improve culture beneath pregnancy and maternity statistics, was in progress. Police Scotland has an Agile and Flexible working group which is looking at ways to promote more family friendly working practices. The group's work overlaps with the recommendations made by the SWDF following their research on pregnancy and maternity.
- Other actions were in progress or being carried forward.

## **6. AOB**

LL asked about progress on the Workplace Equality Fund. VB confirmed that, pending Ministerial approval, it was hoped to be launched soon; group members would be notified about the call for applications.

## **7. Date of Next Meeting**

JH announced that the next meeting will take place on 20 February 2018 in Glasgow, this will follow on the health and safety theme. HM offered to host the meeting in the EHRC premises in Glasgow. *Update: meeting to take place on 21 February 2018 at the FFWS premises in Glasgow.*

JH suggested that a paper be prepared (by VB and LE) to summarise the key points raised on the work plan over the four group meetings. The paper would cover actions within the work plan, work achieved to date and areas for taking forward over the course of 2018.

JH thanked CC for hosting the meeting and her presentation; thanked LK for her presentation; and members for their participation. He then closed the meeting.

## **Meeting Action Points:**

1	KW to share with the group the findings of the CCPS survey exploring barriers to good practice
2	CH to share with the group Police Scotland's own findings on barriers to good practice
3	CC to share with the group the presentation on health and safety in Police Scotland
4	VB to share with the group the relevant parts of the Scottish Business Pledge report
5	VB to update the group on the outcomes of Phase 2 of the Enterprise and Skills Review
6	VB and LE to prepare a paper covering actions within the work plan, work achieved to date and areas for taking forward over the course of 2018