

EDC12D003

Title: New Pregnancy and Maternity Rights for Students – Equality 2010
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**Update on extended areas under the Equality Act 2010 – Student’s Rights in respect of Pregnancy & Maternity
(Information based on guidance from ECU document: Student pregnancy and maternity implications for higher education institutions)**

Background

The Equality Act 2010 harmonised and created greater parity across a range of ‘protected characteristics’: age, disability, gender, race, religion and belief, sexual orientation and transsexualism. It also extended rights, although in a narrower range of circumstances, for the areas of marriage and civil partnership and pregnancy and maternity.

This paper focusses on pregnancy and maternity and in what ways the University needs to consider these issues in provision of its education and services.

Current Legal Position

The Equality Act 2010 significantly strengthened legal protection for students (including applicants) during pregnancy and maternity. Specifically, the Act expands protection on these grounds which had already existed for women in the workplace and in vocational training, to women outside the workplace and with specific reference to women in higher education. Under the Act discrimination can occur against a student 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.

Under the Equality Act it's unlawful for HEIs to discriminate against applicants and students in:

- Admissions
- Providing education
- Access to benefits, facilities or services
- Disciplinary proceedings

The Public Sector Equality Duty extends to pregnancy and maternity along with the full range of other protected characteristics (listed above). This Duty means HEIs have responsibility 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.

According to research carried out by the NUS in 2009, fifty nine per cent of student parent respondents who had been pregnant while studying did not feel supported by their HEI. As extension of rights to this area is so new Universities are still developing and introducing policies to cover this.

Examples of the kinds of issues to be considered by the relevant areas (Schools, Examinations, ARM, Estates, Health and Safety) include:

- What arrangements can be made for pregnant students whose study includes lab work and lab assessments? Or for examinations in general?
- Do we accommodate existing students who become pregnant while studying here in family accommodation?
- What facilities might parent students need and how might the campus be made family friendly in appropriate areas?
- What training or briefings does our staff need to understand this new area and have we clarified our approach to handling questions of pregnancy and maternity?

It is important that pregnant students receive consistent, unbiased support and advice and that staff have access to a clear policy and further signposting options.

Next Steps

The purpose of this document is to raise awareness amongst senior management, via the Committee, of the extension of rights in this area. A small but increasing number of enquiries are being received via the Equality and Diversity and the Dean of Students Offices from students asking about their entitlements in this respect.

Recommendation

It is recommended that the University develop a Student Support Plan for consideration at the February 2013 Committee meeting to cover:

- **Initial communication about a student's pregnancy**
- **Communication with the student during pregnancy**

- **Health and Safety**
- **Antenatal Care**
- **Examinations and Assessments, including those that are laboratory-based**
- **Placements and Fieldwork**
- **Study and Placement abroad**
- **Maternity Related Absence**
- **Communication with the student during maternity related absence**

It is likely that some of the above information is held or covered by different Departments already but it would be of benefit to have a single clear communication to help both students and staff to understand the University's provisions in this area and to help eliminate the risk of discrimination occurring through lack of awareness amongst those in immediate positions of influence or support of students.

Further Information

Helen Murdoch, Equality and Diversity Manager, telephone 01603 591898 (h.murdoch@uea.ac.uk) for enquiries about the content of the paper and references for any further web-based information.