College Policy on Maternity Leave for Research Students

Introduction

1. This policy is intended to outline the arrangements that the College will make for funded research students who are pregnant during their research programme and during a period of absence from their programme due to maternity. It aims to ensure that such students are treated fairly and in accordance with the terms and conditions of their funding and in accordance with the College’s legal obligations under the 2010 Equality Act.

2. Unfunded research students who are pregnant should proceed using the normal Break in Study procedures, as outlined in the College’s Break in Study (Research Students) Policy; students should note that the limits on the amount of time spent on a break in study do not include periods spent on Maternity Leave, as defined in paragraph 3. Any pregnant student should advise the College of their pregnancy as soon as possible to enable any appropriate risk assessments to be carried out (see paragraph 8).

Definitions

3. Certain terms used throughout this policy require clarification. These are defined as follows:

Maternity Leave: This is the initial period of absence due to pregnancy and childbirth. It may begin during the 11th week before the expected week of childbirth or later and will last for 26 weeks unless the student returns to their programme beforehand.

Additional Maternity Leave: This is any absence, which is additional to Ordinary Maternity Leave and is due to pregnancy and childbirth. Additional Maternity Leave starts the day after Ordinary Maternity Leave ends and may continue for 26 weeks.

The Week of Childbirth: means the week, beginning with midnight between Saturday and Sunday, in which childbirth occurs.

The Expected Week of Childbirth: means the week, beginning with midnight between Saturday and Sunday, in which childbirth is expected to occur as certified by a medical practitioner or midwife.

Notification

4. All research students who are pregnant are encouraged to inform their supervisor of their pregnancy as soon as possible; notification should be made in or before the 15th week before the expected week of childbirth. The student should advise the supervisor of the date of the expected week of childbirth and their proposed dates for maternity leave and any additional maternity leave. These details can be amended at a later date if necessary.

5. In addition, the original certificate stating the expected week of childbirth (a “MAT B1” Form) should be submitted to the Supervisor. The MAT B1 will be issued to the student by the registered medical practitioner or registered midwife. This will normally be around the end of the 13th week before the expected week of childbirth.

6. Within 28 days of receiving the student’s notification of the date that she intends to start her maternity leave, the Registry will write to the student, outlining her provisional maternity leave dates and funding entitlements as well as stating her expected date of return from maternity leave / additional maternity leave.

7. Birkbeck will assume that this is the date of her return unless informed by the student that she intends to return to her research earlier, as detailed below.

Health & safety

Risk assessment

8. Once any student notifies the College that she is pregnant a health and safety risk assessment will be carried out at the earliest opportunity by a nominated appropriate College officer, and specific health and safety guidance and instruction will be provided as appropriate. This guidance usually applies prior to the absence period and, upon her return, whilst she is breast feeding (further information is available from the safety office).

9. Amongst other risks students must note that anyone who is pregnant must not lift, push or pull any package that may weigh 5kgs or more.
10. A student must seek advice from her supervisor before undertaking any task about which she has a concern regarding health and safety.

11. The College reserves the right to request that pregnant students attend a medical consultation in appropriate circumstances. Acting on advice from a doctor regarding the health of the mother/child, Birkbeck may suspend the student’s enrolment rather than put the individual’s or her colleagues’ safety or health at risk. This action would only be contemplated in extreme circumstances and would be carried out with full and proper consultation.

Maternity leave

12. All research students in receipt of maintenance payments as part of their studentships, are entitled to take up to 26 weeks' ordinary maternity leave and up to 26 weeks' additional maternity leave, making a total of 52 weeks. Additional maternity leave begins on the day after ordinary maternity leave ends.

Ordinary maternity leave

13. All pregnant students may take 26 weeks Ordinary Maternity Leave. This leave can commence:

- During the 11th week before the expected week of childbirth (or later) as long as the student has notified the College in writing no later than the end of the 15th week before the week her baby is due:
  - that she is pregnant;
  - when the expected week of childbirth will be;
  - when she intends her maternity leave to start.

or

- When the birth occurs. Leave begins automatically at this time, but the student must inform Birkbeck that the birth has occurred, in writing, at the earliest opportunity;

or

- When the student is absent due wholly or partially to her pregnancy during the last four weeks before the expected week of childbirth, she must inform Birkbeck, in writing, as quickly as possible of the reason for her absence. Her Maternity Leave will then have automatically begun unless Birkbeck agrees to her returning to her research prior to the birth.

14. Maintenance payments will be made at the usual rate during Ordinary Maternity Leave, minus any state benefits that the student is entitled to, such as maternity allowance. It is the student’s responsibility to apply for these benefits. For further information on maternity allowance see:

http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Expectingorbringingupchildren/DG_10018869

Additional maternity leave

15. All pregnant research council funded students are entitled to take additional maternity leave, making a total of 52 weeks of leave (including 26 weeks of ordinary maternity leave). Additional Maternity Leave begins on the day after Ordinary Maternity Leave ends. The College will not normally make maintenance payments during the additional maternity leave period.

Return to Study

16. The student will have been formally advised in writing by the College of the date on which she is expected to return to her research if she takes her full 52-week entitlement to maternity leave. The student is expected to return on this date, unless she notifies the College otherwise. If she is unable to attend work at the end of her maternity leave due to sickness or injury, the student may apply for a Break in Study in accordance with the College’s Break in Study (Research Student) Policy. In any other case, late return without prior authorisation will be treated as unauthorised absence.

17. If returning before the end of the 26 week Ordinary Maternity Leave period or before the end of the Additional Maternity Leave period the employee must inform Birkbeck in writing at least eight weeks’ before her intended date of return. The College reserves the right not to re-commence the studentship, or to delay studentship payments during period of Additional Maternity Leave, should insufficient notice be given.
18. A student may not return to the College having taken less than two weeks leave immediately after the birth of the baby.

19. The student has no right to delay her return beyond her maternity leave entitlement. The student’s leave will end on the agreed designated date and cannot be extended. Any further leave will need to be considered under the relevant policy. If she is sick she must provide a doctor’s certificate. Provided that she complies with this requirement the College will then treat her as having taken a further break in study due to sickness.

20. Should a student fail to return to the College without explanation on the due date Birkbeck will treat this matter as unauthorised absence. The student will, therefore, be subject to the provisions on unsatisfactory academic progress and may have her registration terminated.

Withdrawing from a studentship

21. Students who know that they do not wish to return to their project at the end of their maternity leave must give the College confirmation of their withdrawal in writing as soon as possible. Students who have claimed maintenance payments during their period of maternity leave, but who do not return to the project for at least three months following their period of maternity leave, will be required to repay these maintenance payments to the College.

Maintenance Increases

22. Absence due to maternity will not affect the nature or timing of maintenance payment increases.

Maternity leave contact

23. The College will offer anyone taking maternity leave a contact who will remain in touch with the individual to keep her up-to-date with developments on their project, where applicable. This will normally be the student’s supervisor. The student is also encouraged to keep in touch with her contact throughout her maternity leave.

24. A formal discussion should take place between the student and her supervisor prior to the beginning of the maternity leave period to discuss the contact arrangements and any other relevant issues.

Academic Board
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