

## Section 7 Student maternity, paternity, adoption and parental leave policy

### 7.1 Overview

- 7.1.1 The University's policy has been harmonised with the Research Councils' framework and clearly differentiates parental leave from suspension of study for medical or disciplinary reasons. For this reason, any suspension of study taken due to parental leave will not count towards the maximum periods of study detailed in the [University Regulations](#). Leave taken under this policy also does not count towards the maximum period of suspension permitted. There is no limit to the number of periods of leave taken under this policy.
- 7.1.2 This policy and procedure apply to undergraduate, postgraduate taught and postgraduate research students.
- 7.1.3 For cases with same sex couples which do not fall under the arrangements for adoption leave set out in [section 7.4](#) below, the student who gives birth to the child will be eligible to take maternity leave while their partner will be eligible to take paternity or shared parental leave.
- 7.1.4 Applications for maternity, extended paternity, shared parental leave or adoption leave should be made on the suspension of studies form, making sure the details of the dates of the leave to be taken are included. The University recognises that these dates may change (e.g., for premature or late births) and will work with the student to adjust dates of suspension in these cases. For undergraduate and taught postgraduate students, please refer to [section 6](#). For postgraduate research students, please refer to section 7 of the [Code of Practice for Research Students](#).

### 7.2 Maternity leave

- 7.2.1 The policy aims to ensure consistent and fair treatment of pregnant students and new mothers and provides new mothers with the right to a protected period of leave after the birth. This includes where a child is stillborn after week 24 of pregnancy, or where a child dies shortly after being born.
- 7.2.2 Students should notify their Academic Tutor or research supervisor of their pregnancy at least 15 weeks before the expected week of childbirth. Pregnant students can obtain a maternity certificate (MATB1 for students in the UK) from a registered medical practitioner from the twentieth week of pregnancy. For students studying on distance learning or programmes outside the UK, the relevant evidence should be obtained from medical services in the student's home country. This proof of pregnancy will be required to be submitted with the suspension of studies form.
- 7.2.3 Earlier notification may be necessary in some cases, for example where a student may study or work in a potentially hazardous environment, and the student should seek advice from a registered medical practitioner. Environments that involve the following are more likely to present greater risks: physical activity including lifting and carrying; the use of chemicals, including paints and pesticides; radiation; compressed air environments; exposure to infectious disease. The Academic Tutor or supervisor should carry out a risk assessment as soon as possible to minimise any potential risk. If a student is on placement or studying abroad, a risk assessment will be carried out in conjunction with the placement provider or host institution.
- 7.2.4 For support in pregnancy and maternity with assessment deadlines for undergraduate and taught postgraduate students, please see [section 17.15](#) on 'Exceptional Circumstances Plans'.
- 7.2.5 If a student's studies are affected by pregnancy, the student should notify the University at the time it is impacting on their study. If the pregnancy is not disclosed before any assessment the student believes the pregnancy has impacted, then this cannot be used later as grounds for appeal, unless the student has a good reason to not disclose the pregnancy at the time. Unwillingness to disclose, including for cultural reasons, is not accepted a reason for not disclosing at the time of the impacted assessment.

## Undergraduate and postgraduate taught students

7.2.6 Students who give birth may choose to suspend their studies. This will normally last 1 full year so that the student may return to study at the same point at which they suspended. Where possible the leave period should be timed to take account of the academic requirements of the course (e.g., project work), and should start at the beginning of, rather than partway through, a semester. Maternity leave cannot start later than the date of the child's birth and all new mothers must take a minimum of 2 weeks' leave immediately after the birth. For details on the 'Suspension of study policy and process', please see [section 6](#). Applications should be made on the suspension of studies form.

## Postgraduate research students

7.2.7 Students who give birth during their period of registration for a postgraduate research degree are automatically entitled to take a leave of absence from for up to 1 year of maternity leave. Maternity leave cannot start later than the date of the child's birth and all new mothers must take a minimum of 2 weeks' leave immediately after the birth. The start of maternity leave should be determined with the research supervisor, considering the nature of the student's research work. Details on this leave of absence process can be found in section 7 of the [Code of Practice for Research Degrees](#). Applications should be made on the [Postgraduate Researcher Leave of Absence, Suspension and/or Extension Request](#) form.

7.2.8 Students who hold Research Council or other sponsoring body awards must align their periods of university and funding body leave. Where there is a conflict of interest between the two policies, the sponsoring body's policy will be followed in relation to the area(s) of conflict.

## Funded maternity leave (postgraduate research students)

7.2.9 The University aims to provide a limited period of funded maternity leave, and in some cases funded shared parental leave, for the following students:

- Postgraduate research students funded by the University via a scholarship where the expected week of childbirth falls within the period of the award.
- Postgraduate research students funded by the University via a studentship where the expected week of childbirth falls within the period of the award.
- Postgraduate research students co-funded by the University via a scholarship where the expected week of childbirth falls within the period of the award.
- Postgraduate research students co-funded by the University via a studentship where the expected week of childbirth falls within the period of the award.

7.2.10 Prior to receiving funded maternity leave or funded shared parental leave from the University, students are required to state their intention to return to their studies after taking the leave. Students who do not return to their studies for at least 3 months after taking funded leave may be required to pay back in full all monies received during the period of leave.

7.2.11 Research Council funded students are entitled to receive funded maternity leave. The first 26 weeks would normally be paid at full stipend, the following 13 weeks at a level commensurate with statutory maternity pay and the final 13 weeks unpaid; more details are available from the Research Office. Prior to receiving such funding, students are required to state their intention to return to their studies after taking maternity leave. Students who do not return to their studies for at least 1 semester after taking funded maternity leave may be required to pay back in full all monies received during the period of leave. In some circumstances it may be possible for some of this funded leave to be taken as shared parental leave (see [section 7.6](#) for details of the University's policy in relation to shared funded parental leave).

## 7.3 Paternity leave

### Undergraduate and postgraduate taught students

7.3.1 Student fathers (or parents and adopters eligible for paternity leave) may take up to 2 weeks' (10 working days) leave at any time during a partner's pregnancy or within 3 months of the birth (paternity leave). If this leave coincides with an assessment period, examinations will be deferred to the next period and relevant extensions granted for other assignments.

7.3.2 Students should notify their Academic Tutor at least 15 weeks before the expected week of childbirth. Students should complete an Exceptional Circumstances claim on this basis, with supporting evidence of a maternity certificate (MATB1 for students in the UK) accepted in these cases, refer to [section 17](#). For students studying on distance learning or programmes outside the UK, the relevant evidence should be obtained from medical services in the student's home country. Students should apply when they know they want the period of paternity leave to begin.

- 7.3.3 Students will also be eligible for a longer period of suspension, in line with the arrangements made for student mothers. This will normally last 1 full year so that the student may recommence their studies at the same point at which they suspended (extended paternity leave). This will not count towards the maximum periods of study detailed in the [University Regulations](#). For the 'Suspension of study policy and process', please see [section 6](#). Applications should be made on the suspension of studies form, making sure the details of the dates of the leave to be taken are included.

#### **Postgraduate research students**

- 7.3.4 Postgraduate research student fathers (or parents and adopters eligible for paternity leave) may take up to 2 weeks' (10 working days) leave at any time during a partner's pregnancy or within 3 months of the birth (paternity leave). In line with the policy adopted by the Research Councils, this leave is not taken as a suspension of status and the submission date is not adjusted. Students should discuss this with their research supervisor in advance and then notify the research supervisor when the birth has occurred.
- 7.3.5 Students who are eligible for a further period of paternity leave from their Research Council or sponsor may request a matching period of leave from the University. The University will support student fathers' (or parents and adopters eligible for paternity leave) requests for a period of leave of absence, where permitted by their funding body, up to a usual maximum of 1 year (extended paternity leave). Periods of extended paternity leave do not have to be taken consecutively when sharing parental leave (see [section 7.6](#)) but do have to be taken within 12 months of the birth and any unused time may not be taken at a later date. Where there is a conflict of interest between the two policies, the sponsoring body's policy will be followed in relation to the area(s) of conflict.
- 7.3.6 Self-funded student fathers (or parents and adopters eligible for paternity leave) may request a further period of leave of up to 1 year (extended paternity leave). Periods of extended paternity leave do not have to be taken consecutively but do have to be taken within 12 months of the birth and any unused time may not be taken at a later date.
- 7.3.7 The timing of extended paternity leave will depend on several factors, including the nature of the student's research work. This should be discussed with the student's research supervisor. Applications for extended paternity leave should be on the relevant form, making sure the details of the dates of the leave to be taken are included.

## **7.4 Adoption leave**

- 7.4.1 Arrangements for adoption leave usually parallel those made for maternity and paternity leave, in that the main carer takes 'maternity leave', regardless of gender, and the carer's partner takes 'paternity' leave.
- 7.4.2 The child's main carer will be eligible to suspend their studies (undergraduate and taught postgraduate) or take a leave of absence (postgraduate research students) in line with maternity leave provisions (see [section 7.2](#)). Periods of adoption leave do not have to be taken consecutively when sharing parental leave (see [section 7.6](#)), but do have to be taken within 12 months of the adoption and any unused time may not be taken at a later date. Adoption leave may start at any point after the student has been notified that they have been matched with a child.
- 7.4.3 A student who is the partner of an adopting parent will be eligible for leave in line with the relevant model for paternity leave (see [section 7.3](#)). Periods of adoption leave do not have to be taken consecutively when sharing parental leave (see [section 7.6](#)) but do have to be taken within 12 months of the adoption and any unused time may not be taken at a later date.

#### **Postgraduate research students**

- 7.4.4 Postgraduate research students who are eligible for a period of adoption leave from their Research Council or sponsor may request a matching period of leave from the University, up to a usual maximum of 1 year. Where there is a conflict of interest between the two policies, the sponsoring body's policy will be followed in relation to the area(s) of conflict. Periods of adoption leave do not have to be taken consecutively when sharing parental leave (see [section 7.6](#)) but do have to be taken within 12 months of the adoption and any unused time may not be taken at a later date.

## **7.5 IVF and surrogacy**

- 7.5.1 In cases which do not fall under the arrangements for adoption leave set out in [section 7.4](#), or standard arrangements for maternity, paternity or shared parental leave, student parents are advised to discuss this with their Academic Tutor or research supervisor, who will then contact Registry for advice ([assessment@yorks.ac.uk](mailto:assessment@yorks.ac.uk)). The options available should be equivalent to those available for the other forms of leave set out in this policy.

## 7.6 Shared parental leave

- 7.6.1 In some circumstances, student parents may wish to share a period of parental leave. Periods of shared parental leave will be recorded as a suspension of study, commencing at the start of the relevant Semester and concluding at the end of the subsequent vacation. Students should as far as possible, align their parental leave with the structure of university Semesters and all periods of shared parental leave must be taken within 12 months of the birth.

### Shared funded parental leave (postgraduate research students)

- 7.6.2 Research Council funded students may be entitled to share a period of funded parental leave depending on the individual circumstances. This would only normally be possible where both parents are RCUK funded students, and the expected week of childbirth falls within the period of the award. A table indicating entitlement is provided in Annex A in [section 7.11](#). Students should contact the Research Office to discuss their options. Prior to receiving such funding, students will be required to state their intention to return to their studies after taking parental leave. In line with the RCUK policy, students who do not return to their studies for at least 1 semester after taking funded parental leave may be required to pay back in full all monies received during the period of leave.
- 7.6.3 Holders of studentships funded or co-funded by the University may be entitled to a period of shared funded parental leave. This would only normally be considered where both parents are students at the University and the expected week of childbirth falls within the period of the award. Students should contact the Research Office to discuss their options. Prior to receiving such funding, students will be required to state their intention to return to their studies after taking parental leave. Holders of studentships who do not return to their studies for at least 3 months after taking funded parental leave may be required to pay back in full all monies received during the period of leave.

## 7.7 Access to University facilities

- 7.7.1 Students on maternity, extended paternity, adoption or shared parental leave will have access to some university IT systems and email, but will not have access to library facilities, including online resources, during their period of suspension from the University. Access to other university support is not normally required and will therefore be restricted. Refer to [section 6.8](#) for a summary of access to facilities whilst studies are suspended.
- 7.7.2 Research students may be able to attend external research conferences while on maternity, extended paternity, adoption, or shared parental leave. This should be discussed and agreed with the research supervisor and any risk assessments required completed.

## 7.8 Planning for return to study

- 7.8.1 Prior to returning to study, students should contact their Academic Tutor or research supervisor so that arrangements may be made for their return. This is likely to involve a limited amount of academic guidance and preparation, as necessary in each case.
- 7.8.2 For postgraduate research students, it may be appropriate to undertake keeping in touch (KIT) opportunities (e.g., supervision sessions). These should be agreed between the student and research supervisor.
- 7.8.3 Risk assessments must also be made where the work environment might pose a threat to a breastfeeding mother (see [section 7.2.3](#)).
- 7.8.4 Students can access wellbeing or disability services as required to help facilitate the return to study.
- 7.8.5 Should a returning student be unable to return to study after a maximum period of maternity leave, either for ill-health or other reasons (e.g., prolonged ill-health of their child) that would require more than 4 weeks absence, a further suspension of study should be taken on these grounds. This suspension of study would fall within the 'Suspension of Study Policy' in [section 6](#).

## 7.9 Overseas students

- 7.9.1 Student visa holders who need to suspend study for maternity leave may only suspend for up to 60 days without reporting to UKVI being required. The 60-day suspension is only permitted where academic colleagues feel it is viable for the student to complete the course of study **without a visa extension**. If longer suspensions are required, the student will be reported to UKVI and must return home during the suspension and apply for a new visa to return to studies at a later date. Advice can be sought from the Visa and Compliance team at [visa@yorks.ac.uk](mailto:visa@yorks.ac.uk).

## 7.10 Adjustments to mode of study

- 7.10.1 Students may choose to return to their programme of study on a part-time basis, where this mode of study exists. These applications require the support of the appropriate Associated Head or research supervisor. Students should complete a change of programme form for taught programmes, as detailed in [section 4](#). Research students should complete the request for a change in programme form, as detailed in section 5 of the [Code of Practice for Research Degrees](#).
- 7.10.2 Undergraduate and taught postgraduate students who are returning from maternity leave can also apply for an 'Exceptional Circumstances Plan' (ECP) which will help in staggering assessment deadlines, in agreement with the School (see [section 17.15](#)).
- 7.10.3 Should students then wish to transfer back from part-time study to full-time study once a period of time has passed, this may happen where the mode of study exists and requires the support of the Associate Head/Dean of School or research supervisor. Students should complete a change of programme form, as detailed in [section 4](#).
- 7.10.4 For postgraduate research students, permission may be needed from the appropriate Research Council.

## 7.11 Annex A: Research Council UK shared funded parental leave provision

- 7.11.1 Research Council funded student partners can only share funded parental leave where both parents are RCUK funded students, and the mother is in receipt of funded maternity leave. It is not a requirement for both parents to be students at the University.
- 7.11.2 Eligibility can be summarised as follows:

Mother	Partner	Eligible for RCUK shared funded leave from York St John?
Not RCUK funded	Not applicable	Not eligible
RCUK funded, not at York St John	Not RCUK funded, at York St John	Not eligible
RCUK funded, not at York St John	RCUK funded, at York St John	Potentially eligible. Will need to liaise with mother's institution to ensure no more than 26 weeks full pay and 13 weeks at a rate equivalent to Statutory Maternity Pay paid across both parents. York St John to pay the weeks the partner took as shared funded leave.
RCUK funded, at York St John	Not RCUK funded	Not eligible for shared leave; mother entitled to funded maternity leave.
RCUK funded, at York St John	RCUK funded, at York St John	Eligible. Will need to liaise with mother's department to ensure no more than 26 weeks full pay and 13 weeks at a rate equivalent to Statutory Maternity Pay paid across both parents. York St John responsible for full payment.
RCUK funded, at York St John	RCUK funded elsewhere	Potentially eligible. Will need to liaise with partner's institution to ensure no more than 26 weeks full pay and 13 weeks at a rate equivalent to Statutory Maternity Pay paid across both parents. York St John to pay the weeks the mother took as maternity / shared funded leave.