

# Parental Leave Policy for Non-Clinical PhD Students

<b>Approving committee:</b>	Executive Strategy Board
<b>Minute reference:</b>	ESB/6/12/11
<b>Document owner:</b>	Academic Services - Education Policy and Quality
<b>Key Contact(s):</b>	Stuart Bell; Hilary Glover
<b>Date of Equality Impact Assessment:</b>	15/08/2012
<b>Equality Impact Assessment Outcome:</b>	No impact
<b>Latest review date:</b>	08/06/2021
<b>Next review date:</b>	31/07/2024

## 1. Scope of the Policy

This policy is intended to cover any research student who is in receipt of a stipend administered by ICR and:

- becomes pregnant during their studies;
- is about to become a father;
- is the partner (including same-sex partner) of someone who is pregnant and expects to be responsible for the child; or
- is becoming a parent (e.g. through adoption).

The policy is for non-clinical PhD students. Students who are employees should refer to the ICR or RM maternity, paternity, adoption and shared parental leave policy for employees as appropriate.

## 2. Policy Statement

The ICR is committed to ensuring that all students are treated fairly and consistently and is committed to eliminate unlawful and unfair discrimination. For further guidance on this please refer to the ICR's Equality Opportunity Policy.

Legal protection for students during pregnancy and maternity has been significantly strengthened in England, Scotland and Wales with the commencement of the Equality Act 2010. The Act considers pregnancy and maternity to be a protected characteristic and prohibits discrimination on these grounds.

Section 17 of the Act expands the protection from discrimination on the grounds of pregnancy and maternity to women outside the workplace. In doing so, the Act specifically mentions the HE sector. Under the Act, discrimination can occur against students because of pregnancy if:

- the student is treated unfavourably because of their pregnancy;
- within 26 weeks of the day of giving birth the student is treated unfavourably because she has given birth. This applies if the student gives birth; this also

applies in cases of miscarriage, still birth and neonatal death provided more than 24 weeks of the pregnancy has passed;

- the student is treated unfavourably because she is breastfeeding and the child is less than 26 weeks old; if the child is more than 26 weeks old, unfavourable treatment because of breastfeeding is likely to constitute sex discrimination.

The health and safety of a pregnant student is paramount and students should notify their primary supervisor and Registry as soon as they know that they are pregnant so that appropriate risk assessments can be carried out. Please see the 'Protection of new or expectant mothers at work policy'.

In the rare circumstance where a risk is identified and the student is pregnant, has recently given birth or is breastfeeding and is unable to carry out normal studies for safety related reasons covered by the regulations, the primary supervisor will need to discuss lower risk activities with the student which will contribute to their thesis for example data analysis and writing the background to the thesis.

Students who wish to take maternity, paternity, adoption, shared parental leave must complete the form 'Request for a period of interruption of study' and return this to the Registry. Any interruption of study request will need formal approval from the Deputy Dean. The application must be made and approval given during the registration period and in advance of their period of interruption. Appropriate evidence must be provided with the interruption of study form. For shared parental leave, evidence of leave being taken by the partner will need to be provided. Students can obtain further advice from the Registry.

For students who are in the UK on a visa, they need to be aware that any change to their circumstances might impact on their visa and their ability to remain in the UK even if they are interrupting because of personal or medical reasons. Where the ICR is the visa sponsor, advice is available from the Registry, who may be required to contact the Home Office to inform them of an interrupted overseas research student's circumstances.

If a student does not return to their studies after a paid period of absence any payments made to them from the ICR will be fully refundable.

### **3. Maternity leave**

The interruption of study form must be submitted to the Registry by the 15th week before the Expected Week of Child Birth (EWC) at the latest together with the MAT B1 form (a certificate from the doctor or midwife confirming the expected week of childbirth).

Once they have notified the ICR of their pregnancy, students can request reasonable time-off from their studies to receive ante-natal care, which may include relaxation and parent-craft classes, on the advice of their medical practitioner or midwife.

A student is not permitted to be in attendance at the ICR during the first two weeks after giving birth.

Students are entitled to 52 weeks of maternity leave if the expected week of childbirth will occur during the period of their degree. The earliest maternity leave can commence is 11 weeks before the expected week of childbirth.

- The first 26 weeks should be paid at full stipend rate, pro-rated as necessary for part time students.
- The following 13 weeks should be paid at a level commensurate with statutory maternity pay.
- The final 13 weeks are not paid.

#### **4. Paternity leave**

A total of two weeks leave is available for paternity related absence. The studentship will be extended by the same period and students will continue to be paid a full stipend.

The entitlement is based on a relationship with the child's mother so paternity leave and the right to paternity pay also applies to same sex partnerships.

Paternity Leave cannot start before the birth and must end within 56 days of the birth. Partners are entitled to up to two weeks Paternity Leave, ideally taken in blocks of one or two weeks. At the supervisor's discretion, however, it may be taken in shorter blocks.

#### **5. Adoption leave**

Arrangements for adoption leave should be granted on the same basis as maternity leave. The periods of time off and the payments are the same including the mandatory two weeks off after the adoption.

#### **6. Shared parental leave**

Student parents may wish to share a period of parental leave. Shared parental leave gives more choice in how two parents can care for their child.

Student parents who are sharing responsibility for a child can get shared parental leave in the first year after:

- (a) the birth of their child;
- (b) adopting their child

Students are entitled to up to 50 weeks of shared parental leave adjusted according to the duration of leave and payments received by the other parent.

Up to 24 weeks of shared parental leave may be taken as paid leave in addition to paternity leave and two weeks mandatory maternity/adoption leave. This allows for a maximum period of 26 weeks fully paid leave which can be shared between both partners. For example if your partner takes 14 weeks paid leave the maximum period of paid leave available to you will be 12 weeks.

The following 13 weeks should be paid at a level commensurate with statutory maternity pay.

The final 13 weeks are not paid.