

Dear

FREEDOM OF INFORMATION – MIDWIVES

I write in response to your request for information in relation to midwives' employment conditions in NHS Lothian.

Question:

1. Are midwives in your trust/board protected by Working Time Regulations 1998 (WTR)?

Answer:

Yes, all staff employed by NHS Lothian are covered by the regulations.

Question:

2. Is there any system in place to audit or ensure compliance with WTR within your maternity service?

Answer:

The rostering software Healthroster is used to document all hours worked and warnings are displayed if staff have exceeded their rostered hours for a week.

Question:

3. Are midwives in your trust/board asked to opt out of WTR protections as a condition of employment?

Answer:

No.

Question:

4. If so, is it made clear to staff that the opt-out is voluntary? Is the opt-out time-limited, or indefinite? And under what criteria, 'emergency' or otherwise, does your maternity service justify this opt-out?

Answer:

N/A.

Question:

5. What are your staffing arrangements for covering on-call maternity services, either at home births and/or to cover short staffing within the maternity unit?

Answer:

The Homebirth service in Lothian is provided by community staff. The midwife has a right to regular breaks which are provided by team colleagues during office hours and facilitated by the Team Leader. Overnight the on call midwife calls a second midwife for break relief. The community midwives are on call for 24hrs; they are not expected to work more than 12.5hrs in a 24hr period.

Question:

6. How often are midwives in your trust/board called out to provide services overnight after working clinically during the day? In these instances, what is your system for compensatory rest and/or time off in lieu (TOIL)?

Answer:

Information on the frequency of overnight call outs is not collected centrally. In each situation where compensatory rest is required, the rest provided should make up for the rest missed and should be taken immediately after the end of the working period, prior to the start of the next period of work.

Question:

7. If a midwife identifies that s/he is unable to provide safe care due to exhaustion, do you have a standard operating procedure for providing relief?

Answer:

It is the midwife's responsibility to ensure that they are fit to work and call for relief if they feel that their ability to provide safe care is compromised. They are not expected to work more than 12.5hrs in a 24hr period.

I hope the information provided helps with your request.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at <https://www.foi.scot/appeal>. If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.



If you require a review of our decision to be carried out, please write to the reviewer at the address at the top of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: <https://org.nhslothian.scot/FOI>

Yours sincerely

ALISON MACDONALD
Executive Director of Nursing Midwifery and AHPs
Cc: Chief Executive