Student Maternity, Paternity, Adoption and Shared Leave Policy 2022/23

Policy and Guidance

Contents

Student Maternity, Paternity, Adoption and Shared Leave Policy 2022/23 ...................... 1
Introduction .......................................................................................................................... 3
Summary of significant changes since the previous version .............................................. 3
  Policies superseded by this document .............................................................................. 3
Scope ................................................................................................................................. 4
  Who is covered by this policy .......................................................................................... 5
Related Documentation .................................................................................................... 6
  The Open University Student Charter Values ................................................................ 5
Policy ................................................................................................................................... 6
  1. Purpose ......................................................................................................................... 7
  2. Policy principles ........................................................................................................... 8
  3. Your responsibilities ..................................................................................................... 9
  4. Practical support during your studies .......................................................................... 10
  5. Health and Safety ....................................................................................................... 12
  6. Frequently asked questions ......................................................................................... 13
  7. Implementation and enforcement of procedure ......................................................... 14
  8. Non-compliance ........................................................................................................... 14
  9. Methods of appeal ....................................................................................................... 15
Appendix ............................................................................................................................ 15
  Appendix 1 ....................................................................................................................... Error! Bookmark not defined.
Glossary of terms ............................................................................................................... 15
  Funded students .............................................................................................................. 15
  Parental leave ................................................................................................................ 15
  Self-funded students ...................................................................................................... 15
  Shared parental leave .................................................................................................... 16
**Introduction**

This document relates to students who might need support because their study is affected by pregnancy, maternity, paternity, adoption, and shared leave.

UK Research and Innovation (UKRI)'s policy that comprehensively covers parental leave is being adopted for all PGR students that are funded (capped at the standard rate) and the principles of leave allocation applied to self-funded students taking maternity, paternity, adoption or shared leave.

This document aims to:

- Explain University policy in these circumstances
- Provide guidance on the support available and how to arrange it
- Explain what PGR students must do so that the University can provide support.

The current arrangement for funded students is that internally funded (and non UKRI funded) PGR students are entitled to six months funded and six months’ unfunded maternity leave.

**Summary of significant changes since the previous version**

The University’s current maternity, paternity and adoption leave policy is as follows:

- PGR students who are currently registered with the University and have not withdrawn or completed their studies.

- PGR students are entitled to 12 months maternity leave in addition to standard study break entitlement. The same applies where a child is being adopted if the student is the carer. Two weeks of unpaid paternity leave may be taken in addition to the standard study break entitlement. Self-funded students are not entitled to maternity pay but may take maternity, paternity or adoption leave.

- The current arrangement for funded students who have been registered with us for a minimum of 12 months is that OU funded (and non UKRI funded) students are entitled to six months funded and six months’ unfunded maternity leave.

- For specific guidance on how this policy may relate to your personal circumstances, please contact the Research Degrees Team via research-degrees-office@open.ac.uk who are specially trained to advise on the implementation of policy.
Policies superseded by this document

This document replaces the previous version of 1.0 Policy dated March 2019

Scope

Who is covered by this policy

This policy applies to:

- All current full-time and part-time students (that have been registered with the University).
- Funded Full time students (OU funded and non UKRI funded) who have been registered with us for a minimum of 12 months are entitled to six months funded and six months’ unfunded maternity leave.
- The principle of leave allocation applies to self-funded students taking maternity, paternity, adoption or shared leave without the funding expectation.
- Funded research students are entitled to paid maternity leave plus unpaid maternity leave, in addition to standard study break entitlement. The same applies where a child is being adopted if the student is a carer. Two weeks of unpaid paternity leave may be taken in addition to the standard study break entitlement. Self-funded students are not entitled to maternity pay but may take maternity, paternity or adoption leave.
- Students funded by an external organisation such as an industry partner or third sector organisation will be eligible for the same level of funded leave. Arrangements for funding any parental leave will be negotiated and agreed as part of the partnership arrangement for individual studentships in these cases.

OU staff should be familiar with this document when supporting students covered by this policy and guidance.

This document is published in line with the University’s objective to improve equality policy and guidance for staff and students. Further information about the University’s equality objectives is published at [Equality and Diversity](http://open.ac.uk).

Who and which circumstances this policy does not cover

This policy does not cover students undertaking Undergraduate degrees, there is a separate maternity, paternity and adoption guidance for undergraduate students available to them via [Student Pregnancy and Maternity Policy and Guidance](http://open.ac.uk) web page.
Related Documentation

Refer to the following documentation in conjunction with this document:

- UK Research and Innovation (UKRI) policies [UKRI Policies](#)
- [Equality Act 2010](#) for England, Scotland and Wales
- [Sex Discrimination (Northern Ireland) Order 1976](#)
- [Freedom of Speech](#)
- [QAA UK Quality Code for Higher Education](#)

The Open University Student Charter Values

This document aligns specifically with the following [Open University Student Charter](#) Values:

The four principles

The Student Charter describes ways in which members of the University community should work together in partnership and is underpinned by four principles.

1. We treat each other with dignity and respect.
2. We aim to inspire and enable learning.
3. We share the responsibility for learning.
4. We work together to secure the University’s mission and values – to be open to people, to places, to methods and to ideas, and to be inclusive, innovative and responsive.

As the University continues to change and evolve, we will review this Charter every year to ensure it reflects our current needs and challenges, while continuing to support the key aim of helping all our students to succeed.

1. We treat each other with courtesy and respect, respecting the rights of individuals to hold different beliefs and views and to express them appropriately.
2. We value diversity anticipate and challenge inequalities, and commit to being an anti-racist, anti-discriminatory, accessible and inclusive university, so all feel a sense of belonging.
3. We are committed to an economically and environmentally sustainable future for our University.
4. We communicate with each other in ways which are clear, relevant, accurate and timely.
5. We actively support the Students Association to engage with all its members to foster a vibrant student community and to promote student interests.

6. We actively support authentic student engagement in University decision-making, closing the feedback loop; and commit to building partnership between staff and students.

7. We act ethically and transparently, providing and making use of fair and open means to deal with our concerns and grievances, learning from them.

8. We challenge bullying and harassment and are committed to supporting the mental health and wellbeing of all members of our University community.

9. As students, we share the responsibility for learning and make a commitment to study and research using the resources and support services available, upholding the highest standards of academic integrity.

10. As staff, we each play our role in enabling high-quality learning and advancing knowledge and understanding through research and scholarly activity, ensuring every student is supported.

11. We work to maintain and enhance the standards and reputation of our University recognising the contributions that all members make to its success.

1   Policy

Policy statement

The University is committed to ensuring that enquirers and students are not discriminated against unlawfully or treated unfavourably for any reason related to pregnancy, maternity, paternity or adoption.

The University aims to adopt a flexible approach which is proportionate and reasonable in supporting students as far as practicable, so that they can complete their studies and achieve their study goals providing academic standards are upheld.

In practice, this means additional support is provided:

- in the learning environment where physical attendance is required
- when personal circumstances arise that prevent studying or completing work

The support available includes:

- providing information, advice and guidance and advising students how to obtain support
- discussing implications for study
- carrying out health and safety risk assessments where necessary
- arranging additional support connected to examinations where necessary
We use the term “additional support” to describe arrangements made for an individual student to help reduce disadvantages they might otherwise have in their study.

1. Purpose

1.1 UKRI has a policy that addresses maternity, paternity, adoption and shared parental leave.

1.2 UKRI funded students are entitled to 52 weeks of maternity leave if the expected week of childbirth will occur during the period of their award. 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. Partners are entitled to up to two weeks paid Ordinary Paternity Leave on full stipend. Ordinary Paternity Leave cannot start before the birth and must end within 56 days of the birth.

1.3 Partners are also entitled to an extended period of unpaid parental leave, up to a maximum of 50 weeks, with their studentship extended accordingly. Unpaid parental leave must be completed within 12 months of the birth of the child. This leave may be taken in up to three blocks of leave or all at once. Adoption leave should be granted on the same basis as maternity leave. There is no qualifying period for maternity, paternity or adoption leave. Additionally, their Studentship end date should be updated to reflect the period of leave.¹

1.4 Students funded by an external organisation such as an industry partner or third sector organisation will be eligible for the same level of funded leave. Arrangements for funding any parental leave will be negotiated and agreed as part of the partnership arrangement for individual studentships in these cases.

1.5 For self-funded students the policy would provide the entitlement to leave without the funding expectation.

1.6 The objectives of this policy are:

1.7 Adopting UKRI principles in comprehensively covering parental leave to funded and self-funded students.

1.4.2 Enable equity in managing students taking a break to care for a new child.

Linto UKRI website UKRI
2. **Policy principles**

2.1 Students are entitled to 52 weeks (12 months) of maternity leave if the expected week of childbirth will occur during the period of their registration.

2.2 In order to benefit from paid maternity leave, Full-time students in receipt of stipend must have been registered with the University for a minimum of 12 months. The earliest maternity leave can commence is 11 weeks before the expected week of childbirth.

2.3 For students who are in their funded period the first 26 weeks should be paid at full stipend rate, pro-rated as necessary for part-time students.

2.4 For students who are in their funded period the following 13 weeks should be paid at a level commensurate with statutory maternity pay. The final 13 weeks are not paid.

2.5 Partners who are in their funded period are entitled to up to two weeks paid Ordinary Paternity Leave on full stipend. Ordinary Paternity Leave cannot start before the birth and must end within 56 days of the birth.

2.6 Partners are also entitled to an extended period of unpaid parental leave, up to a maximum of 50 weeks, with their studentship extended accordingly.

2.7 Unpaid parental leave must be completed within 12 months of the birth of the child. This leave may be taken in up to three blocks of leave or all at once.

2.8 Adoption leave should be granted on the same basis as maternity leave.

2.9 There is no qualifying period for maternity, paternity or adoption leave.

2.10 Additionally, their Studentship end date should be updated to reflect the period of leave.

2.11 Shared Parental Leave (SPL) allows eligible parents to be able to volunteer to end their Maternity or Adoption Leave and/or pay early to create Shared Parental Leave and pay which they can share with the child’s father or their partner. SPL means that eligible fathers and partners will be able to request more leave from work/study in their first year following their child’s birth or placement for adoption. Because it is shareable, there will also be cases where eligible mothers will return to work/study early because the child’s father or their partner is taking leave in their place.

2.12 The entitlement to Paternity Leave is lost once any SPL is taken by eligible fathers or partners, so Paternity Leave should be taken first.

2.13 SPL must be taken in one continuous block or in multiples of complete weeks, and an employee can choose to take it at the same time as their partner or separately.

2.14 Adopters and intended parents in surrogacy arrangements have the same rights as other parents to SPL and pay. A mother must take at least two weeks of Maternity Leave after the birth of their child before Maternity Leave can be curtailed. An adopter,
or the parental order parent in surrogacy must take at least two weeks of Adoption Leave before it can be curtailed.

- Having a baby
- Using a surrogate to have a baby
- Adopting a child
- Fostering a child who you are planning to adopt

2.12 You can share up to 50 weeks of leave and up to 37 weeks of pay between you. You will also need to share the pay and leave in the first year after your child is born or placed with your family. You can use the SPL to take leave in blocks separated by periods of work, or take it all in one go. You can also choose to be off work together or to stagger the leave and pay. Please also note that to access the shared leave you may have to give up some of your maternity or adoption leave and pay.

### 3 Your responsibilities

We may need to complete a health and safety assessment before you can attend certain University events, in which case you will need to complete the [Health and Safety Risk Assessment form](#) to provide the necessary information at least six weeks before the event.

A health and safety assessment is necessary if:

- You are a new, expectant, or breastfeeding mother and you are going to events outside of the University or fieldwork.
- You or your unborn child or baby are at increased risk, for example due to a pre-existing medical condition such as high blood pressure or a history of miscarriage and you are due to attend an examination voce or any other university event.

If these circumstances apply to you, please complete the form in good time (at least six weeks before the activity) so that appropriate arrangements can be put in place.

Please also tell us about any advice you have received from your Doctor or Midwife that could be relevant to the assessment, such as a pre-existing condition.

Once we have received your completed form we will contact you to talk through the support you might need at the event you are due to attend.

- When you discuss your additional requirements with a member of staff, you are consenting to your personal information being recorded and discussed with other members of staff on a need-to-know basis, unless you specifically request that it should not be.
• Please notify us at the earliest opportunity of any significant change in your circumstances that affect your additional support needs or risks to you, your unborn child or baby.

## 4 Practical support during your studies

This section explains the additional support that we can make available during your pregnancy or maternity, and who to contact to arrange it. You will need to contact us to make arrangements for additional support, even if you have already completed a Health and Safety Risk Assessment Form for a specific event.

### 4.1 Additional study support

If you fall behind with your study for reasons relating to pregnancy or maternity (including paternity, adoption, fostering) please contact your supervisor in the first instance to discuss the possibilities of a study break.

### 4.2 Baby feeding, baby changing and rest facilities

We'll try to provide private, hygienic and safe rest or baby-feeding facilities for you at a University event that requires your physical attendance if you:

- are pregnant
- are breastfeeding and need to express milk
- need to feed your baby.

You should make your request for rest and baby-feeding facilities as soon as possible so that appropriate arrangements can be put in place.

We'll do our best to provide:

- a private space with comfortable seating and possibly somewhere to lie down
- nearby toilet and hand-washing facilities
- means of keeping baby milk and food refrigerated and secure • facilities for heating baby milk and food
- facilities for washing and storing feeding equipment.

We don’t expect you to use a toilet for breastfeeding, and private breastfeeding facilities will be arranged whenever practicable.

You do have the right to breastfeed in public while participating in University activities unless there is a health and safety hazard for you and your baby that would prevent this, such as exposure to hazardous materials i.e. in the laboratories.

You can ask us to make alternative examination voce arrangements.
We can provide information about the location of the on-site baby changing facilities for University events on request.

4.3 Bullying and harassment

The Student Policies and Regulations | The Open University applies across the OU, including degree ceremonies and online environments. Any complaint of bullying or harassment is treated seriously and thoroughly investigated. Disciplinary action can be taken in cases where bullying and harassment have been proved.

Cases of alleged serious criminal offence, such as physical or sexual assault, are reported to the police. In such cases, the University takes no action under the Code for Dealing with Bullying and Harassment, other than suspension if considered necessary, until the outcome of any criminal investigation is known.

4.4 Ceremonies

Information about family-friendly facilities available at degree ceremony locations is published on the Ceremonies | Open University website. If you or any of your guests have any additional requirements, you should say so when booking a ceremony. You will then be contacted a few weeks before the date of the ceremony by a member of the Ceremonies team to discuss what you’re likely to need and confirm the arrangements.

4.5 Submission deadlines and special circumstances.

If you are having difficulties with your submission deadline you must advise your supervisors immediately this becomes apparent, depending on where you are with your studies you may be able to take a study break or extend your deadline in special circumstances. For further information on this please check the Research Degree Research Degree Regulations. You must also include supporting documentary evidence which relates clearly to the period during which your performance was adversely affected, such as a letter from a GP, midwife, social worker or other appropriate professional.

Your request for special circumstance will be determined by the Graduate School Director or Chair of the Research Degrees Committee depending on the information given.

If your special circumstance is approved, you may receive a study break or an extension which would extend your submission date. Please note that for Student Route students the visa end date does not move in line with this agreement.

4.6 Other University events

If you have additional requirements that might affect your participation in any other University events, you should ask for additional support from the respective organiser. For example, if you are attending a University committee as an OU Students Association representative you should contact the respective committee secretary.
5 Health and Safety

5.1 Health and safety considerations

If you’re pregnant or have given birth within the previous six months, or you’re breastfeeding, you can face specific risks to your health and that of your unborn child or baby. For most new, expectant or breastfeeding mothers, normal health and safety measures are adequate.

However, when participating in a University event or activity requiring your physical attendance the level of risk you're exposed will depend on:

- The requirements and nature of the University event or activity
- Your individual circumstances, as there are physiological and psychological changes during pregnancy that may make you more vulnerable

Some of the more common hazards might be;

- Lifting, handling, carrying heavy loads
- Posture, travelling, mental and physical fatigue
- Workstations, working at height, or working alone
- Standing or sitting still for long periods of time
- Exposure to biological agents, toxic chemical agents, or radioactive material
- Exposure to shocks, vibrations, excessive noise, or extreme heat

In particular;

- The highest risk of damage to an unborn baby is during the first 13 weeks of pregnancy
- When breastfeeding, there is a risk of passing certain chemicals or biological agents to your baby via your milk

It is important that you inform the University about any advice you have received from a Doctor or Midwife (for example pregnancy-related medical conditions such as high blood pressure, a history of miscarriages) that could affect the risk assessment by completing the online for at least 6 weeks before the event as explained earlier.

Special consideration is required if you are undertaking fieldwork or attending a seminar outside the UK.

5.2 Health and safety risk assessments

5.2.1 Purpose

The purpose of completing a new, expectant or breastfeeding mothers health and safety risk assessment is to identify hazards and assess risk you may face when participating in University events that require your physical attendance.
5.2.2 When is a health and safety risk assessment required?

A health and safety risk assessment is required if you are a new, expectant, or breastfeeding mother attending an event, and this should be completed as soon as possible.

Health and safety risk assessments are not normally required before participating in University events of a relatively short duration, such as ceremonies, examination voce or committee meetings, except where individual circumstances place you, your unborn child or your baby at an increased risk.

In all cases where a risk assessment is required, you should complete and submit the online Health and Safety Risk Assessment form as above at least six weeks before the event so that the information can be processed. Late submission could affect the University’s ability to implement appropriate measure to reduce risk or avoid hazards and consequently may affect your participation.

If you are required to do something at home as part of your University study, for example go out and collect your data for your research or make an observation, you should judge for yourself whether it is appropriate to do so. Where it is essential that these activities take place, please discuss them with your supervisors.

5.2.3 Record keeping

The University staff member finalising the health and safety risk assessment is responsible for ensuring you receive a copy of the risk assessment and for providing copies to relevant University staff on a strict need to know basis, to ensure that the appropriate measures are implemented for your safety.

6 Frequently asked questions

Do all students who are pregnant or breastfeeding, or whose partner is pregnant or breastfeeding have to notify the University?

No. We only need to know if you’re a new, expectant, or breastfeeding mother and you:

• intend to participate in fieldwork – because a risk assessment is required
• intend to participate examinations voce, a ceremony or other University event requiring your physical attendance and where your individual circumstances place you, your unborn child or your baby at an increased risk, for example due to a pre-existing medical condition.

Do all students who are adopting or fostering a child, have to notify the University?

No. You only need to notify the University if you’re seeking additional support at a University event where physical attendance is required, or if personal circumstances arise that prevent you studying or completing your laboratory work.

When is a health and safety risk assessment required?
A risk assessment is required if you’re a new, expectant, or breastfeeding mother attending an event or doing fieldwork or attending a seminar.

Normally health and safety risk assessments are not required before participating in University events of a relatively short duration such as tutorials, examination voce or award ceremonies, except where individual circumstances place you, your unborn child or your baby at an increased risk.

**Is there any time when a pregnant or breastfeeding mother can’t participate in University events?**

Yes. You must not participate in University learning activities where physical attendance or activity is required for at least two weeks after the birth of your baby, or at least four weeks after the birth if you’re on a placement.

**How does the University handle information related to pregnancy, maternity, paternity, adoption, fostering or caring?**

The University handles all sensitive personal information in accordance with the Data Protection Act, which means it is subject to tighter controls than other personal data. In general, your consent is requested so that information can be recorded and additional support requirements discussed with relevant members of staff.

7. **Implementation and enforcement of procedure**

   - Please ensure that all requests are given to the Research Degrees Team through the PGR Manager system ahead of your event so that they can be processed in a timely manner.

   - Depending on your request the procedure is that you the student, adds the request, it then is to be actioned by your supervisor, this is then passed automatically through the system to the Director in the faculty for authorisation, this is then passed to the RDT Team who process the request and seek approval from the Graduate, or Deputy Graduate School Director or Chair of Research Degrees depending on the request.

8. **Non-compliance**

We do our very best to provide students with the best student experience during their studies. If you have a query regarding the above policy and would like to discuss it with our team please contact them directly on 0 or email us at research-degrees-office@open.ac.uk where one of our team will be only too happy to help.

If after you have confirmed your requirement, please ensure that the information is given to the team in good time so that it can be processed in time. Failure to do so could delay your request.
9.  Methods of appeal

We welcome your feedback, and in particular your suggestions for improving policy, guidance services and support.

If you have any suggestions about how we could improve our services, please leave your comments at Research Degrees Office@open.ac.uk.

We use the Complaints and Appeals process to maintain standards and make improvements. If you feel that we have not met your expectations in terms of service and support, you can make a complaint using the University's formal Complaints and Appeals Procedure | Student Policies and Regulations | The Open University However, before doing so please contact the Research Degrees Team to discuss your request.

Appendix 1: University contact details

Centre for Qualifications and Ceremonies

Phone +44 (0) 1908 653003

The Research Degrees Team

The Open University
Walton Hall
Kents Hill
Milton Keynes
MK7 6AA

Phone +44 (0) 1908 653806
Email: research-degrees-office@open.ac.uk

Glossary of terms

Funded students
Any registered student who has been given grant funding from either The Open University, Research Council or other external funder.

Parental leave
Eligible students can take unpaid parental leave to look after their child’s welfare.

Self-funded students
Any registered student who is not funded by a grant and pays themselves.
Shared parental leave

When both parents share the leave and pay when having a baby, using a surrogate to have a baby, adopting and child or fostering a child who you are planning to adopt.

Further clarification

If you have any queries around the content provided within this document and how to interpret it, please contact Research Degrees Office via research-degrees-office@open.ac.uk who are specially trained to advise on the implementation of policy. Alternatively, you can contact your Student Support Team through the ‘Contact Us’ option on the Help Centre if you are a current Open University student.

If you have any comments about this policy document and how it might be improved, please submit these to SPR-Policy-Team@open.ac.uk.

Alternative format

If you require this document in an alternative format, please contact the Research Degrees Office via research-degrees-office@open.ac.uk.