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1. **Introduction**

This Policy was developed in response to the extension under the Equality Act 2010, which strengthens legal protection for students during pregnancy and maternity. Section 17 of the Act extends the protection from discrimination on the grounds of pregnancy and maternity to women outside the workplace and specifically includes higher education.

This Policy provides advice and guidance to:

- Students who become pregnant during their studies or whose partner (including same sex partner) becomes pregnant, and those who have recently become parents (e.g. through adoption) on issues related to study, health and safety and finance.
- University staff that may have a role in advising students who are seeking support and guidance on these issues.

Applicants are also covered by the legislation, and should not be discriminated against on the grounds of pregnancy and maternity.

2. **Policy statement on Equality and Diversity**

The University of Essex recognises the value of diversity and is committed to equality of opportunity within the University. It therefore aims to create the conditions whereby students and staff are treated with dignity and respect solely on the basis of their merits, abilities and potential, regardless of, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, socio-economic background, political beliefs and affiliations, family circumstances or other irrelevant distinction.

The University is committed to a programme of action to ensure this policy is fully effective.

Becoming pregnant or caring for a child should not, in itself, prevent any student from succeeding in their studies. The University is committed to showing as much flexibility as possible to facilitate a student’s success, making sure no student is disadvantaged due to pregnancy or maternity, whilst ensuring academic standards are not compromised.

All students covered by this policy should be dealt with in a sensitive, non-judgemental and confidential manner, and the health and safety of a pregnant student will be of paramount importance at all times. Only members of staff who need to be informed for valid reasons will be informed of a student’s circumstances and this will be done only with the student’s prior expressed consent. Information concerning pregnancy and maternity will be treated sensitively and staff members can still seek advice from other members of staff without the student’s consent so long as they keep the student’s identity anonymous. Students should be advised that if there are health and safety concerns, confidentiality may have to be breached. In this case, the student involved should be informed of the decision to breach confidentiality and the reasons why the decision has been taken.

The policy focuses primarily on study-related matters, but further information, advice and guidance can be found on the University’s Student Support ‘Pregnancy and study’ and ‘Students with children’ web pages. Additional sources of help and advice on related issues can be found at the end of this document.

3. **Rights and Responsibilities**

3.1. **Disclosure**

Students are encouraged to notify the University as soon as possible about their pregnancy through Student Support. Students entitled to Paternity Leave should do likewise.

If a student proceeds with her pregnancy, the university should be made aware of her circumstances in order to ensure that she is aware of the support available and to coordinate arrangements.
Students who need information about the implications of their pregnancy for studies should seek guidance from Student Support. They may need to liaise with the department to provide information about the implications for course or programme completion including arrangements that could be made for assessments, catching up on missed seminars and lectures, course placements, time to attend appointments, maternity related absence and intermission.

Student Support will be able to provide advice or referral for information about the financial implications of their pregnancy, including maternity benefits and maternity pay, and childcare facilities.

Not all students will continue with their pregnancy and some may miscarry. Information concerning pregnancy will be treated sensitively and should only be passed on with the student’s consent.

### 3.2 Health and Safety

Pregnancy should not be equated with poor health, nor is it an illness or a disability. There are, however, health and safety considerations that arise during pregnancy and breastfeeding and any significant hazards that pregnant students and their unborn or breastfeeding baby could be exposed to during studies will need to be risk assessed.

The highest risk of damage occurring to the foetus is during the first 14 weeks of pregnancy. Student should be encouraged to notify the University as early as possible of their pregnancy (see above). Where a student is unsure as to whether they will proceed with their pregnancy, it may still be appropriate to conduct a risk assessment.

Once a student has let the University know of her pregnancy, if decided that it is appropriate, a risk assessment must be completed by Student Support. This will identify any risks that may be present which could harm the student or her baby, and will detail steps that need to be put in place to alleviate or minimise these risks. It should also detail any risks that may arise from any placement period or fieldwork due to be undertaken. The placement provider may need to be contacted to ensure that a health and safety assessment is conducted.

The level of risk that a student is exposed to will depend on the requirements and nature of their course. For many courses or areas of study, the risks will be low, but others that involve the following are more likely to present greater risks:

- Physical activity, including lifting and carrying; and
- laboratory, field or other practical work, particularly in relation to the use of chemicals or exposure to infectious disease

Consideration should also be given to risks that may arise during examinations. For further information on considerations in examinations, see below.

The University has a duty to check and, if necessary, update the general risk assessment for a student if they suspect it is no longer valid, or there have been significant changes to anything it relates to. Student Support should regularly monitor and review the assessment, taking into account possible risks that may occur at different stages of the pregnancy.

Student Support has the responsibility to read the guidance and to seek further advice from a Health and Safety Adviser, should they need to, regarding the risk assessment.

### 3.3 Student Support Plan

For students who proceed with their pregnancy, a student pregnancy and maternity support plan will help coordinate support and ensure that the student’s needs are met during pregnancy, following birth and when the student returns to her studies.

The ‘Student Pregnancy and Maternity Support Plan’ (Appendix 5) should be developed by the student and Student Support. It should detail any special arrangements required during the student’s pregnancy, an assessment of possible risks and an agreed timescale for her return to study. This document should be signed by both the student and the member of staff. The Plan should be put in writing and a copy should be given to the student. The document should not be shared without the student’s prior consent.
The student should meet regularly with Student Support during the pregnancy to ensure that any special arrangements that have been put in place are working effectively and to make any adjustments where necessary.

### 3.4. Assessments and Examinations

If a student is due to give birth near to or during assessment deadlines or the examination period, and wishes to complete her assessed work or sit her examinations, she should be allowed to do so.

In examinations, pregnant students may require rest breaks and may need to visit the toilet more frequently than those who are not pregnant. They may require more supportive seating, e.g. a typist chair, and may wish to bring a cushion into the exam for comfort. Consequently, the student may need to sit the examination in a location separate from the main exam hall. There is a deadline by which applications for individual arrangements need to be made so students should apply to Student Support as soon as possible for arrangements to be considered and recommendations to be put in place. Each student’s application will be assessed on her individual circumstances.

If a student is concerned about sitting her examinations or meeting assessed coursework deadlines, or if she has a pregnancy-related health condition, the student should be advised to seek advice from her midwife or doctor. If the student’s midwife or doctor advises against her sitting an examination or trying to meet the assessed work deadline, the student should contact her department in order to explore her options, such as extensions to submission deadlines, deferrals of examinations, alternative forms of assessment, or intermission. Student Support will liaise with the department to determine what adjustments are reasonable. The arrangements will be subject to Dean’s approval, particularly where there are considerations for competence standards.

If a student is unable to undertake an alternative method of assessment, or if she experiences significant pregnancy-related problems in the course of an examination or when undertaking assessed work, the student can submit an application for extenuating circumstances. These extenuating circumstances will be considered under the University’s Equality Policy and Strategy and current equality legislation. Committees should ensure they have considered the equality legislation, and should take this into account when deciding what action should be taken in respect of extenuating circumstances based on pregnancy or maternity.

### 3.5. Antenatal Appointments

Pregnant students are entitled to reasonable time off to attend antenatal care on the advice of a registered medical practitioner, midwife or health visitor. Likewise a student who has pre-adoption appointments is entitled to reasonable time off to attend.

The student is advised to provide evidence in advance of such appointments to their Lecturer and/or Tutor. They should try wherever possible to arrange appointments outside of scheduled teaching, or at the start or the end of the placement working day.

Students should discuss the implications of missed time in lectures, seminars or placements with their Lecturer and/or Tutor.

### 3.6. Other Pregnancy Related Absence

If the student needs to take pregnancy related absence, she will need to follow University procedures and comply with University regulations, depending on how long the period of absence is:

- **Shorter periods of absence - Less than 6 weeks**
  Details of the University’s Procedures Relating to Student Absence can be found at: [http://www.essex.ac.uk/academic/docs/regs/absence.shtm](http://www.essex.ac.uk/academic/docs/regs/absence.shtm).

- **Extended periods of absence - More than 6 weeks**
  The University regulations (6.18) state that students, who are prevented by ill health or other serious impediments from meeting the normal requirements of his/her study for more than six consecutive weeks, may not, except with the permission of the Pro-Vice Chancellor, count that term as part of the requirements of the programme of study for which he/she is registered.
Pregnant students may want/need to consider intermitting from their studies and returning once the baby is born. With the permission of the Dean of the student’s faculty, it may be possible for the student to take time out from her course for one term, two terms or one academic year (stage). Students who wish to intermit from their studies should be aware that this will affect their student funding. Information and advice regarding funding and/or immigration implications can be sought from Student Support. Further information about intermitting, including deadlines, can be found on the Academic Section web pages. http://www2.essex.ac.uk/academic/students/index.htm

If the student has taken a period of absence and Student Support has concerns about the health of the student in relation to the student’s proposed return date and course requirements, Student Support should encourage the student to seek advice and support from a medical professional and/or health care provider.

If the student is returning from medical intermission following a pregnancy complication, the case should be treated in the same way as any other medical intermission i.e. before the student can recommence their course, a recommendation must be expressed in writing from the student’s medical practitioner, health visitor or an occupational therapist, stating that, in their medical opinion, the student is fit to return to study.

**Research students** should take account of the terms and conditions within any bursary or other funding arrangements they have. Students should contact the Graduate School for further advice and information.

3.7. **Maternity Related Absence**
All students should be allowed to take maternity related absence following the birth of their child. How long the student will want to take and can take will be determined by their personal circumstances, the structure and content of their course, and, if necessary, the requirements of their visa (see 3.10.). The University should not automatically require students to intermit for a year, but should work with the student to establish a suitable return to study date. However, this might not always be possible.

As a minimum, students are required to take two weeks compulsory maternity related absence.

There will be no distinction between live births, still births (past the 24th week of pregnancy) or the death of a baby shortly after birth in the granting of leave.

The student should notify Student Support of the date on which she intends to start her maternity related absence, the length of maternity related absence she intends to take, and the date on which she intends to return, as early in her pregnancy as possible. Where a student is close to their due date and unable to continue studying as planned, the University may, in consultation with the student, start their maternity related absence earlier or, if appropriate, explore alternative methods through which the student can meet their course requirements. When making decisions regarding a student’s maternity related-absence, the University’s policies and procedures relating to absence must be taken into account. See section 3.6 for more information on the implications of shorter and extended periods of absence.

3.8. **Returning from Maternity Related Absence**
The date that a student intends on returning from maternity related absence should be agreed with the student prior to them starting maternity related absence (see above). However this date may change during the course of the student’s maternity related absence and students should be encouraged to notify Student Support as soon as possible of any change in their expected return date.

Before a student returns from a period of maternity related absence, consideration should be given to their needs on their return, and can be confirmed with the student prior to their return. For example:

**Varying the rate of study:** Students should be made aware of any options that exist to resume their programme on a part-time basis. If no current options are available and a student requests to study on a part-time rather than a full-time basis, the request should not be declined unless it can be justified. If requests are declined, justification should be provided in writing. Each student’s application will be assessed on their individual circumstances.
• **Ensuring a smooth return:** Formal welcome back meetings with key staff, for example, their Departmental Adviser or Head of Department and Student Support will help to ensure a smooth return.

When the student returns to her studies, a risk assessment may be completed by Student Support, if it is decided that it is appropriate to do so. A student may be required to have a risk assessment in place for up to six months after she has given birth.

### 3.9. Breastfeeding and Resting Facilities

Students who wish to utilise rest and breastfeeding facilities at the Colchester campus should contact Student Support in the first instance for further information.

For Loughton and Southend campuses, contact your Campus Manager for advice. See 5.1.1 for contact details.

Some students may want to breastfeed in public. It is unlawful under the Sex Discrimination Act (1975) to ask students not to breastfeed in public places. Tensions may arise if other people feel uncomfortable when women breastfeed in public. Where the protected rights of others conflict with the rights of the mother to breastfeed, the needs of the woman who is breastfeeding should take precedence.

### 3.10. International Students

International students who are pregnant should seek immigration advice as soon as possible, if they require a visa to remain in the UK longer than originally planned. Immigration advice is available from Student Support.

### 3.11. Studying Abroad

If a student is studying abroad during her pregnancy or maternity, the University of Essex will liaise with the host institution to ensure, where possible, that the student’s needs are met. The department will be responsible for liaising with the host institution and making sure that academic progress is properly managed.

Students, who return home from a Study Abroad year and are pregnant, will be advised by the University of Essex and will fall under their policies.

UK students who are studying abroad are advised to check their visa terms and conditions as they may need to extend their stay or return to the country at a later date.

### 3.12. Student Accommodation

Students who become pregnant whilst living in University accommodation will need to inform Accommodation Essex, as living in University accommodation may no longer be suitable for health and safety reasons.

If a student is likely to have difficulty in evacuating any University building including accommodation in the event of an emergency, such as a fire, a “PEEP” (Personal Emergency Evacuation Plan) can be organised in consultation with the Fire Safety Officer.

### 3.13. Paternity

The University acknowledges that a student whose partner (including same sex partner) is pregnant may wish to request a leave of absence. This could include time off for medical appointments prior to and after the birth, as well as a period of paternity leave/maternity support leave following the birth. A student in this situation should contact Student Support at least 15 weeks before the baby is due to discuss this.

If a student chooses to sit an examination while their partner is in labour or during their paternity related absence, they may wish to submit an application for extenuating circumstances. This will be considered by the exam board.

### 3.14. Adoption

Students who have been matched for adoption should inform Student Support as soon as possible. Only one member of the couple jointly adopting may take adoption leave. This applies regardless of whether one or both members of the couple are students. The other member of the couple may be entitled to take Statutory Paternity Leave/Maternity Support Leave.
Students taking adoption related leave have the same entitlements as student taking maternity related leave (see above).

3.15. Abortion or termination of pregnancy
If a student decides not to continue with her pregnancy, there is no need for any members of staff or students to be made aware of this. However, if a student is absent from classes, they are advised to inform Student Support that they will be away for medical reasons and are told to complete a Notification of Absence Form. See section 3.6 for further guidance on absence. Support for students who choose not to continue with their pregnancy is available from Student Support as well as from external specialist services. Information about how to contact these support services is listed in Appendix 1.

3.16. Miscarriage, still births and neo-natal death
If a student miscarries, she is likely to need time off study. If a student is absent from classes, they are advised to inform Student Support that they will be away for medical reasons and are told to complete a Notification of Absence Form. See section 3.6 for further guidance on absence.

Consideration should be given to the impact of a miscarriage on a student’s ability to meet deadlines and sit exams. The student may wish to complete the extenuating circumstances procedure, if the student believes that her studies have been adversely affected.

There will be no distinction between live births, still births (past the 24th week of pregnancy) or the death of a baby shortly after birth in the granting of leave (see above).

3.17. Complaints
Any current registered student at the University who feels that the University has failed to comply with this policy may raise a complaint under the University’s Complaints Procedure. It is suggested that problems are resolved as informally as possible in the first instance. The Students’ Union Advice Centre can provide impartial, confidential advice to students who wish to make a complaint against the University.

3.18. Monitoring and Review
This policy will be kept under review and will be updated as necessary.

Last updated: 8 January 2013
4. Flowcharts

4.1. Flowchart for staff

The flowchart below summarises the steps that staff may follow when advising a pregnant student. If you would like any additional information, please contact Student Support.

Has a student informed you that they are pregnant-going to become a parent?  

- YES  
  Do any other members of staff need to know (i.e. Student Support) about the student’s pregnancy/becoming a parent at this stage?  
    - YES
      Do you have the student’s expressed consent to share information?  
        - YES
          Speak to the student about this and inform the appropriate member(s) of staff.  
          If the student is pregnant, has a risk assessment been carried out?  
            - YES  
              If appropriate, make sure a risk assessment is completed as soon as possible. (See Appendix 4).  
              Have the requirements of the course been discussed with the student and options explored?  
                - NO  
                  Without consent, you can still seek advice from other members of staff, but you must keep the student’s identity anonymous. Advise the student that if there are health and safety concerns, confidentiality may have to be breached. In this case, the student involved should be informed of the decision to breach confidentiality and the reasons why the decision has been taken.  
                - YES  
                  With the student’s consent, a meeting should be arranged by Student Support to discuss options and to formulate a Student Pregnancy and Maternity Support Plan (See Appendix 5). During this meeting, maternity related absence/paternity related absence should be discussed and planned with the student. The Support Plan should be put in writing and a copy should be given to the student.  
              END  
            - NO  
              END  
        - NO  
          END  
    - NO
      END
4.2. Flowchart for students

The flowchart below is a summary of the procedure and information provided in this policy. If you would like any additional information, please contact Student Support.

Are you pregnant/about to become a parent?

YES

Have you told appropriate members of staff at the University, i.e. Student Support?

NO

You should tell a member of staff with whom you feel comfortable. This is so your options can be discussed and support can be offered.

YES

If you are pregnant, has a risk assessment been carried out?

NO

Talk to Student Support about a risk assessment being carried out. This is to ensure the safety of you and your baby.

YES

Have the requirements of the course been discussed with you and options explored?

NO

With your consent, a meeting should be arranged by Student Support to discuss options and to formulate a Student Pregnancy and Maternity Support Plan (See Appendix 5). During this meeting, maternity related absence/paternity related absence should be discussed and planned with you. The Support Plan should be put in writing and a copy should be given to you.

YES

END
5. Appendices

5.1. Appendix 1 – Further Information, Advice and Support

Both students and staff may find the details below useful:

5.1.1. University of Essex Support Services

- **Student Support**
  Student Support can work with the student’s Department/School/Centre to arrange any additional support that the student may need whilst she is still studying, including individual exam arrangements, if necessary. Student Support can provide information to students about the implications for studying, finance and immigration, as well as childcare for when they return to study. Students can speak to a Wellbeing Practitioner about their thoughts and feelings about being pregnant.  
  [http://www2.essex.ac.uk/stdsup/index.shtm](http://www2.essex.ac.uk/stdsup/index.shtm)

- **Students’ Union Advice Centre**
  The Students’ Union Advice Centre can also provide impartial, confidential advice to students. In addition, they can advise students who wish to make a complaint against the University.  

- **Equality and Diversity**
  Contact the Equality and Diversity department if you have any comments or questions about equal opportunities at the University, including the implementation of this policy.  
  [http://www.essex.ac.uk/eo/default.htm](http://www.essex.ac.uk/eo/default.htm)

- **Caring for Carers**
  The University launched the Caring Responsibilities Project in January 2012 to raise awareness of the support available both within and outside the University to its staff and student carers, and to ensure the University is doing as much as possible to support carers. Please see the Caring for Carers web pages for further information about the Project and for useful links and information about support available to students with caring responsibilities, including those with pregnancy and maternity responsibilities.  
  [http://www.essex.ac.uk/eo/carers/](http://www.essex.ac.uk/eo/carers/)

- **Registry**
  Students should seek information and advice regarding absence and academic procedures, such as extenuating circumstances, from the Registry. Information and forms regarding the intermission and withdrawal procedures are available to read and download from the Registry website under ‘student information’.  
  [http://www2.essex.ac.uk/academic/offices/registry/](http://www2.essex.ac.uk/academic/offices/registry/)

- **Health Care**
  Pregnant students should contact their GP or midwife to arrange antenatal care and to discuss any medical concerns they may have. For details about registering with a doctor in the local area, please see the Student Support web pages:  
  [http://www2.essex.ac.uk/stdsup/welfare/doctor.shtm](http://www2.essex.ac.uk/stdsup/welfare/doctor.shtm)

- **Accommodation Essex**
  Students living in University-owned accommodation should contact Accommodation Essex as soon as they know that they are pregnant. Students are unable to stay in a single room once the baby is born.  
  [http://www.essex.ac.uk/accommodation/](http://www.essex.ac.uk/accommodation/)

- **Multi-Faith Chaplaincy Centre**
  Students and staff are welcome to visit the Multi-Faith Chaplaincy Centre at any time to meet the chaplains and representatives of the various user groups.  
  [http://www2.essex.ac.uk/chaplaincy/](http://www2.essex.ac.uk/chaplaincy/)
Students at the Loughton and Southend Campuses should contact their Campus Managers for advice on breastfeeding and resting facilities at the University;

- Campus Manager (Southend) – Zoe Manning; zmann (@essex.ac.uk)
- Campus Supervisor (Loughton) – Graham Cushway; gcushway (@essex.ac.uk)

5.1.2. External Support Services
5.1.2.1. General Organisations

- **Direct Gov**
  The UK government’s website provides information on health, care and benefits during pregnancy, benefits for parents.
  [www.direct.gov.uk](http://www.direct.gov.uk)

- **Family Planning Association**
  Aims to establish a society in which everyone can make informed choices about sex, relationships and reproduction. Its website contains impartial advice on pregnancy, abortion and adoption, and also contains a list of useful organisations.
  [www.fpa.org.uk](http://www.fpa.org.uk)
  Helpline: 0845 122 8690

- **National Health Service**
  Provides information relating to pregnancy, abortion, health in pregnancy and maternity, and services provided by the NHS.
  [www.nhs.uk](http://www.nhs.uk)

- **National Union of Students**
  Provides information and advice to students and students’ unions about student finance, rights and welfare. Information for student parents is available on its website, along with research and publications about students with dependant children.
  [www.nus.org.uk](http://www.nus.org.uk)

5.1.2.2. Specific Organisations

- **Adoption UK**
  A national charity run by and for adopters, providing self-help information, advice, support and training on all aspects of adoption and adoptive parenting.
  [www.adoptionuk.org.uk](http://www.adoptionuk.org.uk)

- **Antenatal Results and Choice**
  This charity provides non-directive support and information to expectant and bereaved parents throughout and after the antenatal screening and testing process.
  [www.arc-uk.org](http://www.arc-uk.org)

- **British Pregnancy Advisory Service**
  Supports reproductive choice and health by advocating and providing high-quality, affordable services to prevent or end unwanted pregnancies with contraception or by abortion. Also offers a range of other reproductive health services.
  [www.bpas.org](http://www.bpas.org)

- **Family and Parenting Institute**
  Provides support to parents in bringing up their children, and has a range of resources for parents.
  [www.familyandparenting.org](http://www.familyandparenting.org)
- **Health and Safety Executive**
  HSE provides useful information for employers and employees to help them understand what their responsibilities are, and what they need to do to comply with the law.

- **The Miscarriage Association**
  Offers support and information to anyone affected by the loss of a baby in pregnancy.
  [www.miscarriageassociation.org.uk](http://www.miscarriageassociation.org.uk)

- **SANDS**
  The still birth and neonatal death charity – provides support to anyone affected by the loss of a baby and conducts research into the causes of still and neonatal death.
  [www.uk-sands.org](http://www.uk-sands.org)

This list of useful contacts was correct at the time of printing (2012). Please check the web for up to date contact information. Please note that the University of Essex does not endorse or take responsibility for the information provided by external organisations.
5.2. Appendix 2 – Further Guidance for Departments and Schools

It is not possible to provide a definitive list of adjustments that might be considered reasonable in every possible situation, because the decisions about which arrangements are appropriate in each particular case will vary according to a wide range of factors. These factors include the student’s individual circumstances, the time of year, the structure and content of their course, restrictions imposed by professional bodies and any health and safety matters.

Staff members are advised to take into account the following when considering what might be appropriate in a given case:

- A student’s own views on her options are very important and it is vital that staff consult her openly, rather than seeking to implement a predetermined set of adjustments.
- At the same time, it is important to note that departments and schools do not have to agree to any or all requests made by the student. There may be some situations in which it is impossible or unreasonable for a department to agree to a particular request.
- To ensure best practice, and avoid any inadvertent discrimination, departments and schools should not normally decline a request from a pregnant student for particular special arrangements solely on the grounds that they are too costly to implement (although this may be one factor taken into account when deciding on the overall reasonableness of meeting the request).
- If a department or school considers it is unable to make arrangements, this decision will be communicated to the Dean. If this receives approval from the Dean, it is considered good practice for the department/school to document its reasons for refusing the request in writing and to discuss with the student why this particular request is not considered “reasonable” in the particular circumstances.
- In cases where intermitting would lead to a student taking longer to complete a degree programme than would normally be permissible, the department/school may decline a request for further time out from studies (in order to ensure that the information gained in previous parts of the course remains current enough to count towards the qualification in question). The department/school should still strive to demonstrate a flexible approach, where practicable, in relation to this deadline for programme completion, whilst ensuring that the student does not exceed the overall time limit allowed for her programme of study by the University or relevant professional body.

Staff members are welcome to seek advice on what might constitute reasonable adjustments in a particular case from Student Support.

Occasionally, a situation may arise in which a department/school is already making allowances for an individual student for reasons not related to pregnancy (for example, for reasons linked to disability). This does not mean that it is unreasonable for her to benefit from separate or additional adjustments relating to her pregnancy. It is important that, in these situations, the department/school strives to separate out these different issues and clarify with the student what adjustments relate to which reasons. This approach will help departments and schools to ensure that the adjustments remain in place only for as long as it is required and also that they are complying with all of the different pieces of anti-discrimination legislation.
5.3. Appendix 3 – Legal Protection for Students During Pregnancy and Maternity


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 considers pregnancy and maternity to be 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 women in the workplace and vocational training, to women 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 her pregnancy or because she has given birth if:

- the student is treated unfavourably because of her pregnancy
- within 26 weeks of the day of giving birth the student is treated unfavourably because she has 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 she is breastfeeding and the child is less than 26 weeks old; if the child is more than 26 weeks old, unfavourable treatment because of breastfeeding is likely to 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 woman’s partner is treated unfavourably because of her pregnancy or because she has given birth, this may 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. The PSED required 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; and
- 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 commenced in April 2011.

Further advice on the legislation may be sought from the University of Essex’s Equality and Diversity department: diversity@essex.ac.uk.
5.4. Appendix 4 – Student Risk Assessment for New and Expectant Mothers – Guidance Notes
http://www2.essex.ac.uk/stdsup/welfare/Risk_assessment_guidance_for_new_and_expectant_mothers_who_are_students.pdf

5.5. Appendix 5 – Student Risk Assessment for New and Expectant Mothers – Risk Assessment Proforma
http://www2.essex.ac.uk/stdsup/welfare/Risk_assessment_form_for_new_and_expectant_mothers_who_are_students.pdf

5.6. Appendix 6 – Student Pregnancy and Maternity Support Plan
http://www2.essex.ac.uk/stdsup/welfare/Pregnancy_and_maternity_support_plan.pdf