

University of Kent Pregnancy and Parental Leave Policy

Legal Protection

The Equality Act 2010 significantly strengthens legal protection for students (including applicants to higher education) during pregnancy and maternity in England, Scotland and Wales. The Act identifies pregnancy and maternity as 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, which already exists for individuals in the workplace and vocational training, to individuals outside the workplace. In doing so, the Act specifically mentions the higher education sector. Under the Act, discrimination can occur against a student because of their pregnancy or because they have given birth 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 they have given birth; this also applies in cases of miscarriage, still birth and neonatal death provided more than 24 weeks of the pregnancy has elapsed
- the student is treated unfavourably because they are breastfeeding and the child is less than 26 weeks old; if the child is more than 26 weeks old, unfavourable treatment because of breastfeeding could constitute sex discrimination

The protection afforded due to pregnancy and maternity is narrower than other protected characteristics under the Equality Act 2010. Consequently there is no protection afforded for discrimination that occurs by being associated with someone who is pregnant or in a period of maternity, or being perceived to be pregnant or in a period of maternity. However, if a student's partner is treated unfavourably because of their pregnancy or because they have given birth, this could constitute sex discrimination.

Under the Act, it is unlawful for HEIs to discriminate against applicants and students in relation to admissions; the provision of education; access to any benefit, facility or service; and disciplinary proceedings. The protected characteristic of pregnancy and maternity is included in the Public Sector Equality Duty (PSED) of the Equality Act. Whilst it is not mandatory for HEI's to comply with the pregnancy and maternity protected characteristic, it is seen as good practice to do so. The PSED requires HEIs to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it
- foster good relations between people who share a relevant protected characteristic and people who do not share it
- Section 17 of the Equality Act 2010 commenced on 1 October 2010 and the PSED is commenced in April 2011.

This University of Kent is committed to continuously improve its support for all students. Facilities and services may change and improve over time at all campuses.

Key Guiding Principles

The University of Kent believes that being or becoming pregnant, undertaking fertility treatments (including IVF), terminating a pregnancy or having a child (including through adoption or fostering) should not, in itself, be a barrier to a student starting, succeeding in, or completing a programme of study at the University. The University is committed to being as flexible as possible, whilst, at the same time, making sure that any arrangements made for the student do not compromise academic standards. The special arrangements which can and should be made for a student in these circumstances may vary from Division to Division and from programme to programme. However, the approach is consistent across the University – as is the legal framework in which the University operates.

This policy is based on a set of important guiding principles, namely:

- **The Institution's belief in "the value of an inclusive and diverse university community".**
- **Avoiding less favourable treatment.** The University and its staff shall make sure they avoid treating a student less favourably than other students on the grounds that they are pregnant¹ or have terminated a pregnancy. Whilst particular arrangements may need to be made for an individual student (for example, a student should not return to University for two weeks after giving birth for health reasons and 4 weeks in the event that they are on a factory based work placement), the University will seek to make sure that such arrangements do not place the student at a particular disadvantage compared to other students
- **Taking a flexible approach.** The University recognises its obligations under the Equality Act 2010 and its staff will take a flexible approach to facilitating the continued learning of – and maintaining a high-quality and safe student experience for – a pregnant student, a student who is the parent of a very young child or a student whose partner is in either of these positions
- **Demonstrating a non-judgmental and sensitive approach.** When supporting and working with a student on these matters, staff must take an open-minded and non-judgmental approach. Information provided by the student should be treated sensitively and only passed on to others on a need-to-know basis and with the written consent of the student (for example, in order to set up appropriate adjustments for the student)
- **Enabling informed choices.** Members of staff will not attempt to direct or unduly influence a student's decisions. Their role is to provide context and advice to the student, and to explore, in consultation with the student and others, flexibility that can be applied to the student's programme or period of study to provide appropriate support as well as signposting to any relevant internal or external support services.

The University will ensure that:

- Any student who becomes pregnant before or during a period of study at the University is accommodated as far as practically possible to allow them to complete their programme of study, providing academic standards are upheld
- Relevant staff are made aware of the terms of this policy and their responsibilities arising under it

- Guidance and support is available for staff undertaking risk assessments on elements of the programme of study that are likely to result in a risk to the health and safety of the student or unborn child
- Guidance and support is available for students who declare a pregnancy, undertaking fertility treatment (including IVF) recent birth or intention to adopt or foster a child or whose partners are in any of these positions
- Support is available to students through various support services
- The policy is kept under review and updated as necessary

Policy Structure

The Policy is supported by a set of Guidance. See Appendices 1-4.

Appendix 1: Guidance for Staff supporting Students

Appendix 2: Guidance for Students

Appendix 2a: Additional information for International (including Tier 4 Visa) and Postgraduate Students

Appendix 3: Support and Advice Reference Guide

Appendix 4: Risk Assessment Guidance

This policy has been checked for accessibility and is accessible to all

This Policy and Appendices is owned by Student Services and shall be reviewed on a three-year basis via the EDI Operations Group.

This Policy was approved July 2016
Reviewed 2022