

# College Policy on Maternity, Paternity, Shared Parental and Adoption Leave for Research Students

## Introduction

1. This policy outlines arrangements the College will make for funded research students during a period of absence from their programme due to maternity, paternity, shared parental or adoption leave. It aims to ensure that such students are treated fairly 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. There is no qualifying period for maternity, paternity, shared parental or adoption leave.
3. All research students expecting to take a period of maternity, paternity, shared parental or adoption leave should proceed using the College's Break in Study 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 or Shared Parental Leave. If the individual taking leave is a Birkbeck Tier 4 student their Tier 4 visa status may be affected.

## Definitions

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

**MATB1:** The MATB1 is a maternity certificate issued to verify pregnancy. The certificate also confirms the date of the expected week of childbirth (EWC) or the actual date of childbirth where the child is born early.

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

**The Expected Week of Childbirth:** 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

### Maternity leave

5. All funded research students in receipt of maintenance payments as part of their studentship 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.

### Ordinary Maternity Leave

6. This is the initial period of absence due to pregnancy and childbirth and may last up to 26 weeks. For PhD students in receipt of a studentship which includes a stipend, maintenance payments will be made at the usual rate during Ordinary Maternity Leave. Ordinary Maternity Leave may begin:
  - 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 the 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 within the last four weeks before the week the baby is due she must inform Birkbeck, in writing, as quickly as possible of the reason for her absence. Maternity Leave will then have automatically begun unless Birkbeck agrees to a return to her research prior to the birth.

### Additional maternity leave

7. Additional Maternity Leave is any absence in addition to ordinary maternity leave which is due to pregnancy and childbirth. Additional maternity leave begins on the day after ordinary maternity leave ends and may continue for 26 weeks.
8. You may be entitled to receive maintenance payments during the additional maternity leave period, for example if you have been awarded a Research Council or Wellcome Trust funded PhD studentship.
9. Details of funding during the 26 week additional maternity period leave are dependent on the terms and conditions of your funder. Students should seek guidance from their department or from the Birkbeck Graduate Research School in order to establish their entitlement during the additional maternity leave period.
10. The College will not normally make maintenance payments for internally funded PhD studentships during the additional maternity leave period.

### Ordinary Paternity leave

11. A student whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to two weeks' paternity leave. To qualify for paternity leave, the student must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.
12. For PhD students in receipt of a studentship which includes a stipend, maintenance payments will be made at the usual rate during Ordinary Paternity Leave.
13. Paternity leave is granted in addition to a student's normal annual holiday entitlement.
14. Paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.
15. Students who wish to take both paternity leave and shared parental leave must take their period of paternity leave first. A student cannot take paternity leave if he/she has already taken a period of shared parental leave in relation to the same child.
16. Students should provide notification as soon as possible that they wish to take paternity leave, but no later than the end of the 15th week before the expected week of childbirth. They should say when the baby is due, if they are going to take one or two weeks off, and when they expect their paternity leave to start.

### Shared parental leave

17. Students may be entitled to take shared parental leave e.g PhD students in receipt of a Research Council funded studentship who receive a stipend as part of their award. In these cases shared parental leave may be taken by either parent during the first year of birth or adoption of their child.
18. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.
19. The amount of shared parental leave to which an individual is entitled will depend on when the mother brings her maternity leave period to an end and the amount of leave that the other parent takes in respect of the child.
20. Arrangements for shared parental leave will be handled in accordance with the Birkbeck Family Leave Policy for staff but, unlike staff, students who are eligible do not have to meet the qualifying period stated in the HR advice

e.g. Research Council funded PhD students.

21. For further details please refer to the terms and conditions of the funder and seek guidance from your department or from the Birkbeck Graduate Research School.

## Return to Study

22. A student may not return to the College having taken less than two weeks leave immediately after the birth of the baby. This is known as Compulsory Maternity Leave (CML). This period is extended to 4 weeks for those who work in factories.
23. The student will have been formally advised in writing by the College of the date on which they are expected to return to their research studies if taking the full 52-week entitlement to maternity leave. The student is expected to return on this date, unless they notify the College otherwise.
24. If returning before the end of the 26 week Ordinary Maternity Leave period or before the end of the Additional Maternity Leave period the student must inform Birkbeck in writing at least eight weeks' before the intended date of return. The College reserves the right not to re-commence the studentship, or to delay studentship payments should insufficient notice be given.
25. If the student is unable to return to studies at the end of 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 Policy. In any other case, late return without prior authorisation will be treated as unauthorised absence.
26. Should a student fail to return to the College without explanation on the expected return date Birkbeck will treat this matter as unauthorised absence and will follow the relevant policies.

## Withdrawing from a studentship

27. 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 12 weeks following their period of maternity leave, will be required to repay maintenance payments to the College – this will be calculated on a sliding scale

## Maintenance Increases

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

## Maternity leave contact

29. 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.
30. 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.