



## **University policy and practice regarding student pregnancy and maternity Overview**

1. As a result of the Equality Act 2010, the legislation on pregnancy and maternity has changed and now includes students. Therefore the University needs to act within the legal framework and to guard against possible discrimination.
2. The main differences to current practice are:
  - Discrimination is now legislated against – see policy statement below
  - Students now have rights in law and the University has legal responsibilities
  - A Maternity Support Plan is now recommended – see document below
  - Breastfeeding – the University is expected to provide breastfeeding and rest facilities and students should be able to take their child (whilst under 26 weeks) into seminars and lectures with them.
  - Rights to paternity leave
3. Documents Attached:
  - General policy statement
  - Details of student rights and support required from the University
  - Maternity Support Plan
4. Our aim in drafting documentation has been to keep the policy statement short and to put as much detailed information as possible, plus links to further support, on to new student maternity webpages which will be accessible to both staff and students.

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## **Policy Statement**

The Equality Act 2010 significantly strengthens legal protection for students during pregnancy and maternity. Section 17 of the Act, which came into force on 1<sup>st</sup> October 2010, extends protection from discrimination on the grounds of pregnancy and maternity to women outside the workplace and specifically includes Higher Education.

### **Introduction**

These guidelines provide advice and guidance to:

- Students who become pregnant during their studies or whose partner becomes pregnant, and those who have recently become parents (e.g. through adoption) on issues related to study, health and safety, and finance.
- Members of University staff who may have a role in advising students seeking their support and guidance on these issues.

### **Scope of the Policy**

The policy covers any registered student who becomes pregnant during her studies and registered students whose partners are pregnant. It also covers any registered student becoming a parent (e.g. through adoption).

### **Policy Statement**

Measures introduced in The Equality Act 2010 apply to students in Higher Education for the first time, meaning that the University has an obligation to provide appropriate support to pregnant students. Moreover the University believes that becoming a parent or caring for a child should not, in itself, prevent any student from succeeding in their studies. The University is committed to being as flexible as possible to ensure that no student is disadvantaged due to pregnancy or maternity, whilst ensuring academic standards are not compromised.

The health and safety of a pregnant student is of paramount importance at all times, and all students covered by this policy should be treated in a sensitive, non-judgemental and confidential manner.

Only members of staff who need to be informed for valid reasons will be notified of a student's circumstances and this should be done only with the student's prior consent.

Further sources of help and advice can be found on the University's Student Maternity web pages.

- <https://www.sheffield.ac.uk/ssid/student-pregnancy>

## **Details of the Policy**

The details outlined below are broadly the provisions of the Equality Act 2010 legislation – these apply to most UG, PGT and PGR students; however there may be small numbers of students who will have more specific requirements.

### **Maternity Leave**

Students are entitled to take up to 52 weeks Statutory Maternity Leave. The leave will be unpaid unless they are entitled to Statutory Maternity Pay. The University recommends that students meet with an Advisor in the Student Advice Centre in the Students' Union to discuss what support is available to them. Statutory Maternity Leave can begin at any time from the start of the 11<sup>th</sup> week before the expected week of childbirth up to the day the childbirth occurs. Students are required to take two weeks compulsory leave of absence immediately following childbirth.

Research Students who are funded by a research council are entitled to 6 months paid maternity leave and up to a further 6 months unpaid leave. Students should contact Research Services ([pgr-scholarships@sheffield.ac.uk](mailto:pgr-scholarships@sheffield.ac.uk)) about their funding situation and for further information on Maternity Leave/Pay entitlements.

### **Notifying the University**

Students are encouraged to notify the University as soon as possible about their pregnancy through their Personal Tutor or Supervisor (or other designated member of staff) in their Academic Department. (Students entitled to Paternity Leave should do likewise).

If a student is uneasy about talking to a member of staff in their department they are advised to seek support and advice from Student Services (Student Support & Guidance) or from the Women's Officer in the Students' Union.

### **Terminations**

If a student decides not to continue with their pregnancy there is no need for any staff and students in the Academic Department to be made aware of this. However, if a student is absent from classes they are advised to inform their Personal Tutor or Supervisor that they will be away for 'medical reasons'. Support for students who choose not to continue with their pregnancy is available from the University Health Service and University Counselling Service as well as from external specialist services. Links to these services will be available to staff and students via the University website.

### **Study Arrangements**

The student's Personal Tutor or Supervisor should meet with the student to discuss how the pregnancy is likely to impact on her study. There may need to be an interruption of studies, depending on when the baby is due. Help and advice is available from Student Services (Student Support & Guidance).

The student should discuss with their Personal Tutor or Supervisor their intentions regarding Maternity Leave and discuss the possible implications of this on the academic requirements of the student's course. A student whose baby is due near to the examination period might require confirmation from her doctor that she is fit to sit exams. Time off might also be needed for medical appointments.

A written 'Pregnancy and Maternity Support Plan' (downloadable from the Student Pregnancy web pages) should be developed jointly by the student and her Personal Tutor or Supervisor. It should detail any special arrangements required during the student's pregnancy, an assessment of possible risks (see below) and an agreed timescale for her return to study. This document should be signed by both the student and the member of staff. The document should not be shared without the student's prior consent.

The student should meet regularly with her Personal Tutor or Supervisor during the pregnancy to ensure that any special arrangements that have been put in place are working effectively and making any adjustments where necessary. Once the details of Maternity Leave have been agreed a Leave of Absence form should be completed, stating 'personal' reasons for absence and sent to the Taught Programmes Office or Research & Innovation Services for research students, so that the Student Record can be updated (pregnancy will not be stated as the reason for absence).

### **Resuming Studies**

All taught students on a Leave of Absence are contacted prior to their scheduled return to study date by a member of Student Support & Guidance. The student will have the opportunity to discuss any concerns they have about returning to study.

Research students should contact Research & Innovation Services for support and advice.

### **Risk Assessment**

Health and Safety measures may need to be put in place in order to protect the student and her unborn child. This will be particularly relevant in certain departments, for example where a student might be exposed to harmful chemicals or radiation, or be expected to lift heavy objects or undertake other strenuous activity. Once a student has informed her Department of her pregnancy, a Risk Assessment must be carried out by the Department. This will identify any risks that may be present which could harm the student or her baby, and detail any steps that need to be put in place to alleviate or minimise these risks. It should also include any risks that may arise from any placement period or fieldwork due to be undertaken. Advice on carrying out a risk assessment can be sought from Safety Services.

Although not covered by the Equality Act, the University's policy is normally that students will not be permitted to take part in field work any later than the 35th week of pregnancy.

### **Maternity Pay and Financial Support**

Undergraduate students should note that funding may stop when a leave of absence begins, however in some circumstances discretion may be exercised to allow funding to continue. Students should seek advice from their funding body (for example Student Finance England) or from the Student Advice Centre in the Students' Union.

International students with financial sponsors must contact their sponsors and agree a plan of action (such as deferring study/ when to resume study etc).

Research students should contact Research Services ([pgr-scholarships@sheffield.ac.uk](mailto:pgr-scholarships@sheffield.ac.uk)) about their funding situation and for further information on Maternity Leave/Pay entitlements.

A home student may be eligible for Statutory Maternity Pay (SMP) or Maternity Allowance (MA). The rules surrounding eligibility for these are complicated and are based on a student's employment record. Students should contact Direct Gov: [http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Expecting\\_orbringingupchildren/DG\\_10018741](http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Expecting_orbringingupchildren/DG_10018741) or seek advice from the Student Advice Centre in the Students' Union.

The benefit rules are different for EU students and International students, and further advice should be sought from International Student Support in Student Services or from the Student Advice Centre in the Students' Union.

### **Students whose partner is pregnant or adopting**

Any student whose partner is pregnant will be entitled to request a leave of absence. This is likely to include time off for medical appointments prior to and after the birth, as well as a period of paternity leave/ maternity support leave following the birth. A student in this situation should contact their Personal Tutor or Supervisor to discuss this – basic paternity leave/ maternity support leave is two consecutive weeks, however if a student would like to take an extended period of leave this should be discussed. For more details on paternity rights, please refer to the Equality Challenge Unit guidance document (downloadable from the University web pages).

For students receiving research funding, it may be possible for a period of paternity leave/ maternity support leave to be allowed. Students should contact Research Services ([pgr-scholarships@sheffield.ac.uk](mailto:pgr-scholarships@sheffield.ac.uk)) about their funding situation and for further information on Maternity Leave/Pay entitlements.

### **Adoption**

Students who have been matched for adoption should inform their Personal Tutor or Supervisor as soon as possible. Only one member of a couple jointly adopting may take adoption leave. This applies regardless of whether one or both members of the couple are students. The other member of the couple may be entitled to take Statutory Paternity Leave / Maternity Support Leave.

Students taking Adoption Leave have the same entitlements as students taking Maternity Leave – see above.

### **Miscarriage, Still Births and Neonatal Death**

If a student miscarries, she is likely to need time off study for tests and to recover. Consideration should be given to the impact of a miscarriage on a student's ability to meet deadlines and sit exams.

There will be no distinction between live births, still births (past the 24<sup>th</sup> week of pregnancy) or the death of a baby shortly after birth in the granting of leave.

### **Breastfeeding and Rest Facilities**

The Equality Act 2010 explicitly protects students from less favourable treatment because of breastfeeding. Students should not be declined access to University

facilities because they are breastfeeding or have a baby under 26 weeks old with them. As long as babies are supervised at all times and any health and safety risks identified can be resolved, babies should be allowed on University premises and providing their presence does not disrupt other students' learning, into seminars and lectures.

Rest facilities for pregnant and breast-feeding woman should be provided by Academic Departments as necessary. Failure to provide rest facilities could result in students who are pregnant or breastfeeding receiving less favourable treatment.

### **Support for Staff**

Guidance for staff is available from Student Support & Guidance.