

5. STUDENT PREGNANCY, ADOPTION, MATERNITY AND PATERNITY

Purpose and scope

- 5.1 This section of the Consolidated Academic Policies and Regulations (CAPR) explains how a student who is pregnant may ask to take a break from her studies. It also explains how the College will support students who will soon become, or have recently become, parents.
- 5.2 This policy applies to all registered students of the College, and to any notification of parental responsibility taken on or after 1 April 2016 regardless of the date of the event giving rise to the notification.
- 5.3 These regulations do not apply in the following circumstances:
- (a) A student has interrupted their studies before notifying the College. If so, the College will normally investigate any additional requirement, and formally consider the matter on their expected return to their programme.
 - (b) A student has been recommended for an award and is due to graduate. If so, the College will normally investigate any additional requirements or adjustments to these procedures. This will happen as quickly as possible but the College may delay a graduation where necessary.

NOTE: The College cannot ensure it makes suitable adjustments in line with the Equality Act 2010 if the student does not disclose or limits disclosure of pregnancy or parenthood. The College will make clear on all occasions how any limitations or non-disclosure may affect or has affected any adjustments to a programme or assessments.

Note: There are limitations on what adjustments can be agreed. The College will only agree adjustments that can actually be done within the College's financial and human resources, and have proved effective in helping a particular student or group of students to overcome barriers related to their access needs without advantaging them in any way.

Definitions

- 5.4 'Programme' means any stand-alone, approved curriculum followed by a student, which contributes to an award or otherwise carries academic credit.

Introduction

Overview

- 5.5 The College aims to function as a coherent academic community and part of this is a shared sense of responsibility to care for and celebrate all members of the community, and to ensure the fair and equitable treatment of all students.
- 5.6 To do this, the community must ensure that all members of the community proactively support students who are pregnant and those who will become (or have recently become) parents to ensure they can achieve their potential and are not disadvantaged.
- 5.7 In these circumstances, the College will treat students in a sensitive, non-judgmental and confidential way. It will notify only members of staff who need to be informed, for valid reasons, about a student's circumstances and only with the student's prior consent.

Principles

- 5.8 Where possible and while ensuring academic standards are not compromised, the College will make reasonable adjustments to processes and academic requirements to support a student's continuation of study.
- 5.9 A pregnant student's health and safety is paramount. The College will carry out a risk assessment for any student who informs it of their pregnancy.
- 5.10 All students who become parents are entitled to take parental-related absence.
- 5.11 The College will offer students who are adopting a child the same level of support as those who have become parents through their or their partner's pregnancy.
- 5.12 Some students may want to breastfeed in public places. However, tensions could arise if other students feel uncomfortable, for example for religious reasons, when women breastfeed in public. Where this occurs, the needs of breastfeeding women should take precedence.

Procedures

- 5.13 The process for the preparation of a Parental Support Plan (PSP) has four (4) stages:

- (a) Stage 1 – Notifying the College.
- (b) Stage 2 – Developing and approving a Parental Support Plan (PSP).
- (c) Stage 3 – Student parental absence.
- (d) Stage 4 – Returning from parental absence.

Stage 1 – Notifying the College

5.14 The College provides a specialist service available to any student who:

- (a) is pregnant;
- (b) has been linked as part of an adoption process;
- (c) has a partner who is pregnant;
- (d) has experienced a miscarriage, termination of pregnancy, stillbirth or neonatal death;
- (e) has become a parent within the last six (6) months; or
- (f) is breastfeeding.

5.15 The College encourages students who meet the criteria outlined above to inform the Learning Support and Wellbeing Team at the earliest opportunity. If a student informs another member of College staff, they should be referred to the team as soon as possible.

5.16 When the College is informed of a student's or their partner's pregnancy or adoption linking, the College does not need to ask for proof¹ and it will give them consistent, unbiased support and advice to enable them to make informed choices about suitable adjustments and support.

NOTE: Existing law does not prevent the College directly approaching a student it believes to be pregnant or who has a pregnant partner. However, this should only occur if there are genuine concerns about health and safety or academic progress.

Stage 2 – Developing and approving a parental support plan (PSP)

5.17 The Learning Support and Wellbeing Team must co-ordinate the development of a parental support plan with the student. The plan will detail any special adjustments required during the student's pregnancy, adoption, maternity or paternity to support the continuation of their studies and minimise risk.

¹ If a student discloses her pregnancy, GPs seldom conduct pregnancy tests if a woman has already used a home pregnancy-testing kit; she will simply be referred to a community midwife for a booking appointment at 8–10 weeks and will be offered a dating-of-pregnancy scan at 12–14 weeks. . At 20 weeks a student may be given a maternity certificate, but its purpose is to enable her to claim statutory maternity pay or maternity allowance if she is or has been recently employed.

- 5.18 The purpose of these adjustments is to ensure the student has the same opportunity to progress academically and is not unfairly disadvantaged by the fact that they or their partner are pregnant, have given birth or have had or are about to have a child placed with them for adoption.
- 5.19 The support plan will take account of the following issues:
- (a) Communication about the student's pregnancy, adoption, maternity or paternity.
 - (b) Which members of staff will need to be informed about the student's pregnancy, adoption, maternity or paternity.
 - (c) Who will be responsible for informing members of staff and when.
 - (d) Contacting Student Finance Team to discuss how to manage an interruption to the programme (if required) and how this will affect the student's fee arrangements.
- 5.20 If a student or their partner is due to give birth or to have a child placed with them near to or during assessment deadlines or the examination period and they wish to complete assessed work or sit examinations, the College will not prevent them doing so.
- 5.21 If a student is concerned about sitting examinations or meeting assessed-work deadlines or if they have a health condition related to their parental status that is worsened by stress, they should be advised to seek advice from a midwife, social worker or doctor. If the student's midwife, social worker or doctor advises against them sitting an examination or trying to meet the assessed-work deadline, the College will explore an alternative assessment method.
- 5.22 If a student is unable to use an alternative assessment method or has significant parentally related problems in an examination or when doing assessed work, the College will refer these for consideration under the Extenuating Circumstances regulations.
- 5.23 However, if the College needs to take into consideration the impact of a student's pregnancy, adoption, maternity or paternity on their programme attendance or achievement, it may ask for evidence of appointments and letters from the student's or their partner's GP, social worker, midwife or health worker.

- 5.24 Once a proposed PSP been prepared it must be finally approved. For final approval, the report must be signed by the student and the relevant programme leader.
- 5.25 A copy will be held by the Learning Support and Wellbeing Office. A copy will go to the student and relevant Departments (e.g., IT Services, Examinations and Assessment, Student Advisory).

Health and safety for pregnancy

The Learning Support and Wellbeing Team and the Programme Team will work with a student disclosing a pregnancy – as part of developing a PSP – to conduct a health-and-safety risk assessment for the duration of the student’s pregnancy.

Some examples are of health-and-safety considerations are:

- If the student has placements as part of the programme, pregnancy should be risk-assessed by the placement working alongside the programme and the Learning Support and Wellbeing Team as appropriate.
- Suitable plans should be made to safeguard health and to appropriately manage academic progress. If the assessed risks mean the student cannot undertake the placement while pregnant, arrangements should be made to enable the student to complete it later.
- Examples of adjustments include allowance to miss lectures to attend medical appointments; extension of work-submission deadlines; and alternative methods or dates of assessment.
- In examinations, pregnant students may need rest breaks and may need to visit the toilet more often than others. They may also need a more comfortable and supportive chair.

Stage 3 – Student parental absence

- 5.26 Parental-related absence will be managed in line with the processes described in the Interruption of Study regulations. The Learning Support and Wellbeing Team will explain to the student the effect of the regulations when the parental support plan is being developed.

- 5.27 The College will allow a student to take maternity- or paternity-related absence after the birth or placement of their child. The length of parental-related absence that students prefer to take will vary and depend on personal circumstances and the programme's structure and content.
- 5.28 The College will not automatically require students to interrupt their study for any particular period of time, but will work with them to set a suitable return-to-study date.
- 5.29 However, students must take at least two (2) weeks' compulsory absence after giving birth or having a child placed with them as the main carer, or four (4) weeks if they are on placement in a factory environment. There is no required period of absence for other forms of student parental absence.
- 5.30 In exceptional circumstances, students may need to extend the length of their parental absence beyond the standard time allowed. Reasons for this include postnatal or post-adoption depression, serious illness or loss of a baby, breakdown in a placement or where there is no available childcare.
- 5.31 Wherever possible the College will enable students to complete the requirements of their modules before they take parental-related absence. In some cases, the student may want to sit examinations or submit alternative forms of assessment during their absence.
- 5.32 If a student cannot complete modules before taking parental-related absence, they should if possible be allowed to complete the modules on their return.
- 5.33 Where programme structure or content means that a student should return to study sooner than they would like to, the College must justify the reason in writing to the student.

Stage 4 – Returning from parental absence

- 5.34 The date a student intends to return from maternity-related absence should be discussed and agreed with them before they begin their period of absence. However, this date may change during their absence. The student should be encouraged to notify their programme leader or the Learning Support and Wellbeing Team as soon as possible of any change in their expected return date.
- 5.35 The Learning Support and Wellbeing Team will review the student's parental support plan and agree a new return date with the student in writing.

- 5.36 Before the student returns from a period of parental-related absence, the College will consider how to prepare for their return. The Learning Support and Wellbeing Team will work alongside the Programme Team and the student to help the student prepare academically, practically, psychologically and emotionally for returning to College.
- 5.37 The student's study options and the continued support provided will be discussed with the student in developing their parental support plan. These will be confirmed with the student before they return.

International students who become pregnant

- 5.38 If an international student becomes pregnant during their studies, she will probably need a longer stay in the UK. However, at present, students who need a visa to study in the UK cannot extend it for pregnancy- or maternity-related reasons. All visas allow for a short period of stay in the UK in addition to the time spent on a programme.
- 5.39 At the time of writing this guidance, the period allowed is as follows:
- (a) Students on main and pre-sessional courses lasting twelve (12) months or longer may remain in the UK for the length of their course plus four (4) months if they meet minimum attendance requirements, outlined in the International Students and Confirmation of Attendance Policy.
 - (b) Students on main and pre-sessional courses lasting more than six (6) months but less than twelve (12) months can remain in the UK for the length of their course plus two (2) months if they meet minimum attendance requirements.
 - (c) Students on main and pre-sessional courses lasting six (6) months or less can remain for the length of the course plus seven (7) days if they meet minimum attendance requirements.

Students who are considering a termination of pregnancy

- 5.40 If a student or their partner is considering a termination, they will be referred to appropriate services to evaluate the options available to them.

Students who experience a miscarriage, early adoption disruption, stillbirth or neonatal death

- 5.41 Students who experience a miscarriage, early adoption disruption, stillbirth or neonatal death will be referred to appropriate services to outline the support available to them.
- 5.42 The Learning Support and Wellbeing Team will work with the student to reach appropriate decisions about when the student will be ready to return to study. The service will liaise with the programme to arrange authorised time off and, if needed, apply for extensions or deferrals to assessments.
- 5.43 The student will be supported to return to study if and when they are ready.

Advice and support

- 5.44 Advice for students on pregnancy, adoption, maternity or paternity, and the associated lower-level College rules is available from the Student Hub or the GSM London Students' Union (gmsuadvicecentre@gsm london.ac.uk). More complex queries may be referred to appropriate individuals.
- 5.45 Advice for staff on pregnancy, adoption, maternity or paternity is available from their nominated Academic Policy Partner.
- 5.46 If any staff development needs are identified, these may be discussed with members of the Staff and Educational Development Team.

Fees

- 5.47 No additional fees or charges are associated with this regulation.

Legal and regulatory context

- 5.48 This policy has been developed having regard to the principles and obligations outlined in the Equality Act 2010. In particular, section 17 of the Act expands the protection from discrimination on the grounds of pregnancy and maternity, which already exists for women in the workplace and vocational training, to women outside the workplace. In doing so, the Act specifically mentions the Higher Education sector.
- 5.49 Under the Act, discrimination occurs against a student who is treated unfavourably:

- (a) because of her pregnancy;
- (b) within twenty-six (26) weeks of the day of giving birth because she has given birth – this also applies in cases of miscarriage, stillbirth and neonatal death if more than twenty-four (24) weeks of pregnancy has passed; or
- (c) because she is breastfeeding and the child is less than twenty-six (26) weeks old. If the child is more than twenty-six (26) weeks old, unfavourable treatment because of breastfeeding is likely to be sex discrimination.

5.50 The protection that the Act gives a woman because of pregnancy and maternity is narrower than for the Act's other 'protected characteristics'. There is no protection for discrimination that occurs by being associated with someone who is pregnant (i.e., their partner) or in a period of maternity or being perceived to be pregnant or in a period of maternity. However, if a woman's partner is treated unfavourably because of her pregnancy or because she has given birth, this may be sex discrimination.

5.51 The *Equality Act 2010* explicitly protects women who breastfeed in public places. Also, the *Sex Discrimination Act 1976* makes it unlawful to ask a woman not to breastfeed in a public place, though the protection is not explicit.

5.52 The College additionally recognises its duties for the safety and security of all members and visitors under the *Health and Safety at Work Etc. Act 1974*, and under the statutory regulations made under this Act.

5.53 The College may not be bound by the principles and this policy alone may not provide the procedure to meet all of these principles, some of which may be met by other College policies and procedures.. It uses the principles as guidance only, to help it deal soundly with these matters.

Enforcement, monitoring and review

5.54 If any person or body in the College refuses to comply with a request or decision made to enforce this policy, their refusal must be reported to the Academic Registrar, who will take such action to enforce this policy as they think necessary.

- 5.55 Each year, the College must receive a report that enables it to monitor, identify and act on any shortfalls in how this policy is interpreted and applied.
- 5.56 The annual report must include statistical data on the number of notifications of pregnancy, adoption or parental responsibility made under this policy; the outcomes, Departments and programmes from which they originate; the length of the process; and the equality characteristics (including sex, disability and ethnicity) of those who made the notifications.
- 5.57 Every three (3) years, the College must review this policy to ensure that:
- (a) they remain up to date and continue to meet the expectations of the UK Quality Code, applicable legislation or guidance;
 - (b) areas of improvement, or any concerns, raised by students, external examiners, or professional bodies have been addressed; and
 - (c) opportunities to reduce unnecessary bureaucracy have been taken.

Schedule (not part of the policies and regulations):

Responsible Officer: Head of Registry and Administration

Approved by: Board of Directors and Academic Board

Version: 1.0

Date: 24 February 2016

Monitoring and Review Body: Faculty Board

Effective From: 1 June 2016

Next Scheduled Review: June 2019