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Assessment of UKRI's Terms and conditions of Training Grants from an Equality, Diversity and Inclusion Perspective

Prepared for UK Research and Innovation

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**AdvanceHE

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1. Introduction

UK Research and Innovation (UKRI) is the UK's largest single funder of postgraduate research students. Between 20-30% of the UK's approximate 100,000 doctoral students are supported directly through training grants issued to research organisations by UKRI's 7 Research Councils:

- Arts and Humanities Research Council (AHRC)
- Biotechnology and Biological Sciences Research Council (BBSRC)
- Economic and Social Research Council (ESRC)
- Engineering and Physical Sciences Research Council (EPSRC)
- Medical Research Council (MRC)
- Natural Environment Research Council (NERC)
- Science and Technology Facilities Council (STFC)

UKRI has commissioned Advance HE to undertake an equality impact assessment (EIA) of its terms and conditions of training grants to understand how they affect equality, diversity and inclusion (EDI) for UKRI funded students. The aim of the EIA is to identify areas that might adversely affect the participation and experience of students in relation to the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

The impetus for this work is twofold:

- 1. The government's commitment to a New Deal for Postgraduate Research. The New Deal seeks to ensure that postgraduate research in the UK remains sustainable, open and attractive to a wide range of candidates (both from the UK and internationally). This intends to deliver the highly qualified and skilled researchers and innovators the UK and global societies need. To achieve the New Deal, UKRI recognises the importance of identifying areas within its training grants terms and conditions which might adversely affect the participation and experience of students from protected groups. For further information, see New Deal for Postgraduate Research.
- 2. Under the public sector equality duty of the Equality Act, UKRI is required to show due regard to:
 - Eliminate unlawful discrimination, harassment and victimisation.
 - Advance equality of opportunity between people who share a protected characteristic and people who do not.
 - Foster good relations between people who share a protected characteristic and people who do not.

The broad purpose of the duty is to integrate consideration of equality and good relations into day-to-day business and the equality impact assessment is a tool for doing this.

UKRI also has responsibilities under anti-discrimination law in Northern Ireland. While the law in Northern Ireland is different, the concepts are very similar to those found in anti-discrimination law in the rest of the UK as many of the Acts that are in place in

Northern Ireland were incorporated into the Equality Act 2010. However, section 75 of the Northern Ireland Act also covers political opinion and persons with dependents and persons without. For further information on anti-discrimination law in Northern Ireland as it compares with anti-discrimination law in England, Scotland and Wales see anti-discrimination-law-in-ni 1574253875.pdf.

This report forms the EIA. It is intended to be read alongside the literature review on Equality, Diversity and Inclusion barriers to postgraduate research relevant to funding by Dr Panagiota (Peny) Sotiropoulou (2023). This EIA has been informed by:

- The Literature review by Dr Panagiota (Peny) Sotiropoulou (December 2022) brings together evidence of barriers to access and participation in postgraduate research. It draws upon secondary data analysis and other relevant sources including reports, policy documents and focused research studies on access to postgraduate research. In addition to exploring the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation, the literature review also covers socio-economic background and caring responsibilities. The literature review found that female, disabled and Black, Asian and minority ethnic students are underrepresented at the postgraduate research (PGR) level, in comparison to their representation at the undergraduate (UG) level.
- A workshop with staff from UKRI which explored reasonable adjustments in relation to disability and the training grant terms and conditions.
- A comparison of the terms and conditions in employment, with the standard terms and conditions of training grants and the training grant guidance (See Annex A).

The standard terms and conditions of training grants and the training grant guidance that were analysed were version 9.0 published in November 2022 and can be found at <u>Terms and conditions for training funding – UKRI</u>. This report will henceforth refer to the documents as the "terms and conditions", where necessary distinguishing between the two documents.

2. An overview of EDI within the terms and conditions

The terms and conditions are written for grant holding organisations and are designed to ensure that funding for studentships is distributed in a manner that supports UKRI's breadth of obligations, as a public sector organisation. UKRI expects grant holders to carry out their activities in accordance with all applicable ethical, legal and regulatory requirements including but not limited to relevant provisions of the General Data Protection Regulation, the Data Protection Act 2018, the Bribery Act 2010, the Fraud Act 2006, the Modern Slavery Act 2015 as well as the Equality Act 2010. Though not stated, these obligations should also include anti-discrimination legislation in Northern Ireland including Section 75 of the Northern Ireland Act.

In relation to its obligations under the Equality Act 2010, UKRI specifically states that grant holders are expected to:

- Ensure that equality, diversity and inclusion is considered and supported at all stages throughout the performance of the Training Grant, in alignment with its policies and principles for equality, diversity and inclusion. These can be found at <u>Equality</u>, <u>diversity and inclusion – UKRI</u>.
- Take an approach to supporting equality, diversity and inclusion that exceeds all relevant legal obligations, including but not limited to those of the Equality Act 2010. (Terms and conditions of Grant, 2.4: 3)
- Have clear policies in place to tackle bullying and harassment. Sexual misconduct, which is likely to fall within the Equality Act's provisions on harassment, is specifically mentioned in relation to bullying and harassment.

The terms and conditions currently include specific support for students in relation to disability, pregnancy and maternity, paternity and adoption. For example, Disabled Students' Allowances (DSAs) are available, there is a clear requirement to consider health and safety in relation to pregnancy and research and stipends are available to new mothers and their partners during maternity and paternity leave. Such support is relevant to the protected characteristics of disability, pregnancy and maternity, sex and sexual orientation.

While there is not specific mention nor coverage of other protected characteristics, the literature review and comparison of the terms and conditions in employment have highlighted that the terms and conditions also have an impact in relation to age, gender reassignment, race and religion and belief. Literature was not explored on the impact of political opinion in Northern Ireland and the barriers that this might pose to postgraduate study. The impact on marriage and civil partnership and marital status were not explored, as they are not included within the public sector equality duty nor the education provisions in Northern Ireland.

This report will now explore the following sections of the terms and conditions identified by Advance HE as having an impact on equality, diversity and inclusion. As UKRI has sought to embed EDI within the terms and conditions over a number of years there are positive impacts that could be of benefit to other protected characteristics or extended to other sections of the terms and conditions. There are also areas of negative impact identified and changes are recommended in relation to these.

Within each section, recommendations are made to UKRI highlighting changes that could improve equality, diversity and inclusion. It is recognised that UKRI may not be in a position to implement all of the recommendations as they stand, that many will relate to its wider work and will require consideration and exploration of feasibility as part of its usual planning and decision-making processes. For example, is it feasible for a student to change their mode of study more than once a year? What barriers will grant holders and students experience? In addition, does UKRI think that the barriers highlighted are significant enough to make changes?

2.1 TGC 2.10 the level of stipend awarded

The level of stipend paid is particularly likely to impact on the ability of people from lower socio-economic groups to undertake a studentship and in terms of equality, will be relevant to all protected characteristics within the Equality Act covered by the public sector equality duty.

In determining socio-economic background, parental education, occupation, classification of local area based on higher education (HE) participation or type of school attended prior to HE were explored within the literature. The literature emphasises socio-economic barriers as a factor in the actual application process as:

- + Doctoral applicants from lower socio-economic groups are less likely to have attended a research intensive institution.
- + Applicants who have attended a research intensive institution are more likely to get Doctoral funding than applicants who have not.

In addition, applicants from lower socio-economic groups experienced financial barriers to undertaking a studentship:

+ Potential applicants are likely to have financial concerns in relation to existing undergraduate and taught postgraduate loans as well as concern about the sufficiency of Doctoral Loans and studentships to cover fees and maintenance. This will be compounded for those from lower socio-economic groups. In addition, at the time of writing, a postgraduate loan was not available that was Sharia compliant. For further information see Sharia-compliant alternative student finance (parliament.uk).

+ Potential applicants' concerns that the risk of not finding a well-paid job is too high compared to the cost of undertaking a doctoral training programme. Again, this is likely to be compounded for those from lower socio-economic groups.

The literature review found that the barriers faced by students from lower socio-economic backgrounds are similar to those experienced by students from some minority ethnic backgrounds as there is a correlation between socio-economic background and ethnicity. The ethnic backgrounds highlighted are Black African, Black Caribbean, Indian, Pakistani, and Bangladeshi. These barriers can also be compounded by sex. The literature review also highlights that as the majority of Muslim students are from Black, Asian or minority ethnic groups there is an intersection with being Muslim, ethnicity and coming from a lower socio-economic background.

Literature also highlighted that Lesbian, Gay, Bisexual and Transgender (LGBT) students also reported difficulties with financial support as it was likely to be dependent on their parents' approval of their sexual orientation and/or gender identity. This lack of funding or fear of financial consequences faced by family members when coming out formed a major point for consideration for LGBT students when it came to considering funding their studies.

It is also important to consider that disabled people are also more likely to be from lower socio-economic groups (Burchardt, 2000). DSAs are available to students on UKRI funded studentships (see section 2.6 for further information). However, these cover the extra cost related to a students' doctoral programme that arise due to their impairment. DSAs cannot be used to address the socio-economic barriers that some disabled students may face. In addition, as highlighted in the literature review, financial difficulties particularly contribute negatively towards mental health difficulties.

Childcare costs may also be a factor in decision-making and could be compounded by socio-economic background. The comparison of employment terms and conditions found that Doctoral students in receipt of a studentship paid at the National Living Wage are unlikely to receive support in relation to childcare costs. The exception to this is in Wales, where postgraduate students are eligible for up to 30 hours a week of childcare funding for 3 to 4 year olds as long as they meet the income requirements. Support for childcare costs for children aged 2 and under is usually linked to the circumstances of the child e.g. if they are in receipt of Disability Living Allowance or are a care leaver¹. Undergraduate students are able to apply for a Childcare Grant which is non repayable. In addition, if people are in employment they are also likely to be eligible for childcare support albeit the amount of support varies between England, Wales, Scotland and Northern Ireland. (See table three of Annex A on Parental related support for further details and section 3.1)

Given the above, the level of stipend is likely to have a particular impact in relation to the protected characteristics of disability, gender reassignment, race, religion, sex and sexual orientation as well as socio economic status.

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¹ A care leaver is defined as a person who has been in Local Authority care for at least 13 weeks or more between the ages of 14 and 16.

TGC 2.10 of the Terms and conditions states that:

'The level of stipend awarded to eligible Students must be at least equal to Our minimum rates for the relevant academic year. Subject to these Training Grant Terms and conditions, You can decide on the level of stipend, the format (e.g. parttime, industrial or work placement), the duration of a Studentship providing this is in accordance with the awarding Council's specifications, and can adjust the number and start of awards within year and between years where feasible. Where the period of support for a Student extends beyond the end date of a Training Grant, the balance of support can be provided by the next or subsequent Training Grant or from another source' (UKRI: Training Grant Terms and conditions, 2022).

UKRI provides students in receipt of a UKRI funded studentship with a minimum stipend to cover their maintenance costs only. It is not a salary for their work and research organisations can claim £4,596 from UKRI per academic year towards tuition fees. Tuition fees vary from £4,000 to £6,000 per year for home students (DiscoverPhDs: 2023). However, it is dependent on the programme, with science, technology, engineering and mathematics programmes tending to cost more than those in the arts, humanities and social sciences. Most universities opt for around £4,500 per year (ibid). International students can pay from £16,000 to £24,000 per year in tuition fees (ibid).

The minimum stipend from 1 October 2022 is £17,668 full time equivalent. Based on a 37-hour week the stipend appears to be the equivalent of £9.18 per hour. The following calculator was used: https://salary-hourly.com/uk/?annual=17668&Hours_per_week=37. A studentship does not constitute employment, so stipends are exempt from tax and national insurance contributions. Students are also exempt from council tax payments. However, part-time students who are also in employment and earn more than £12,570 are required to pay taxes and National Insurance.

The minimum amount that UKRI recommends grant holders pay studentships is not linked to but is currently in line with National Minimum Wage of £9.18 for 21 - 22 year olds. In this context it is important to note that 30.4% of postgraduate research students are aged 22-25, 43% are aged 26-35 and 25.1% are aged over 36 (Advance HE, 2022). The National Living Wage for those aged over 23 is currently £9.50 and it is set to increase to £10.42 per hour in April 2023. The difference in payments by age is primarily to protect younger workers employment prospects. However, age is an important consideration because as people get older, they are more likely to have higher living expenses as they are more likely to be living independently of their parents/carers and to have caring responsibilities.

There is no requirement in law for students to receive or pay pension contributions. However, in employment, pensions form a key element of pay terms and conditions and all employers must provide a workplace pension scheme and must automatically enrol employees if they are: classed as a 'worker'; are between 22 and state pension age; earn at least £10,000 a year; usually work in the UK. For further information see www.gov.uk/employers-workplace-pensions-rules. At present, 19% of the UK population have no form of private or workplace pension. Women accumulate less in their pensions

than men do. There are also known differences by ethnicity with Asian pensioner families having the lowest average gross income per week (UK government; 2022a).

As students are not employees nor are they required to pay National Insurance, they do not benefit from pension enrolment. Within the Guidance under the section titled Tax and National Insurance, UKRI states that is 'not able to provide advice on tax, national insurance, pensions or on benefits issues'. UKRI does not make additional payments for students' National Insurance contributions. The Guidance highlights that this could have implications for future claims for benefit including the basic state pension.

Recommendations:

- + UKRI to continue to review the level of stipends paid and when doing so, to take account of both full and part-time students as well as the age of students.
- + UKRI to consider whether differences in stipend and financial support have an impact on the diversity of the student cohort.
- + UKRI to consider using the positive action provisions of the Equality Act 2010 to introduce grants that can be targeted at underrepresented and disadvantaged groups and can be targeted in relation to disability, gender reassignment, race, religion, sex (childcare and caring responsibilities) and sexual orientation. See section 2.4.4 for further information.
- + UKRI to seek to understand if grant holders are enrolling students in receipt of stipends on their pension schemes and to understand whether pension considerations have an impact on the decisions of people from underrepresented groups regarding whether to undertake a studentship. If appropriate, UKRI to explore the feasibility of pension enrolment with research organisations.

2.2 TGC 2.12 student complaints

5% of complaints received by Office of the Independent Adjudicator for Higher Education (OIAHE) in 2021 related to equality law and human rights and 6% of all complaints received were from doctoral students (OIAHE, 2021). According to the OIAHE, this constitutes a significant over representation of doctoral students. In relation to disability, complaints were received from disabled students about a range of issues:

- + Delays in assessments for support and issues with funding.
- + Accessing online lectures and not all recordings of teaching being promptly available.
- + Reasonable adjustments not being applied consistently.
- Challenges going through the complaints process and accessing support.

The OIAHE also found that Covid-19 had exacerbated students' mental health difficulties. It is important to recognise that mental health difficulties are likely to fall within the definition of

the protected characteristic of disability under the Equality Act 2010. The literature review has cited a number of causes of poor mental health within the doctoral student population. Some causes are related to undertaking a PhD generally, such as concerns about finances and completion times. Others relate to individual experiences that could result in complaints, including poor relationships with supervisors, workload expectations and research culture.

Complaints processes will have an impact on all protected characteristics. However, challenges going through the complaints process and in accessing support are likely to be a particular issue for disabled students (as highlighted above), during pregnancy and maternity and for those who are undergoing gender reassignment. While the reasonable adjustment provisions of the Equality Act do not apply to students in pregnancy and maternity nor gender reassignment, students are likely to require additional support and changes made to 'normal' provision. For example, a pregnant student may need to delay their fieldwork or if health and safety is a long-term concern, change the focus of their fieldwork.

At present, the information on student complaints within the terms and conditions emphasises that grant holders are responsible for ensuring that students and supervisors have access to effective procedures for resolving problems:

'You are responsible for ensuring that Students and Supervisors have access to effective procedures for resolving problems, including complaints, arising from the administration and supervision of the Studentship. In addition, You are responsible for ensuring that Students are aware of the guidance for Students relating to dealing with complaints about universities available from the Quality Assurance Agency (QAA)' (UKRI terms and conditions: 2022)

The OIAHE is also mentioned under bullying and harassment in relation to the need to take an organisation wide approach to prevent and to take into account guidance issued by higher education sector organisations. However, its work only covers England and Wales.

At present UKRI advises students to refer to their organisation's complaint procedures, see Studentship information for students – UKRI. Doctoral students who are returning to study may not be fully aware of the support available to them within their organisation and all Doctoral students may be unfamiliar in seeking support in relation to a negative experience within higher education. Ultimately, if a student feels that they are experiencing discrimination, victimisation or harassment in line with the Equality Act definitions then stopping it at the earliest possible opportunity is likely to be preferable to both parties. However, staff within a students' department may not be familiar with the support that a student is entitled to, for example in relation to reasonable adjustments and it is therefore important to ensure the student is aware of the range of support functions within higher education that can provide advice.

Students who have a complaint about the support that they are receiving can be directed to their National Union of Students, student services and specifically, if appropriate, disability advisers in the first instance. Some students may seek to pursue informal complaint resolutions inadvertently or purposefully. For example, raising their experience with a member of staff within their department. However, this may not constitute a formal complaint

in line with their grant holder's complaints policy and could restrict their ability to complain to the OIAHE or relevant ombudsman. Each organisation will have a different policy but formal complaints usually involve documenting concerns in writing to a particular person, clear timeframes for responses and a person or committee responsible for assessing the validity of the complaint. It can help both applicants and students if this is clear what a formal complaints process is likely to involve.

Should an employer dismiss an employee, an employee is likely to be entitled to ask for a written statement from their employer outlining the reasons for their dismissal. In instances where students convert to an MRes or they are suspended because they are not meeting the expectations of their studentship, UKRI can ensure that the terms and conditions outline its expectations for the treatment of students and could implement a requirement for grant holders to provide an explanation in writing. A written explanation could result in a process that ensures consideration of the students' circumstances, whether the student has received appropriate support, whether there has been an issue of discrimination, victimisation or harassment and in turn reduce the likelihood of disputes and complaints arising.

Employers are also required to provide written particulars of employment in addition to a contract and this should outline the expectations in terms of pay, days and hours of work, and benefits. Employers must also provide notice periods if an employee's contract is ended and they cannot:

- + Breach a contract with an employee.
- + Unfairly dismiss an employee e.g. dismiss them because they asked for flexible working, nor constructively dismiss them e.g. let an employee be harassed or bullied.

Using student contracts and providing an overview of the particulars and expectations of the student and the support and treatment that they will receive from their research organisation, could help reduce the likelihood of students being treated unfairly and of complaints arising.

Recommendations:

- Consider the information, advice and guidance available to students about complaints in the information, advice and guidance provided to doctoral applicants and students by UKRI.
- + The OIAHE covers England and Wales only. Therefore, refer both grant holders and students to the Scottish Public Services Ombudsman, the Northern Ireland Public Services Ombudsman and the OIAHE as well as the QAA.
- + Consider referring doctoral applicants and students to the Equality Advisory and Support Service. It is an independent advice service that is able to advise students on equality related concerns Equality Advisory and Support Service | Equality and Human Rights Commission (equalityhumanrights.com).
- + UKRI to consider if expectations on grant holders' treatment of students in the event of suspension or conversion to an MRes are clear. It could implement a requirement for grant holders to provide the student an explanation in writing when a student converts to an MRes or they are suspended.

+ UKRI to consider making clear to grant holders that they expect all terms and conditions of studentships to be outlined within a document. UKRI to consider if the 'Statement on expectations for postgraduate training needs' should include a section on minimum expectations for student contracts. See https://www.ukri.org/about-us/policies-standards-and-data/good-research-resource-hub/supporting-skills-and-talent/.

2.3 TGC 3.3 health and safety

While the health and safety of all students will be a concern for grant holding organisations, it is particularly likely to be an issue for disabled students and students during pregnancy and maternity.

At present, the health and safety section within the terms and conditions does not mention students. Student health, welfare and rights are mentioned within TGC 2 within the guidance on accountability and responsibilities of the research organisation. Student health and safety, including the need for research organisations to assess the research environment for pregnant students is mentioned in the guidance but within a section titled Staff and Research Participants. Neither maternity nor breastfeeding are mentioned and there are requirements for employers to consider health and safety in relation to these. See Protecting pregnant workers and new mothers - Workplace safety law (hse.gov.uk).

The protections for students during maternity within the Equality Act 2010 differ to those for staff. Staff members' protection from discrimination in relation to maternity ends on their return to work. In relation to students, protection is in place for 26 weeks following the birth of the child, including stillbirths. As highlighted in the literature review, there is little research on the experiences of students during pregnancy and maternity. However, we do know that many students do not wish to take a long period of leave from study. This could be due to visa restrictions, financial circumstances and because a student intends to complete their doctorate and enter employment as soon as possible.

Consequently, students who have recently given birth, and may be breastfeeding, are likely to be studying, conducting fieldwork, laboratory work and undertaking assessments. As soon as a student informs their research organisation of their pregnancy they will require a health and safety assessment and the assessment will also need to be updated periodically during their pregnancy, on their return from giving birth to cover their period of maternity and if applicable, breast feeding. It is also important to note that many childcare facilities do not take children under the age of 6 months. Therefore, students may have their baby with them at their research organisation.

Preventing a student from having their child or children with them would need to be clearly justified by the research organisation and a blanket policy banning children, on the basis of health and safety, could result in discrimination occurring due to the protected characteristic of pregnancy and maternity. Blanket policies are more likely to be a barrier for international students because Tier 4 visa requirements on length of stay mean taking time out of

research, due to pregnancy and maternity, is harder. For all student parents, there may be times when they need to have their child with them. What is possible is likely to be dependent on the nature of the students' research as well as the age and nature of the child.

Disabled students can also experience barriers due to health and safety. Firstly, where they experience a barrier such as not being able to use particular equipment safely, for which reasonable adjustments can be implemented. Secondly, where assumptions are made about the impact of their impairment in relation to health and safety and there is a lack of knowledge about the reasonable adjustments available or blanket policies are applied. For example, not allowing a D/deaf person to work in a lab alone because they would not hear the fire alarm, which would present a risk to their health and safety. In such a scenario, reasonable adjustments including vibrating and flashing alarms are available. Reasonable adjustments can be explored as part of a health and safety risk assessment before application of a blanket policy that for example, advises D/deaf people not to undertake lab work alone.

Students' circumstances will in some cases change during their studentship and this will have implications for health and safety. Pregnancy is a prime example of this and depending on the research being conducted, it could have significant implications. For instance, diving during the third trimester is not recommended and pregnant students will need to avoid the use of certain chemicals. Such scenarios are not currently covered in detail by the terms and conditions and provision does exist in employment. An employer can suspend an employee from work if their health and safety is in danger. This can be for medical reasons e.g. an employee develops an allergic reaction to chemical used at work as well as for maternity reasons. For example, a laboratory using radiation. Employers are required to undertake a risk assessment before suspending employees and possible reasonable adjustments and mitigations for pregnant employees must be explored before an employee can be suspended. If risks cannot be mitigated, alternative work can be explored or employees can be suspended on full pay. Suspension on full pay lasts as long as employee or baby is in danger and the employee has the right to full pay for up to 26 weeks as long as they have been in their job for a month.

In addition, the terms and conditions do not currently highlight the need for research organisations to ensure that staff and students can raise concerns regarding health and safety or perform health and safety functions without detriment. This is perhaps covered within section TGC 3.7 on whistleblowing but the Employment Rights Act of 1966 specifically protects employees from detriment in certain health and safety cases and requires employers to have provision in this area.

Recommendations:

+ UKRI to ensure that doctoral student health and safety is clearly covered within its terms and conditions and guidance. This should relate to students who have pre-existing conditions as well as students whose circumstances change.

- + UKRI to highlight the Equality Act protections that exist for students during pregnancy and maternity and the need for research organisations to undertake health and safety assessments in relation to student pregnancy, maternity, breastfeeding. In employment, women cannot return to work after giving birth for 2 weeks unless they work in a factory in which case they cannot return to work for 4 weeks. If a student intends to return to study within 2 weeks after giving birth UKRI may want to recommend that they provide evidence from a midwife or health visitor that they are well enough to do so. UKRI may wish to apply the 4 week guide for particular areas of research or if a student is on a work placement. Such a requirement may have implications for international students on Tier 4 visas.
- + UKRI should ensure that health and safety is not used as a blanket policy to prevent children being present on research organisation premises.
- + Where the birth is mentioned it is helpful to highlight that a stillbirth after 24 weeks should be treated in the same way as a live birth.
- + UKRI to highlight the need for research organisations to consider the requirements of disabled doctoral students in their health and safety assessments. For further information on research organisations responsibilities as employers, see Employers' duties in protecting disabled people at work: Overview HSE.
- + UKRI to ensure that the terms and conditions cover support, including consideration of financial support, for students who may need to take a break from their studentship due to health and safety reasons related to disability and pregnancy and maternity that cannot be mitigated.
- + UKRI to consider expanding the section on health and safety to ensure that research organisations have provisions in place for staff and students to raise health and safety concerns.

2.4 TGC 3.4 Equality, Diversity and Inclusion

While the expectation that grant holders will operate in accordance with the Equality Act and 'exceed all relevant legal obligations' in relation to all stages throughout the 'performance' of the Training Grant, there is no guidance on the basic requirements of the Act. For example, the protected characteristics, victimisation, discrimination, the duty to make reasonable adjustments nor UKRI's obligations under the public sector equality duty. Reference is made to UKRI's website Equality, diversity and inclusion – UKRI but again these key elements of the Act are not mentioned within the website and the reader is referred to external sources.

Within the terms and conditions, UKRI makes clear that it expects research organisations to:

'ensure that equality, diversity and inclusion is considered and supported at all stages throughout the performance of the Training Grant, in alignment of Our policies and principles <u>Equality</u>, <u>diversity and inclusion – UKRI</u> for equality, diversity and inclusion (TGC3.4).'

The terms and conditions also refer to bullying and harassment (TGC 3.6) and the section on safeguarding (TGC 3.5) highlights sexual exploitation, abuse and harassment in relation to vulnerable adults and children. In relation to TGC 3.5, students are not mentioned and neither are the sexual harassment provisions of the Equality Act. The Equality Act's provisions on harassment explicitly cover sexual harassment and can be highlighted in relation to bullying and harassment and the safeguarding of students.

Recommendations:

- + UKRI to provide a brief overview of the key elements of the Equality Act. In particular, explaining the protected characteristics and the discrimination, harassment and victimisation provisions of the Act, highlighting that the Act applies to studentship applicants as well as to doctoral students and explaining its application in an educational context. It should not be assumed that staff within research organisations are familiar with the Act, as they may have received training a number of years ago.
- + Grant holders can be referred to the codes of practice and technical guidance on the Equality Act 2010. Advance HE also has guidance specific to the higher education sector.
- + Ensure that students and the sexual harassment provisions of the Equality Act are mentioned in relation to sexual exploitation, abuse and harassment.

2.4.1 The duty to make reasonable adjustments

While Disabled Students' Allowances (DSAs) are highlighted within the terms and conditions, the duty to make reasonable adjustments is not. As mentioned in the literature review, 23.7% of disabled PGR students with a known disability status received DSAs. In addition, the literature review found that doctoral students do not necessarily have a clear understanding of the provisions and support available, nor the processes for requesting reasonable adjustments. They may also experience delays in reasonable adjustments being introduced and this can have a negative impact on student access and participation. Indeed, the literature also showed that disabled doctorate students had lower satisfaction levels than their non-disabled peers.

Under the Equality Act 2010, HEIs are required to make reasonable adjustments for all disabled students who require them, not just those in receipt of DSAs. This relates to the requirement to make anticipatory reasonable adjustments. For example, the recording of lectures rather than individuals having to record them; captioning of online learning, the provision of notes in advance of lectures; specific software provided as standard on communal computers, a bank of height adjustable desks within the library and so on. Anticipatory adjustments do not remove the need for individual adjustments, but they do reduce the amount of individual adjustments required that may be funded by DSAs and provide a more inclusive and accessible environment for everyone.

The Equality Act 2010 is mentioned in the terms and conditions but highlighting the duty to make reasonable adjustments and for those adjustments to be anticipatory may improve the support received and experiences of disabled students within research organisations.

Where students do require individual level adjustments, they will not always require DSAs for example, they may require a change in research pattern from 3 full days to 21 hours spread over 5 days. Where it is already known that a student is disabled or likely to be considered disabled under the Equality Act, it is important that they are not repeatedly asked for evidence that they are disabled for reasonable adjustments to be made.

Requesting evidence just once should be sufficient in the majority of cases. If a student's circumstances change the focus should be on whether reasonable adjustments remain effective, not necessarily on evidencing a change in circumstances. Where evidence is requested, it is not always appropriate to ask for up to date information. This is now recognised for example in relation to dyslexia assessments, that whereby a student has an assessment that was carried out in line with guidance of the SpLD Assessment Standards Committee, it does not need to be repeated no matter what age the student was when it was conducted. For further information on the barriers students can experience when asked for medical evidence see Evidence of disability - factsheet - Disabled Students UK.

Recommendations:

- + UKRI to provide further information within the terms and conditions on the need for anticipatory reasonable adjustments as well as the provision of DSAs.
- + UKRI to ensure that grant holders only ask for evidence of disability where it is necessary to do so.
- + UKRI to ensure that grant holders make reasonable adjustments, as soon as they are made awareness of a person's disability or could reasonably be expected to know that a person is disabled. This could be during the application process as well as on commencement of a stipend and during a stipend.
- + UKRI to ensure that grant holders are aware of the need to ensure that reasonable adjustments cover the breadth of a doctoral student's research for example, to the research environment, within their department, during field work and while on work placement. The latter is likely to involve liaison with the work placement provider.
- + UKRI to consider the information, advice and guidance available on its website that might be used by prospective applicants and those in receipt of a UKRI studentship and seek to provide more information on the support available to disabled PGRs. See Disabled Student Commission guidance <u>DSC_Considerations for disabled</u> <u>applicants_postgraduate_1615478159.pdf</u>.

2.4.2 Gender reassignment

Gender reassignment is a protected characteristic under the Equality Act. The terms and conditions do not appear to have been developed in consideration of the requirements of students undergoing gender reassignment. No mention is currently made of gender reassignment. The webpages that grant holders are referred to on the Equality Act also do

not highlight the protected characteristic of gender reassignment nor do they outline the protections in education or employment.

In both education and employment people with the protected characteristic of gender reassignment are protected from harassment and discrimination. People have the protected characteristic of gender reassignment if they are planning to transition, are in the process of transitioning or have already transitioned gender. If employees need to take time off work because of gender reassignment, they should not be treated less favourably than if the time off was due to sickness or injury. The time off work may be because of counselling sessions or medical appointments. However, it is important to be aware that under the Equality Act, people do not have to have medical interventions to have the protected characteristic of gender reassignment.

Recommendations:

+ To ensure that people with the protected characteristic of gender reassignment are not discriminated against during their studentship, UKRI may want to make clear to grant holders that students who transition during their studentship and require time off their studies, should be supported and time off due to gender reassignment should be treated in a similar way to sickness and injury absence. Advance HE has guidance that grant holding organisations can be referred to Trans staff and students in HE and colleges: improving experiences | Advance HE (advance-he.ac.uk).

2.4.3 Pregnancy and maternity

As highlighted in section 2.3 on health and safety, pregnancy and maternity are not covered in any detail within the terms and conditions. In employment, pregnant employees have the right to paid time off for antenatal care as well as medical appointments. Their partners are able to take unpaid time off to attend up to 2 appointments capped at 6.5 hours per appointment.

Recommendations:

- UKRI can seek to ensure that research organisations are aware of the need to support pregnant students and their partners in attending antenatal or medical appointments related to pregnancy.
- + See section 2.3 and 8.3.1 for further recommendations in this area.

2.4.4 Positive action

The positive action provisions of the Equality Act 2010 apply in education as well as employment. They are voluntary provisions and as highlighted by Manfredi, confidence in their use in employment within the HE sector is low (2017). In relation to education, HEIs are familiar with measures considered positive action under the Act such as outreach work, open days, careers events, scholarships and bursaries targeted at specific groups.

TGC 2.2 and TGC 3.4 highlight the need to implement the Equality Act but positive action provisions are not explicitly mentioned in the T&Cs. Some research organisations may already be using them or would like to explore using them in relation to studentships. The

literature review discussed ring fenced funding for underrepresented groups and found evidence of targeted doctoral funding opportunities aimed, for example, at addressing the underrepresentation of women in STEM subjects and males in psychology. Where positive action is used, it is important that research organisations do not inadvertently adopt unlawful positive discrimination measures. For example, political parties and students' unions can use women only shortlists. Because of this, there is sometimes a misconception that shortlisting people from underrepresented groups only is lawful in employment and education. However, such action constitutes positive discrimination, which is unlawful in the UK.

As highlighted in section 2.1 of this report, positive action measures could improve the inclusion of people from lower socioeconomic groups as well as improve equality in relation to the protected characteristics of the Equality Act 2010. However, they do need to be used appropriately and the following factors considered:

- 1. Is it reasonable to think that the particular group is under-represented or disadvantaged or has a particular need?
- 2. Is the proposed action proportionate in addressing underrepresentation, particular need or disadvantage? To be 'proportionate' you must balance the need for action against its impact on people with other protected characteristics, taking into account factors including:
 - a. Whether there are any alternative ways to address the under-representation, particular need or disadvantage which are less likely to disadvantage other protected groups.
 - b. How long the under-representation has lasted.
 - c. The type of barriers experienced by the underrepresented or disadvantaged group or group with a particular need and;
 - d. The success or failure of other action that the research organisation/UKRI has undertaken to tackle those barriers.

For further information see Equality and Human Rights Commission guidance on improving board diversity (pages 16 and 17) www.equalityhumanrights.com/en/publication-download/how-improve-board-diversity-six-step-guide-good-practice-guide.

Recommendations:

- + UKRI to highlight positive action to research organisations.
- + UKRI to seek to understand how positive action is already used by research organisations and to share learning within the sector.
- + UKRI to provide guidance to research organisations on the use of positive action in relation to the recruitment to and awarding of studentships.
- + UKRI to consider positive action when reviewing the financial support provided to students. For example, could grants be awarded to underrepresented and disadvantaged groups in addition to stipends?

2.5 TGC 3.6 Bullying and harassment

The need for grant holding organisations to have policies, processes and training in place to tackle bullying and harassment is strongly emphasised within the terms and conditions and its Preventing Harm (Safeguarding) in Research and Innovation policy is highlighted. In addition, reference is made to organisations including the Office for Students and the 1752 Group and their work on harassment and sexual misconduct.

The issues are relevant to all protected characteristics and the literature review highlights the experiences of LGBT students. Bullying and discrimination was cited as one of the main reasons for their taking time out of their degree. In relation to disability, the impact of research culture on students' mental health is emphasised by the literature. UKRI's evidence review of Bullying and Harassment in Research and Innovation Environments (2020) provides an overview of literature relating to harassment experienced by staff in relation to gender reassignment, race, sex, sexual orientation. There was little evidence in relation to disability and no mention of age, nor religion and belief. The protected characteristics of pregnancy and maternity and marriage and civil partnership are not covered by the harassment provisions of the Equality Act.

The reason for mentioning the above report is that research student experiences of the research environment are likely to be similar to those of staff and therefore, outlining the protected characteristics is likely to strengthen this section and research organisations' response to it as at present, the focus, while very much required, is on sexual harassment.

Recommendations:

- + While still emphasising sexual harassment, UKRI to mention the other protected characteristics protected by the harassment provisions of the Equality Act.

2.6 TGC 4.11 Disabled Students' Allowances

As highlighted in the literature review, the uptake of DSAs is lower among the PGR population than would be expected. Sector-wide data showed that 23.7% of disabled PGR students with a known DSAs status received DSA funds, which is 12 percentage points lower compared to the proportion of UG students who received DSAs. This highlights the need to raise awareness of:

- 1. The breadth of the definition of disability among research organisations, applicants and students.
- 2. Who is likely to be eligible for DSAs and what DSAs can be used for.
- The support available to disabled students undertaking a doctoral training programme.

4. The need for research organisations to encourage all applicants and existing students to share information about their condition or impairment with their research organisation.

Receiving support through DSAs is likely to improve disabled student retention and attainment and knowledge of the support available from DSAs may have a positive influence on the number of disabled people applying for UKRI funded studentships.

UKRI runs a DSAs scheme to support students funded by its research councils. Similarly, Student Finance England runs a DSAs scheme for students who are eligible for its funding. The amount of DSAs paid to students in receipt of a UKRI stipend is uncapped. For undergraduates and postgraduates eligible for DSAs from Student Finance England, these were capped at £25,575 for the academic year 2022 to 2023. In employment, the Access to Work scheme supports employers with the costs of reasonable adjustments. As of March 2022, Access to Work was capped at £62,900 per year.

The cost of DSAs for students on UKRI stipends do not come out of the overall grant given to grant holders. Grant holders can reclaim the amount spent on DSAs from UKRI. This reduces the likelihood of disabled applicants facing barriers to studentships, as while grant holders are legally required to make reasonable adjustments, they may be concerned about bearing all of the cost for them.

- + UKRI to consider the information, advice and guidance available on its website that might be used by prospective applicants and those in receipt of a UKRI studentship and seek to provide more information on the support available to disabled PGRs. See Disabled Student Commission guidance <u>DSC_Considerations for disabled</u> applicants_postgraduate_1615478159.pdf.
- + UKRI to encourage research organisations to provide all applicants with information about DSAs and the support available to disabled doctoral students.
- + UKRI to highlight within the terms and conditions that the costs of DSAs do not come out of the overall grant.

2.7 TGC 5.3 part-time study

Policies surrounding part-time study are likely to have a significant impact on diversity within the PGR cohort. Across the PGR population part-time students are likely to be older with 59.7% of PGR students aged 36 and over studying part-time in comparison to 24% of all PGR students (Advance HE, 2022). The majority of part-time PGR students are female (53.8%) in comparison to male (46.2%) (Ibid). Additionally, the literature review found that part-time students are more likely to be living with their children.

In relation to ethnicity, 44% of Black PGR students were enrolled part-time and almost half of all Black, Asian and minority ethnic PGR students received no award or financial backing for their tuition fees in comparison to one third of White PGR students. This was the largest proportion across all ethnic groups. The literature review also highlighted that part-time study was a contributing factor to the degree awarding gap and in relation to religion and

belief, Muslim students often managed their studies alongside part-time working and caring responsibilities.

Part-time opportunities can be used to support the objectives of the Department for Business, Energy and Industrial Strategy's 2021 commitment to attract, develop and retain a diverse workforce within the UK research and innovation system. The literature review stresses that part-time study is a mode of study that is associated with being self-funded. Funding support is not available for full-time workers and it is primarily available to those who undertake full-time doctoral studies. However, students undertake a part-time course for a variety of reasons including their financial circumstances, their career, caring responsibilities and other personal circumstances.

The terms and conditions require grant holders to offer the option of studying on both a part-time and full-time basis, with a minimum of 50% of full-time equivalent (FTE) required. In employment, part-time workers are workers who work less hours than a full-time worker. It is not clear within the terms and conditions why a student must study a minimum of 50% of the full time equivalent. Is it due to the registration period and research relevance and are there other factors that could also influence a student's decision to undertake part-time study? Outlining the rationale will help grant holders to make decisions where students request a variation for exceptional or other circumstances. Being clear as to whether there is an opportunity to study at less than 50% FTE over the course of a studentship may enable students to better balance their work and personal commitments and circumstances alongside of their study. It is particularly likely to be of benefit to women with caring responsibilities, disabled people and students undergoing gender reassignment who are also in part-time employment.

Part-time employees and workers are also entitled to the same treatment/pro rata equivalent in relation to pay, pension and holidays. As well as the same treatment for training and career development, selection for promotion and transfer or redundancy, opportunities and career breaks. The guidance states that 'Part-time students should be able to fully participate in the training and cohort development opportunities, where applicable, provided through the training grant (TG 5.3)'. However, it does not say that part-time students are entitled to the same treatment as full time students. There are variations in the fees charged by research organisations to cover the administration and overhead fees associated with a students' time at the research organisation and as part-time PGR students are usually expected to fund their studies, full-time PGR applicants are usually eligible to apply for more funding opportunities.

Recommendations:

- + UKRI to take steps to ensure that where part-time study is feasible, in relation to the research area and objectives of research funding, part-time students have access to the same funding support as full time students.
- + UKRI to liaise as appropriate with HMRC and DWP on the feasibility of any change in financial support for part-time students.

- + UKRI to consider undertaking research to identify where differences do occur between the treatment of part-time and full time PGR students in relation to fees and other support and to consider whether differences are justifiable.
- + UKRI to work with research organisations to understand whether a PGR could study for less than 50% of the FTE at points in time and the implications of this for the registration period, research relevance and if there are particular barriers for some research disciplines.
- + UKRI to expand the terms and conditions to recognise that people may need flexibility for a range of reasons e.g. caring responsibilities; they have a fluctuating health condition and want to change their commitments or a change in employment status etc.

2.8 TGC 5.2.4 and TGC 5.2.6 International students

As highlighted in section TGC 5.2.6, international students may need to take maternity, paternity or sickness leave but may experience restrictions due to Tier 4 Visa requirements. Students with the protected characteristic of gender reassignment and disability may also experience limitations to the time that they can take out of study due to Tier 4 Visa requirements.

TGC 5.2.4 states that anytime spent overseas should be for the purposes of fieldwork/long-term attachment. However, some students may travel home during pregnancy and maternity, if they have a health condition that worsens or for gender reassignment processes.

Recommendations:

- + UKRI to highlight that Tier 4 Visa requirements may present restrictions for students in relation to disability, pregnancy, maternity and paternity and gender reassignment.
- + UKRI to clarify within the terms and conditions if it is possible for international students to spend time overseas for reason relating to disability, gender reassignment and pregnancy and maternity as well as for fieldwork.

2.9 TGC 6.1.1 and 6.1.2 Extensions to the period of student support

The guidance makes clear that student support must be extended to offset a period of maternity leave, ordinary paternity leave, adoption leave, unpaid parental leave, extended jury services and absences covered by a medical certificate. This is likely to have a positive impact on student retention, health and wellbeing and can be extended to cover gender reassignment, pregnancy related illness and delays in implementing reasonable adjustments for a student. As highlighted in the literature review, disabled students often experience delays in the reasonable adjustments they require being implemented. While research organisations should be taking steps to prevent delays, e.g. encouraging sharing of information about disability at the outset and providing opportunities to share information during a course, they may still occur.

Recommendation:

+ UKRI to consider extending this provision to cover other protected characteristics, specifically disability, gender reassignment and pregnancy.

2.10 TGC 7.1.1 Changes to mode of study

You may approve a single change in the mode of study from part-time to full-time or vice-versa without prior approval from Us. You must not approve a change of the mode of study for health reasons unless medical evidence indicates that part-time study is feasible and full-time study is not. You must not, without consultation with Us, agree more than one change of mode of study during any one Studentship or a change of mode of study in the final six months of a Studentship.' (TGC 7.1.1 Terms and conditions)

TGC 5.3 also recognises that students' working arrangements might include working compressed hours, from home and flexitime. It is also emphasised that part-time studentships are a minimum of 50% of the full time equivalent (see section 2.7).

Employment law on flexible working applies to employees only, not workers. At present employees can make one flexible working request a year after 26 weeks in employment but the government announced in December 2022 that employees would be able to make up two requests a year from the outset of their employment. The government is also seeking to stress that flexible working is not just working from home but is job sharing, part-time work, compressed hours, flexitime, annualised hours and staggered hours (UK Government, 2022b).

This section of the terms and conditions appears to intend to reduce the likelihood of students who become disabled being automatically moved to part-time study as changes are not allowed in 'the mode study for health reasons unless medical evidence indicates that part-time study is feasible and full-time study is not (TGC 7.1.1).' This may not be effective for nor supportive of the student. If a student were considered disabled under the Equality Act, changes in the mode of study for a student on health grounds would constitute a reasonable adjustment. Research organisations should follow a process that focuses on exploring the breadth of reasonable adjustments possible. In addition, a student may wish to change their mode of study if their health has changed for a range of reasons, not just their health itself, for example because their family requires more support following an unsettling period. Students will also need to get the medical evidence requested, in some cases they may need to pay for it and yet they might have a long-term condition that their research organisation is already aware of and in the current environment the NHS is under significant pressure and appointments are hard to come by. The Disabled Students' Commission has emphasised that disabled students are being repeatedly asked to provide medical evidence (DSC, 2022). It is calling for higher education sector organisations to commit to only asking for medical evidence:

- + At the outset of a course.
- + If a student develops a new condition during their course of study.

In addition, students can choose to share further information during their course of study if their condition changes or for the purposes of reasonable adjustments.

The requirement to consult with UKRI, should a student make a request to change their mode of study within the final six months, could be changed to allow research organisations to approve cases in extenuating circumstances and notify UKRI. The circumstances whereby students are most likely to need to change their mode of study within the last 6 months of their studentship are pregnancy, maternity, disability and gender reassignment. In relation to gender reassignment, wait times for gender reassignment support on the NHS are very long. Therefore, a student may not have any choice as to when they undergo medical assistance to transition. Not allowing students to change their mode of study for a reason that is because of their protected characteristic in the final 6 months of the studentship could result in discrimination occurring.

Recommendations:

- + UKRI to consider if reflecting employment law changes, to enable students to make up to two requests within a 12 month period, will be feasible.
- + UKRI to highlight a broader range of flexible working options within its terms and conditions.
- + UKRI to review the requirement for students to provide medical evidence of their health condition to change their mode of study. UKRI can instead work with the research organisation to ensure that all possible reasonable adjustments have been explored, in consultation with the student, before a change in mode of study is advised.
- UKRI to recognise that students may wish to change their mode of study because of a health reason whether or not it is recommended by a health professional and to consider whether evidence from a health professional is required for students with known conditions.
- + UKRI to consider changing the terms and conditions to make clear that in relation to pregnancy and maternity, gender reassignment and disability, requests to change the mode of study in the final 6 months of study are likely to be exceptional circumstances, which require notification as opposed to approval.

2.11 TGC 8.1 Maternity, Paternity, Adoption and Parental Leave

As highlighted in the literature review, the main barriers experienced by student parents and carers are financial concerns, inadequate support and 'student-parent' balance.

The terms and conditions make provision for maternity and adoption leave and pay. In employment, an employee will receive 90% of their average weekly earnings (before tax) for

the first 6 weeks; then £156.66 or 90% of their average weekly earnings (whichever is lower) for the next 33 weeks. UKRI ensures that students receive financial support for up to 39 weeks of leave and can take up to 52 weeks leave. This is in line with the period of entitlement in employment and the pay is in excess of that required in employment. Students are paid their stipend in full for the first 26 weeks and for the following 13 weeks, are paid at a level commensurate with statutory maternity pay.

In relation to paternity leave, which can be taken by partners of new mothers or adopters, the terms and conditions make provision for up to two weeks paid leave to be taken. Again, this is in line with provision in employment. While UKRI does make provision for students in receipt of its studentships to take shared parental leave, this is unpaid.

In employment, employees may also receive contractual pay for periods of maternity, adoption, paternity and shared parental leave. This is often paid at considerably more than the statutory rate and employees are often obliged to return to working for their employer if they receive contractual pay for maternity, adoption and shared parental leave.

At present, there are a number of campaigns to improve provision for partners of new mothers and adopters as many cannot afford to take shared parental leave nor paternity leave. Employers are not required to pay staff on shared parental leave contractual pay in line with their maternity leave policies. However, some employers have introduced contractual provision for partners of new mothers and it is not unusual for employers to offer more than 2 weeks paid paternity leave on full pay.

Statutory parental bereavement pay is also mirrored within the terms and conditions, which allows parents to take 2 weeks off if a child dies before they are 18 or experience a stillbirth after 24 weeks. There is no provision for Unpaid Parental Leave which gives parents 18 weeks leave for each child and adopted child up to their 18th birthday to look after the child's welfare e.g. to settle into new childcare arrangements, spend more time with family and so forth.

For further information on the entitlements in employment, in comparison to those for studentships, see 5.3 of Annex A. Parental benefits will have a particular impact on the protected characteristics of sex and sexual orientation. Sexual orientation is relevant because the entitlements of partners of new mothers apply equally to same sex couples and where their entitlements are not recognised, discrimination because of sexual orientation could occur. The provision of parental leave also has implications for age equality. According to the Office for National Statistics, the average age people in the UK become fathers is 33.6 years old and the age at which people become mothers is 30.6 years old. Consequently, students below the age of 40 are more likely than those over 40 to need parental leave provisions.

Recommendations:

+ UKRI to continue to monitor the rate and period of pay for all types of parental pay to ensure it is in line with or exceeds that in employment.

- + In relation to shared parental leave pay, UKRI to consider if it can mirror statutory shared parental leave pay. At present, shared parental leave is paid at £156.66 a week.
- + UKRI to move information related to statutory parental bereavement pay to this section for ease of finding information and section 8.1 could be renamed 'parental leave'.
- + UKRI to consider if the equivalent of Unpaid Parental Leave would be feasible within a studentship context. If students have flexibility on when they can take leave, which is up to 8 weeks (TGC 8.3 on Annual leave) it may not be necessary, as 8 weeks leave is more than is available in employment. However, not all students will get 8 weeks as it is a maximum and if they are required to take their leave at particular times of year, it may not be sufficiently flexible to enable a parent to look after their child's welfare.

2.11.1 Neonatal Care

The Neo Natal Care (Leave and Pay) Bill 2022 – 2023 completed Committee stage on 7 September 2022. It applies to England, Scotland and Wales and makes provision to extend parental leave and pay for parents of premature babies in receipt of neonatal care. It is expected to be passed in 2023.

Recommendation:

+ UKRI to consider the implications should the bill be enacted for students in receipt of studentships. Its introduction would mean that employees can take leave and receive pay for more than 52 weeks.

2.11.2 Carers

The terms and conditions do not mention carers and the literature review highlights calls for further support for carers in postgraduate education. Firstly, students in full time education or those who are studying for 21 hours a week or more cannot claim Carer's Allowance and secondly, students are not entitled to any leave because of their caring responsibilities. In 2022, the government introduced new laws giving carers one week's unpaid leave. See Boost for carers who will receive new unpaid leave entitlement under government-backed law - GOV.UK (www.gov.uk).

The NHS uses the following definition of carers:

'A carer is anyone, including children and adults who looks after a family member, partner or friend who needs help because of their illness, frailty, disability, a mental health problem or an addiction and cannot cope without their support. The care they give is unpaid.' From NHS commissioning » Who is considered a carer? (england.nhs.uk)

Section 75 of the Northern Ireland Act includes a requirement for public authorities to promote equality of opportunity between people with dependents and persons without. While caring is not covered within the Equality Act 2010, the Act does cover discrimination by association. Therefore, if a carer experiences discrimination because of their association with a disabled person, they are likely to be protected by the Equality Act.

Recommendations:

- + UKRI to recognise within the terms and conditions that students may have caring responsibilities. They might require leave for caring responsibilities and should be supported by their research organisation to fulfil their caring commitments.
- + UKRI to consider the information, advice and guidance available to students who are carers, as student carers studying 50% of the FTE are likely to be eligible for Carers Allowance.
- + UKRI to seek to understand if full time students find themselves in financial hardship because of their caring responsibilities. If appropriate, UKRI to work with relevant government departments to seek a solution.

2.12 TGC 8.2 and Appendix A: Sick leave

While disability should not be equated with sickness, the literature review found that flexibility around leave of absence is particularly important for disabled doctoral students. Another issue highlighted was that students might not be able to access library services, university counselling and wellbeing support while on leave and that leave policies and processes could be difficult for students to navigate.

At present, there are different provisions within the terms and conditions for students who are sick due to Covid-19 and students who are sick for other reasons:

'Payment of a Studentship must continue for absences covered by a medical certificate for up to thirteen weeks within a rolling 12-month period. If the illness lasts for more than thirteen weeks. You must suspend the Studentship for the period beyond the thirteen weeks.' (TGC 8.2 Terms and conditions)

Appendix A of the T&C Guidance outlines entitlement of up to 28 weeks if sick leave is due to Covid-19. In addition, universities are asked to satisfy themselves that there is enough evidence that the student has had a period of sick leave without putting an undue burden of proof on the student recognising that 'it may not be possible for the student to obtain a medical certificate during that time'.

Consequently, in comparison to students who have Covid-19, students who meet the definition of disability under the Equality Act 2010 could receive a shorter period of paid leave, be required to produce a medical certificate and have their studentship suspended if they need to take more than 13 weeks leave. However, the Guidance states that:

'Sympathetic consideration should be given to requests made by Students for abeyance due to personal or family reasons, with suspension of an award limited to a maximum of 12 months unless exceptional circumstances prevail.' (Page 14)

If a research organisation knows that a student is disabled or it thinks that the student is likely to have the protected characteristic of disability, the application of the Guidance is likely to reduce the likelihood of disabled students experiencing discrimination. However, in relation to periods of absence, the guidance does not explicitly mention disabled students and consequently, there is a possibility that their studentship could be suspended after 13 weeks of sickness absence and that sickness absence might have been due to a lack of appropriate reasonable adjustments or a new or fluctuating health condition.

The period of Statutory Sick Pay in employment is 28 weeks and it is paid at £99.35 a week, with the exception of the first 3 days. In addition, many employers will have contractual sick pay policies whereby employees are paid 100% of their usual salary for a certain number of days and then 50% of their salary for a certain number of days. Employees build up paid holiday when they are off sick and they can use their holiday entitlement when their sick pay runs out but they cannot take both sick leave and holiday simultaneously. Employers are required to keep in touch with their employee while they are on sick leave and to keep them informed about their sick pay and support them on their return to work. It is recognised that sometimes an employee's sickness means that they are unable to return to work. However, before steps are taken to end an employee's contract, the employer is required to have explored reasonable adjustments.

Employees are not required to produce a medical certificate for absences of 7 days or less and employers are expected to manage their employees return to work in line with the Equality Act, the Employment Rights Act and the Health and Safety at Work Act. Employers must also ensure that employees who have pregnancy related illness during the last 4 weeks before a baby is due are moved to maternity leave and pay and do not use sick leave.

The guidance recognises that students returning from sick leave may require a phased return to their studies. It requests a fit note confirming an individual's fitness to work and a student on a phased return is eligible for full payment of their stipend during the phased return. The period of the phased return is for 4 weeks and must form part of a written plan to return to working full time. Research organisations cannot use a phased return when there is a clear need for a student to move to part-time. The guidance does not consider students who are studying part-time and may require a phased return due to other commitments e.g. employment or caring responsibilities that they might need to phase their return to as well.

Recommendations:

- + UKRI to review the period of sick leave and sick leave pay and consider if it is possible to pay up to 28 weeks in all circumstances not just Covid-19.
- + The 28 week period of leave without risk of suspension aligns with entitlements in employment. At present a period of 28 weeks of sick leave without risk of suspension is likely to constitute a reasonable adjustment for disabled students. UKRI to review the period following which suspension occurs and to ensure that research organisations explore reasonable adjustments before suspension occurs.

- + Within the terms and conditions, there is no mention of the support beyond pay for people on sick leave. This can be expanded to set the expectation that students should be able to access research organisation facilities and support while on sick leave, indeed support could result in a shorter period of sick leave being taken, particularly with regards mental health. UKRI can also outline the need to provide support on return from long term absence, including whether there is a need for the student to seek support from student wellbeing and disability services and the need to check that reasonable adjustments are in place and appropriate for students who take time out due to a new or existing disability. For further information see Returning to work after absence: Absence from work Acas
- + The phased return provisions within the guidance are likely to be widely used but at present are limited as they only apply to full time students. UKRI to consider if the policy could also be applied to part-time students.
- + UKRI to consider why the period of phased return is 4 weeks. The ACAS guidance Returning to work after absence: Absence from work ACAS covers phased returns and it highlights that the phased return arrangements can be reviewed after 4 weeks. Indeed, some students may need to have a phased return over a longer period. In employment staff often use annual leave accrued while on sick leave to support their phased return and UKRI could explore whether this is feasible in a studentship context.
- + The requirement to 'produce a written plan for return to full time working' requires further explanation. While the guidance is for research organisations, the onus could be placed on the student to develop the plan and yet it should be developed by the research organisation in consultation with and agreement of the student. The following website includes an example phased return to work plan and could be used as a template for research organisations to agree a phased return plan with a student Phased Return to Work | Croner.
- UKRI to consider extending provision for a phased return to students in relation to pregnancy and maternity and absence following gender reassignment. For example, a phased return could support a student who is breast-feeding in adjusting to being away from their child for extended periods.
- + UKRI to make clear that a medical certificate is not required for 7 days or less and to consider if a medical certificate is appropriate for people with known long term health conditions. Such evidence was not required for students with Covid-19 and getting a medical certificate was considered a burden. See section 2.4.1 on the duty to make reasonable adjustments for more information.
- + UKRI to consider providing examples of where it would expect a student to move to parttime rather than using a phased return.
- + Where a student does move to part-time study for health reasons, UKRI to stress that if a student wishes, they can be supported in returning to full time study when they are ready to do so and this may involve a phased period.

2.13 TGC 8.3 Annual leave

Many PGRs are concerned about the cost of undertaking a doctorate even when in receipt of a stipend. Having clarity on whether they will receive payment for all types of leave may assist in their decision-making and financial planning. At present, students in receipt of a UKRI stipend are entitled to a maximum of 8 weeks leave. However, it is unclear if this leave is to be paid or not. In employment, most workers receive 5.6 weeks paid leave per year.

Recommendation:

+ UKRI to consider making clear if holiday leave is paid or unpaid.

2.14 TGC 8.3.1 Other leave

2.14.1 Pregnancy related illness

Pregnancy related illness is not mentioned within the terms and conditions. Students may require time off from their studentship for pregnancy related illness. Treating pregnancy related illness in the same way as general sickness absence could result in discrimination occurring. In addition, in employment, employees are required to commence maternity leave if they are sick within 4 weeks of being due to give birth.

Recommendations:

- + UKRI to ensure that pregnancy related illness is covered within the terms and conditions.
- + UKRI to ensure that it is clear that they expect research organisations to support students in receipt of studentships during pregnancy related illness.

2.15 TGC 8.4 Absence Costs

Where a student is absent due to sickness and in relation to all types of parental leave, UKRI makes clear that it will cover additional costs arising from leave at its 'discretion' at the end of the grant. Employers can recover some, if not all of the statutory parental and sick pay that they pay to employees.

Women applicants to studentships and those in receipt of studentships may face disadvantage if grant holders think that they may take maternity leave and that the costs incurred will not be covered. Sadly, discrimination because of pregnancy and maternity or the perception that women may take maternity leave in future (the latter constitutes sex discrimination) remains prevalent in employment. Indeed, EHRC research found that three in four women said that they experienced discriminatory experience in employment during pregnancy and maternity (EHRC, 2016).

Similarly, disabled people could be negatively impacted if it is thought that their impairment might require them to take more sick leave than students who are not disabled or do not

have the same impairment. Therefore, not being clear if costs are recoverable could also disadvantage some disabled people.

Recommendation:

- + UKRI to make clear if absence costs are covered at the end of a grant.
- + If absence costs cannot be covered at the end of all grants, UKRI to consider reviewing its policy in this area to ensure that women and disabled students are not disadvantaged.

2.16 TGC 11.4 publication of research

There is no mention of the Welsh language in documents relating to research publication requirements. Welsh is a language that is native to the UK but it is not explicit that publications in English or Welsh will be accepted. The Welsh Language Act 1993 places a duty on public bodies in Wales to treat Welsh and English on an equal basis. The provisions of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards (No 6) Regulations 2017 reinforce this.

Recommendation:

+ To make specific reference to the Welsh Language in relation to the publication of research in line with Welsh language laws.

3. Additional factors to consider

3.1 Childcare costs

The provision of funding for childcare is key for sex equality as women are more likely to bear the bulk of childcare responsibilities and lack of access to affordable childcare can prevent them from accessing education and training and from entering employment. In 2016, the Office for National Statistics (ONS) published data showing that women overall carry out an average of 60% more unpaid work within the house than men and that women put in more than double the proportion of unpaid work when it comes to childcare (2016). The responsibility that women take for childcare is also recognised in employment case law (Colley A, 2022).

The provision of childcare support varies between England, Northern Ireland, Scotland and Wales. In Wales, postgraduate students are eligible for up to 30 hours a week of childcare funding for 3 to 4 year olds as long as they meet the income requirements (see below). In Northern Ireland, and Scotland, funding is attached to the child for all 3 and 4 year olds. In Scotland, 30 hours of free childcare is available for 3 and 4 year olds but in Northern Ireland 12.5 hours of free childcare is available in 2.5 hour slots, 5 days per week, in term time only. This means that for students in Northern Ireland, there is little flexibility. In England, 30 hours of free childcare is available to parents of 3 and 4 year olds who meet the eligibility criteria.

The exceptions to eligibility for childcare for 3 and 4 year olds in England and Wales are parents who earn more than £100,000 net income, or their partner does, and parents who do not earn at least the National Minimum Wage or Living Wage for 16 hours a week.

Support for childcare costs for children aged 2 and under is usually linked to the circumstances of the child e.g. if they are in receipt of Disability Living Allowance or are a care leaver. Consequently, few students are likely to qualify for funding towards childcare for a child under the age of two.

Some students may be eligible for childcare support through their partners' (if they have one) employment status, their own employment status or through universal credit. However, many doctoral students in receipt of a studentship paid at the National Living Wage are unlikely to receive support in relation to childcare costs for children of any age. Students in receipt of a UKRI studentship may find themselves unable to afford childcare and in turn have no choice but to suspend their studentship. As highlighted above, this will primarily affect women. Given the average age that people are likely to have children, it is also more likely to be an issue for students under the age of 40 as well as those from lower socioeconomic groups.

Undergraduate students are eligible for a non-repayable childcare grant Childcare Grant: Eligibility - GOV.UK (www.gov.uk). Students are entitled to a maximum of £183.75 for one child and £315.03 for two children or more per week. Per calendar year (as opposed to academic term/semester length only) this works out at £9,555 and £16,381.56. Students who progress to postgraduate from undergraduate courses with children may experience considerable difficulties because they have been used to receiving childcare funding.

The literature review found that many student parents consider dropping out of their degrees and may not be aware that they might be able to get support from their research organisations hardship fund. They are likely to drop out due to a combination of financial difficulties, time related demands of being a student and a parent and the physical and mental health implications of balancing being a 'good' parent and a 'good' student. The following case study highlights one doctoral student's bafflement about the lack of childcare support and the difficulties they faced including the lack of clear information on the availability of childcare funding for postgraduate students I completed my masters with a baby, now I might not finish my Doctoral due to the cost of childcare - Pregnant Then Screwed.

- + UKRI to consider introducing a non-repayable childcare grant for doctoral students and to work with the Department for Education to explore feasibility and eligibility criteria. The grant should not be based on the age of the child alone. For instance, when a child is school age, a student may still need to pay for wrap around care and care during the school holidays. As breaks from a studentship are only recommended for 12 months, 'unless exceptional circumstances prevail' students are likely to need to access childcare around the time of their child's 1st birthday, if not before, particularly if they are an international student on a Tier 4 visa.
- + UKRI to review the information and advice available to students in receipt of a research stipend, in relation to the childcare support available to them. At present students could embark on a studentship without being aware that they may not be eligible for childcare funding.

3.2 Mental health

One study within the literature review found that 1 in 2 PGR students experienced mental health difficulties and 1 in 3 PGR students were at risk of experiencing depression during their course. Mental health was the most common reason for dropping out of a research degree. This report recognises that mental health difficulties often fall within the definition of disability under the Equality Act 2010. The recommendations made in relation to disabled students for example, recommendations on information, advice and guidance and sickness absence are therefore likely to benefit students with mental health difficulties. In addition, the literature review found that mental health difficulties were caused by or exacerbated by financial concerns and managing study alongside caring commitments and employment. Recommendations have been made in these areas which may help to reduce the likelihood of students experiencing mental health difficulties.

Other factors that exacerbated mental health difficulties were workloads and not having enough time to complete the PhD project within the funded period, relationships with supervisors and research culture.

Recommendations:

- + UKRI to provide clarity on the minimum length of studentship within its terms and conditions.
- + UKRI to keep under review initiatives to improve research culture in the HE sector and to consider if further steps are required.

3.3 Additional areas of employment law

Other areas of employment law were analysed and are of relevance to the Terms and conditions. These are as follows:

- + Employers cannot make deductions from wages unless required by law e.g. National Insurance and student loan repayments or agreed in writing e.g. contract, or employee has not worked due to strike action.
- + Employers and employees can agree an amount of time off for other public activities e.g. magistrate, school governor, local councillor. UKRI to consider extending TGC 6.1.1 to mention public duties in addition to jury service.
- + Employees have a right to join a trade union and to participate in trade union activities. They are also protected from detriment for trade union membership. UKRI can consider including within the terms and conditions the right of people on studentships to join a trade union and participate in trade union and National Union of Student activities. At the time of writing strikes were prevalent across a number of sectors in the UK.
- + Employees have a right to be accompanied at disciplinary and grievance hearings. The Guidance states that appropriate termination and grievance procedures should be followed but UKRI can consider stating that students can be accompanied at disciplinary and grievance hearings. Grievance procedures can also be mentioned in the terms and conditions.

4. Overarching recommendations

4.1 Accessibility of document and intended audiences

The terms and conditions of training grants and the guidance need to be read together as different information relevant to ensuring EDI is contained within each document. Important information rests within both documents. For example, section TGC 8.2 of the terms and conditions of grant outlines that sick leave can be taken and states the standard terms. The guidance then outlines a phased return provision for students returning from long term sickness absence. At present UKRI and research council staff as well as staff in research organisations may inadvertently overlook important information resulting in research

councils receiving more enquiries and potentially in students receiving incorrect or confusing information.

The documents are written for research organisations. However, students who have or are interested in UKRI funded studentships may also access them.

Recommendations:

- + UKRI to consider combining the terms and conditions and guidance into one document.
- + UKRI to consider developing a student-facing version of the terms and conditions.

4.2 Future changes to the terms and conditions

At present, the terms and conditions do require change to ensure that they are reflective of UKRI's commitment to equality, diversity and inclusion and support the New Deal. As discussed in this report, there are a number of areas that require review. For example, the suspension of a studentship following 13 weeks of sick leave. There are also areas that need coverage. For example, the protected characteristic of gender reassignment.

While it is unlikely to be the case, some elements do read as if they have been developed in response to an individual case. This is in part because the basis for timeframes is not always clear for example, a 4 week phased return, 8 weeks holiday, 13 weeks sick leave and 28 weeks leave for Covid-19.

To help ensure that the terms and conditions are effective in supporting equality, diversity and inclusion in future, UKRI could implement the following recommendations.

Recommendations:

- + Where UKRI receives requests from research organisations for an exception to made to the application of the terms and conditions these can be logged to enable identification of trends and an assessment as to whether the request does have implications for existing measures or not.
- + Where changes are required, UKRI to continue to make comparisons with employment law and to determine if they are appropriate in a studentship context. The rationale for decisions as well as requests for changes to the terms and conditions can be logged to help inform decision making.
- UKRI to monitor the policy environment for changes in legislation that impacts upon equality, diversity and inclusion to help pre-empt where future changes to the terms and conditions might be required.

4.3 Barriers to postgraduate study not covered within the Terms and conditions

The literature review identifies a range of barriers to postgraduate study relating to the recruitment and admissions processes for PGRs. Recruitment and selection processes are the responsibility of research organisations, not UKRI.

Recommendation:

+ In its work to promote equality, diversity and inclusion, UKRI could take steps raise awareness of the barriers students from underrepresented groups experience and encourage research organisations to share their experiences of improving equality, diversity and inclusion within their recruitment processes.

4.4 Equality Law in NI and Welsh language requirements.

There is clear communication of expectations on grant holders in relation to UKRI's legislative responsibilities relating to equality in England. However, UKRI's work covers the UK as a whole and the different legislative contexts for in England, Northern Ireland, Scotland and Wales could be better reflected.

Recommendation:

+ UKRI to ensure the terms and conditions recognise the legislative context in England, Northern Ireland, Scotland and Wales.

5. Annex A: Comparison of the terms and conditions in employment

The following table compares the standard terms and conditions of training grants and the training grant guidance with the terms and conditions in employment. The areas of employment compared were outlined by UKRI within its invitation to tender and in addition, Advance HE has highlighted some of the requirements of the Equality Act in more detail, specifically positive action and the protected characteristics of gender reassignment and student pregnancy and maternity. The aim of the comparison was to identify where terms and conditions vary between employees, workers and UKRI studentships.

It is important to note that a studentship does not constitute employment and that the education provisions of the Equality Act 2010 will apply in relation to the delivery of postgraduate education. Studentships are non-taxable awards that are awarded for the purpose of student maintenance. <u>EIM06265 - Employment income: scholarship income: miscellaneous awards: awards made by Government departments or Government sponsored bodies - HMRC internal manual - GOV.UK (www.gov.uk).</u>

While there are often similarities in the provisions of support, workers' and employees' entitlements under UK law do differ. For further information, see Employment status: Overview - GOV.UK (www.gov.uk).

In relation to the Equality Act 2010, there are different provisions in place for employers and higher education institutions. This is highlighted as appropriate in the recommendations. A key difference is in relation to students' pregnancy and maternity protection, whereby the protection continues for 26 weeks after birth. In employment, protection from pregnancy and maternity discrimination ends on a mother's return to work.

Where workers' and employees' rights differ, UKRI at present usually mirrors employment rights. For example, it allows one request per year in relation to changing mode of study in line with flexible working law at the time of writing and it provides stipend payments during maternity in line with Statutory Maternity Leave Pay as opposed to Maternity Allowance.

As highlighted in the introduction to this report, where recommendations for changes are made in the table, UKRI is likely to need to give further consideration to what is feasible in the context of postgraduate education and further research maybe required.

5.1 Table 1: General terms and conditions of employment

Entitlement	m o ying protected characteristic s s s s s s s s s s s s s s s s s s s		characteristic	UKRI terms and conditions of training grant and training grant guidance	Recommendation	Additional info	
National Living Wage from April 2022 £9.50 for people aged 23 and over. National Minimum Wage of £9.18 for those aged 22-21. These will increase in April 2023 to £10:42 and £10.18 respectively.	¥	✓	Day 1	All. However, women, disabled people, transgender people and some minority ethnic groups are more likely to be in lower socio economic groups. For further information on which ethnic groups see https://www.et hnicity-facts-figures.service. gov.uk/uk-population-by-ethnicity/demo graphics/socio economic-status/latest#fu ll-page-history	TGC 2.10 'The level of stipend awarded to students must be at least equal' to UKRI minimum rates for the relevant academic year. The minimum stipend from 1 October 2022 is £17,668 FTE. Based on a 37-hour week this appears to be the equivalent of 9.18 per hour. The following calculator was used: https://salary-hourly.com/uk/?annual=17668&Hours_p er_week=37. Tax and National Insurance are not usually charged on a stipend.	The level of stipend paid is particularly likely to impact on the ability of people from lower socioeconomic groups to undertake a studentship. To continue to review UKRI stipends to ensure that at a minimum, they are reflective of the National Living Wage.	www.gov.uk/national-minimum-wage-rates; www.livingwage.org.uk/what-real-living-wage; The UK living wage is voluntary and £10.90 and the London Living Wage is £11.95.

No deductions from wages unless required by law e.g. National Insurance and student loan repayments or agreed in writing e.g. contract, or employee has not worked due to strike action.	√	✓	Day 1	All	Training grant T&C and guidance do not mention deductions to stipends paid to students with a studentship.	If UKRI decides to align T&Cs more closely with workers' rights, UKRI could consider making clear to grant holders that they expect terms and conditions of studentships to be in line with employment law.	Understanding your pay: Deductions from your pay - GOV.UK (www.gov.uk)
Paid holiday entitlement: Most workers up to 5.6 weeks paid per year. Note employees cannot receive sick pay and holiday pay at the same time. However, an employee can take holiday (annual leave) while off sick.	√	✓	Day 1	All - particularly disability, sex and religion and belief	There is no mention of paid holiday entitlement within the T&Cs. TGC 8.3 makes clear that grant holders, are required to have a clear policy on annual leave. They are required to offer a minimum of 30 days to a maximum of 8 weeks annual leave per year including public holidays (pro rata for part-time students).	UKRI to consider making clear if holiday is to be paid or not. Paid holiday entitlement is likely to improve PGR health and wellbeing and will be of support to parents and carers. It will also support people who celebrate non-Christian religious holidays.	www.gov.uk/holiday-entitlement-rights/holiday-pay-the-basics; www.acas.org.uk/checking-sick-pay/sick-pay-and-holiday-pay#:~:text=Employees%20cannot%20get%20sick%20pay%20and%20holiday%20pay,condition%20that%20might%20be%20helped%20by%20a%20holiday
Statutory Sick Pay* maximum of 28 weeks within a 12 month period. Employees do not require a medical certificate if they are off for 7 days or less. Employers are expected to manage sick leave and an employee's return to work based on provisions under the Equality Act, the Employment Rights Act and the Health and Safety at Work Act. Statutory sick pay cannot be claimed in relation to: pregnancy related illness 4 weeks before the baby is due; by employees receiving maternity pay or allowance; if an employee is on strike or in custody on the first day of sickness; or if an employee is working outside of the European Union and is not liable for National Insurance contributions.	V	m a y b e e n tit le d	Day 1 for 28 weeks	All	TGC 8.2 Payment of a Studentship must continue for absences covered by a medical certificate for up to thirteen weeks within a rolling 12-month period. If the illness lasts for more than thirteen weeks. Grant holders must suspend the Studentship for the period beyond the thirteen weeks. Appendix A of the T & C guidance outlines entitlement of up to 28 weeks if sick leave is due to Covid-19. In addition, 'universities are asked to satisfy themselves that there is enough evidence that the student has had a period of sick leave without putting an undue burden of proof on the student (it may not be possible for the student to obtain a medical certificate during that time)'. The guidance allows for a phased return on full stipend for up to 4 weeks.	UKRI to review the period of sick leave paid and consider if it is possible to pay up to 28 weeks in all circumstances not just Covid-19. The Equality Act allows for more favourable treatment of disabled people only. Covid-19 alone may not constitute a disability under the Act. Some people who have Long Covid may meet the definition of disability. With the T&C there is no mention of the support beyond pay for people on sick leave. What are UKRI's expectations of grant holders? In addition to make clear, that a medical certificate is not required for 7 days or less and to consider if a medical certificate is appropriate for people with known long-term health conditions. To recognise that a phased return of 4 weeks may not be suitable in all cases and may need to be less than 50% of the time e.g. it is implied that it is only available on the basis of a plan to resume studying full time. UKRI may wish to consider the implications of compensation for additional cost arising from leave being provided at its 'discretion' at the end of the grant.	www.gov.uk/employers-sick-pay/eligibility-and-form-ssp1; www.gov.uk/taking-sick-leave; /www.hse.gov.uk/sicknessabsence/

A				AU 4007 f.1	B 1 1 11 1 1 1 1	Lucet to the state	
Qualifying Pension	✓	✓	Day 1	All - 19% of the	Pension enrolment is not mentioned	UKRI to seek to understand if grant holders are	www.gov.uk/workplace-pensions/joining-a-
Scheme: all employers			but	UK population	within the T&C. Within the Guidance	enrolling students in receipt of stipends on their	workplace-pension; www.finder.com/uk/pension-
must provide a workplace			enrol	have no form	under the section titled Tax and National	pension schemes and to understand whether	statistics; www.ethnicity-facts-
pension scheme and must			ment	of private or	Insurance, UKRI states that is 'not able	pension considerations have an impact on	figures.service.gov.uk/work-pay-and-benefits/pay-
automatically enrol			can be	workplace	to provide advice on tax, national	underrepresented groups decision whether to	and-income/pensioner-
employees if they are:			delaye	pension.	insurance, pensions or on benefits	undertake a studentship. If appropriate, UKRI to	income/latest#:~:text=The%20data%20shows%2
classed as a 'worker'; are			d by	Women	issues'. UKRI does not make additional	explore the feasibility of pension enrolment.	0that%2C%20on%20average%20between%20Ap
between 22 and state			up to	accumulate	payments for students National		ril,the%20lowest%20total%20weekly%20income
pension age; earn at least			3	less in their	Insurance contributions. The Guidance		%20%28%C2%A3401%29%20More%20items
10,000 a year; usually			month	pensions than	highlights that this could have		
work in the UK. Your			s or	men. There	implications for future claims for benefit		
employer does not have to			longer	are also known	including the basic state pension.		
contribute to your pension			if	differences by	·		
if you earn the following			there	ethnicity with			
amounts or less: £520 a			is a	Asian			
month; £120 a week or			define	pensioner			
£480 over 4 weeks. From			d	families having			
April 2019, the minimum			eleme	the lowest			
an employer pays is 3%			nt to	average gross			
and the minimum an			the	income per			
employee pays is 5%.			pensio	week.			
			n. This				
			is the				
			case				
			for				
			USS.				

Statutory redundancy pay for employees who have worked for their current employer for 2 years or more. Half a week's pay for each full year the employee was under 22; one week's pay for each full year the employee was 22 or older, but under 41 and; one and half week's pay for each full year an employee was 41 or older. Length of service is capped at 20 years.	✓ ·	x	2 Years	All	TGC 12.3 states that UKRI can terminate the Training Grant at any time subject to reasonable notice. 'If a Training Grant is terminated or reduced in value, no liability for payment, redundancy or any other compensatory payment for the dismissal of staff funded by the Training Grant will be accepted, but, subject to the provisions of TGC 9 Financial Reporting, negotiations will be held with regard to other contractual commitments and concerning the disposal of assets acquired under the Training Grant.'	Advance HE understands that the reference to staff in the context of redundancy is to administration staff who might be funded by the grant. It is not a reference to students. If a student is not making sufficient progress, they may convert to an MRes qualification instead. UKRI to consider whether the T&Cs are clear to grant holders on UKRIs expectations for students in receipt of a stipend in the event that a grant is terminated.	www.gov.uk/redundancy-your-rights/redundancy-pay
Itemised pay slip must be provided by employers unless a person is a contractor or freelancer.	~	√	Day 1	All	The need to provide an itemised payslip is not mentioned.	If UKRI decides to align T&Cs more closely with workers' rights, UKRI could consider making clear to grant holders that they expect terms and conditions of studentships to be in line with employment law.	Payslips: employee rights - GOV.UK (www.gov.uk)

Written particulars of	✓	✓	Day 1	All	TGC 2.6.1 and TGC 6.1.2 make clear	UKRI to consider making clear to grant holders	www.gov.uk/employment-contracts-and-
employment provided			and		that before any student is recruited or	that they expect all terms and conditions of	conditions/written-statement-of-employment-
when a person starts			wider		research activity starts, appropriate due	studentships to be clearly outlined within a	particulars.
work. This is not an			written		diligence must be undertaken. The start	document. UKRI to consider if its Statement on	
employment contract and			statem		and end dates of the funded period of	expectations for postgraduate training needs	
comprises a main			ent		study must be agreed at the outset and	www.ukri.org/about-us/policies-standards-and-	
document ('principal			within		these must not be amended during the	data/good-research-resource-hub/supporting-	
statement' provided on			2		doctoral project unless in relation to	skills-and-talent/ should include a section on	
day 1) and a wider written			month		family related leave, sick leave or	minimum expectations for student contracts.	
statement (within 2			S		extended jury service or exceptional		
months of the start of					circumstances apply, including		
employment). The wider					suspensions in line with the awarding		
written statement can be					Council's guidance. Many grant holders		
provided within 2 months					will have standard contracts in place for		
of the start of employment.					both UG and PG students outlining the		
The principal statement					expectations of both parties.		
must include at least: the					expectations of both parties.		
employer's name; the							
employee's or worker's							
name, job title or a							
description of work and							
start date how much and							
how often an employee or							
worker will get paid; hours							
and days of work and if							
and how they may vary							
(also if employees or							
workers will have to work							
Sundays, nights or							
overtime); holiday							
entitlement (and if that							
includes public holidays);							
where an employee or							
worker will be working and							
whether they might have							
to relocate; if an employee							
or worker works in							
different places, where							
these will be and what the							
employer's address is;							
how long a job is expected							
to last (and what the end							
date is if it is a fixed-term							
contract); how long any							
probation period is and							
what its conditions are;							
any other benefits (for							
example, childcare							
vouchers and lunch);							
obligatory training,							

whether or not this is paid for by the employer.							
Time off for public duties: Paid or unpaid at employers discretion. All employees have to be given time off for jury service. Amount of time off for other public activities e.g. magistrate, school governor, local councillor has to be agreed between employee and employer.	√	x	Day 1	All	TGC 6.1.1 the Grant Period may be extended to cover extended jury service. The total period of an agreed extension would not normally exceed 12 months during the lifetime of an award.	UKRI to consider extending TGC 6.1.1 to mention public duties in addition to jury service	www.gov.uk/time-off-work-public-duties

VAI-241		1	4 0	A 11	TOO O O state a that amount halds	Market and the section of the section of the section of	
Written reasons for dismissal: Employees who have completed 2 years' service or 1 year if they started before 6 April 2012, have the right to ask for a written statement from their employer outlining the reasons for their dismissal. Employers must provide a written reason to all employees who are on statutory maternity leave.		×	1 or 2 years unless on statuto ry mater nity leave	All	TGC 2.9 states that grant holders are responsible for selecting, administering and supervising Students throughout their period of training, in accordance with current good practice as detailed in the Quality Assurance Agency (QAA) publication: UK Quality Code for Higher Education - Advice and Guidance: Research Degrees, and in accordance with any additional Council requirements, including the Statement of Expectations for Postgraduate Training: www.ukri.org/about- us/policies-standards and-data/good-research-resource-hub/supporting-skills-and-talent/.	If a student is not making sufficient progress, they may convert to an MRes qualification. In instances where students' convert to an MRes or they are suspended because they are not meeting the expectations of their studentship, UKRI could implement a requirement for grant holders to provide an explanation in writing. A written explanation could result in a process that ensures consideration of the students' circumstances, whether the student has received appropriate support, whether there has been an issue of discrimination, victimisation or harassment and in turn reduce the likelihood of disputes and complaints arising.	www.gov.uk/dismissal
Unfair dismissal (for certain automatically unfair reasons) e.g. asked for flexible working, refused to give up working rights, resigned and gave correct notice period, took part in industrial action that lasted 12 weeks or less. For full list, see www.gov.uk/dismissal/unf air-and-constructive-dismissal. Constructive dismissal: not paying employees or suddenly demoting them for no reason; force employees to accept unreasonable changes to how they work; let employee be harassed or bullied.	√	x	Day 1	All	TGC 2.9 states that grant holders are responsible for selecting, administering and supervising Students throughout their period of training, in accordance with current good practice as detailed in the Quality Assurance Agency (QAA) publication: UK Quality Code for Higher Education - Advice and Guidance: Research Degrees, and in accordance with any additional Council requirements, including the Statement of Expectations for Postgraduate Training: www.ukri.org/about- us/policies-standards and-data/good-research-resource-hub/supporting-skills-and-talent/.	UKRI to consider if the statement of expectations for postgraduate training needs to include a section on minimum expectations for student contracts.	www.gov.uk/dismissal/unfair-and-constructive-dismissal

Minimum period of statutory notice: 1 week if employed between 1 month and 2 years; 1 weeks' notice for each year if employed between 2 and 12 years; 12 weeks' notice if employed for 12 years or more. As well as statutory redundancy pay, notice periods should be paid.	✓ ·	x	1 Month	AII	TGC 2.9 states that grant holders are responsible for selecting, administering and supervising Students throughout their period of training, in accordance with current good practice as detailed in the Quality Assurance Agency (QAA) publication: UK Quality Code for Higher Education - Advice and Guidance: Research Degrees, and in accordance with any additional Council requirements, including the Statement of Expectations for Postgraduate Training: www.ukri.org/about- us/policies-standards and-data/good-research-resource-hub/supporting-skills-and-talent/.	UKRI to consider if the statement of expectations for postgraduate training needs to include a section on minimum expectations for student contracts.	Redundancy: your rights: Notice periods - GOV.UK (www.gov.uk)
Breach of Contract: if employer tries to change contract without agreement or re-employs someone on new terms and conditions or a term in the contract is broken.	V	x	Day 1	All	TGC 2.9 states that grant holders are responsible for selecting, administering and supervising Students throughout their period of training, in accordance with current good practice as detailed in the Quality Assurance Agency (QAA) publication: UK Quality Code for Higher Education - Advice and Guidance: Research Degrees, and in accordance with any additional Council requirements, including the Statement of Expectations for Postgraduate Training: www.ukri.org/about- us/policies-standards and-data/good-research-resource-hub/supporting-skills-and-talent/.	UKRI to consider if the statement of expectations for postgraduate training needs to include a section on minimum expectations for student contracts.	www.gov.uk/your-employment-contract-how-it-can-be-changed/dealing-with-problems

Suspensions from work	✓	×	Day 1	Sex and	TGC 3.3 of the T&C and TGC 2 and TGC	UKRI to extend the T&C to cover students who	Suspensions from work for medical reasons -
for medical reasons: An			but	disability. Also	3.3 of the Guidance outlines a clear	may need to take a break from their studentship	GOV.UK (www.gov.uk)
employer can suspend an			paid	more likely to	requirement to ensure the health and	for medical reasons. In some disciplines if a	
employee from work if			from 1	affect older	safety of students. TGC 3.3. states that	student becomes pregnant or is breastfeeding	
their health and safety is in			Month	people as	'Research Organisations should have	they may have to avoid contact with certain	
danger. This can be for				medical	Health and Safety policies in place to	chemicals or cease certain activities e.g. diving	
medical reasons e.g.				conditions and	assess the research	in third trimester. If a student becomes disabled	
employee has allergic				disability	environment for pregnant students'.	during their studentship, they may not be unwell	
reaction to chemical used				increase with	There is not information on the actions	but might require reasonable adjustments made	
at work as well as for				age.	research organisations should take in the	to their study environment to ensure their health	
maternity reasons e.g. lab					event that a student has to stop their	and safety.	
uses radiation. Risk					studentship for medical or pregnancy		
assessment must be					and maternity reasons. No mention is		
conducted before					made of health and safety in relation to		
suspending employees. In					maternity nor breastfeeding.		
addition, possible							
mitigations must be							
explored before an							
employee can be							
suspended for maternity							
reasons. If risks cannot be							
mitigated, alternative work							
can be explored or							
employees suspended on							
full pay. Suspension on full							
pay lasts as long as							
employee or baby is in							
danger. Employee has							
right to full pay for up to 26							
weeks as long as they							
have been in their job for a							
month.				1			

Right to request flexible working: All employees eligible after 26 weeks employment. Not just parents or carers. Flexible working patterns include job sharing, working from home, part-time work, compressed hours, flexitime, annualised hours, staggered hours and phased retirement. Employees can make requests every 12 months. Law in this area is likely to change in future to enable employees to make requests from day 1 of employment and enable employees to make 2 flexible working requests in any 12-month period.		x	26 Week s	All but particularly in relation to sex and disability	TGC 5.3 states that grant holders should consider requests made by students to make permanent changes to their working arrangements, including working compressed hours, from home and flexitime. Part-time studentships are at a minimum of 50% of the full time equivalent. TGC 7.1.1 Grant holders must not, without consultation with UKRI, agree more than one change of mode of study during any one studentship or a change of mode of study in the final six months of a studentship. Under section, TGC 5 of the Guidance it is also stated that: 'Research Organisations should recognise that research is often done through "flexible" working, often on an ad hoc basis. However, some Students may wish to make more permanent changes to their working arrangements without changing their mode of study from full time to part-time.'	UKRI to consider if exceptions can be made to the 50% of FTE requirement in relation to disability and caring responsibilities. If so, to make this clear within the T&C and Guidance. UKRI to enable students to make a request to change their mode of study more frequently, without consultation between research council and the grant holder. UKRI should also consider amending TGC 7.1.1. as not allowing students to change their mode of study in the final 6 months of the studentship could discriminate against students in relation to pregnancy, maternity, disability and gender reassignment. For example, wait times for gender reassignment support on the NHS are considerably long. Therefore, a student may not have any choice as to when they undergo medical assistance to transition.	Flexible working: Overview - GOV.UK (www.gov.uk); https://www.gov.uk/government/news/millions-of-britons-to-be-able-to-request-flexible-working-on-day-one-of-employment
Right to request time off for study or training: Time off is usually unpaid unless the employer agrees to pay.	✓	x	26 Week s	All	Not mentioned in T&C nor Guidance.	None	Training and study at work: your rights: Who can and cannot ask for time off to train - GOV.UK (www.gov.uk)

5.2 Table 2: Protection from unfair treatment and advancement of equality

Entitlement	E m pl oy ee	Wor ker	Qualifying Period	Relevant protected characteristics	UKRI terms and conditions of training grant and training grant guidance	Recommendation	Additional info
Discrimination, harassment and victimisation are prohibited conduct under the Equality Act 2010 because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, sex, sexual orientation, race and religion and belief.	*	✓	Day 1 and during recruitment and application	All	Reference is made to the Equality Act and the need to ensure that all relevant legal obligations including and not limited to the Equality Act are exceeded (TGC 2.2 and TGC 3.4). Specific mention is given to the need to promote diversity and equality in all aspects of the recruitment and career management of students. Research supported by the training grant carried out in accordance with the Equality Act 2010. The T&Cs also refer to bullying and harassment (TGC 3.6). The safeguarding section of the Guidance (TGC 3.5) highlights sexual exploitation, abuse and harassment in relation to vulnerable adults and children but not students.	While the expectation that grant holders will operate in accordance with the Equality Act is clear, the basic requirements of the Act are not covered in sufficient detail. For example, the protected characteristics, victimisation and discrimination are not mentioned and nor are UKRI's obligations under the public sector equality duty. In addition, the Equality Act's provisions on harassment explicitly cover sexual harassment and could be highlighted in relation to bullying and harassment and the safeguarding of students. Further information can be provided here to help people responsible for implementing the T&Cs and those applying for studentships can better understand expectations and the protections given by the Act in the delivery of education.	www.gov.uk/discr imination-your- rights/discriminati on-at-work

Reasonable adjustments for employees who meet the definition of disability under the Equality Act. Funding for reasonable adjustments may be available through Access to Work. The amount available was capped at £62,900 from April 2021 to March 2022.	✓	√	During recruitment and application as well as from Day 1	Disability	The duty to make reasonable adjustments is not mentioned in the T&C nor Guidance. 'Study-related requirements' are referred to in the Guidance. Disabled Students' Allowances are mentioned in TGC 4.10 and within the Guidance. They do not appear to be capped for studentships and if the person is also an employee, they may be eligible for Access to Work.	To support the objective to diversify the PGR population, consider writing a version of the T&C of grant highlighting the support available to disabled students. Encourage grant holders to provide information on DSAs to all prospective PGRs. Reasonable adjustments should be considered during the recruitment process (where requested by the applicant), on commencement in post and during post. The T&C can be adjusted to highlight the expectation that	https://www.gov. uk/access-to- work; https://www.ukri. org/wp- content/uploads/ 2022/11/UKRI- 171122- DisabledStudents AllowanceFrame workSeptember2
						the outset. To highlight to grant holders that the costs of DSAs do not come out of the overall grant. To also consider if information needs to be provided for the responsibilities for making reasonable adjustments on work placements. In relation to disability, timeframes e.g. changes to the rate of study in the final 6 months of study may need to be made in line with the duty to make reasonable adjustments.	

Positive action in employment under	✓	√	During recruitment and	All	There is no mention of positive action	The positive action provisions within the	Information for
the Equality Act. Positive action is			application as well as from	,	in the T&C or guidance. Positive action	Equality Act are optional. Therefore, grant	employers:
voluntary and can be used where an			Day 1		applies in education as well as	holders may not be using them or may not	https://www.egua
employer reasonably thinks that people			Day !		employment, albeit there are different	feel confident using them. Grant holders	litvhumanrights.c
who share a protected characteristic: a)					provisions. The need to implement the	may also be unaware of the scope of the	om/en/advice-
experience a disadvantage connected to					Equality Act is highlighted in TGC 2.2	positive action provisions and how they can	and-
that characteristic; or b) have needs that					and TGC 3.4.	be applied in employment and education.	guidance/employ
are different from the needs of persons						UKRI to highlight positive action provisions	ers-what-
who do not share that characteristic; or						within the Equality Act within the T&C and	positive-action-
c) have disproportionately low						Guidance. Positive action can be used to	workplace.
participation in an activity compared to						support the objects of the Department for	Information for
others who do not share that protected						Business, Energy and Industrial Strategy's	education
characteristic. Actions must be a						2021 commitment to attract, develop and	providers:
proportionate means of achieving a						retain a diverse workforce within the UK	www.equalityhum
legitimate aim. Actions could be targeting						research and innovation system.	anrights.com/en/
advertising at specific disadvantaged							advice-and-
groups, setting targets for increased							guidance/positive
participation of a group, providing							-action
bursaries to obtain qualifications in a							https://www.equa
profession, outreach work, mentoring,							lityhumanrights.c
providing opportunities to enable groups							om/en/publication
to learn more about types of work							Ξ.
opportunities e.g. internships and open							download/employ
days; providing training opportunities.							ment-statutory-
Similar provisions operate in education.							code-practice;
Also in employment, when there is a							https://www.gov.
tiebreaker in recruitment, whereby there							uk/government/p
are two candidates of equal merit, the							ublications/emplo
employer can opt for the candidate from							yers-quick-start-
the disadvantaged group.							guide-to-positive-
							action-in-
							recruitment-and-
							promotion

Gender reassignment: If employees need to take time off work because of gender reassignment, they are protected against discrimination. They are protected if they are planning to transition, are in the process of transitioning or have already transitioned gender. The absence maybe because of counselling sessions or medical appointments. Under the Equality Act, people do not have to have medical interventions to have the protected characteristic of gender reassignment.	V		Treatment must be the same as if an employee was absent due to sickness or injury	Gender reassignment	No specific mention is made of Gender Reassignment within the T&C or Guidance. The webpages people are referred to on the Equality Act, do not highlight the protected characteristic of gender reassignment nor do they outline the protections in employment or education.	Provide better and more detailed information on the Equality Act including the 9 protected characteristics, as people are not always aware of what they are. Grant holders can be referred to the codes of practice and technical guidance on the Equality Act 2010. Advance HE also has guidance specific to the higher education sector. To ensure that people with the protected characteristic of gender reassignment are not discriminated against during their studentship, UKRI may want to make clear to grant holders that people who transition during their studentship and require time off their studies, should be treated in a similar way to students who are absent due to sickness and injury.	Information for employers: https://www.equa lityhumanrights.c om/en/advice-and-guidance/employ ers-what-positive-action-workplace. Information for education providers: www.equalityhum anrights.com/en/advice-and-guidance/positive-action https://www.equa lityhumanrights.c om/en/publication com/en/publication download/employ ment-statutory-code-practice; https://www.gov.uk/government/publications/emplo yers-quick-start-guide-to-positive-action-in-recruitment-and-
Pregnancy and maternity protections under the Equality Act: Protection from unfair treatment, discrimination and dismissal. Pregnancy protection commences as soon as a staff member or student becomes pregnant and ends on return from maternity leave. For students protection ends 26 weeks after the birth of the child. An exception to the requirement for 3 months' notice prior to the end of the grant for an extension may need to be given in relation to pregnancy related sickness as it can occur at any point during pregnancy.	~	V	Day 1	Pregnancy and maternity	Pregnancy is covered within the Guidance only in TGC 3.3. on health and safety. Maternity is covered in the context of parental leave only (TGC 8.1).	UKRI to expand information within the T&C and Guidance on health and safety to cover maternity and breastfeeding as well as pregnancy. In addition, to build in mention of significant pregnancy related sickness, premature and stillbirth.	promotion https://www.adva nce- he.ac.uk/knowled ge-hub/student- pregnancy-and- maternity- implications- higher-education- institutions

Whistleblowing. Must be in the public interest	V	~	Day 1	All	TGC 3.7 states that grant holders are required to have 'clear, well-publicised policies and processes in place that are open to doctoral students. Reference is made to The National Audit Office Assessment Criteria for Whistleblowing.	During existing auditing and distribution of funding processes, ensure grant holders have whistleblowing policies in place and are aware of National Audit Office Assessment Criteria.	www.gov.uk/whis tleblowing
Right to be accompanied at a grievance/disciplinary hearing by a colleague or trade union. Employers should not take any disciplinary action before meeting with the employee and discussing the problem.	<i>✓</i>	V	Day 1	All	There is no mention of grievance or disciplinary hearings within the T&C. However, on page 14 of the guidance it does make clear that grant holders should 'ensure that the appropriate termination and grievance procedures have been followed, if relevant, before terminating a Studentship.	UKRI can consider stating that students can be accompanied at disciplinary and grievance hearings.	Disciplinary procedures and action against you at work: Disciplinary hearings - GOV.UK (www.gov.uk)

Equal treatment for part-time workers. Part-time workers are workers who work less hours than a full time worker. They should get the same treatment/pro rata equivalent in relation to pay, pension and holidays. As well as the same treatment for training and career development, selection for promotion and transfer or redundancy, opportunities and career breaks.	~	V	Day 1	All. However, part-time workers statistically more likely to be women, there are also ethnicity differences (see additional info) and people are more likely to work part-time, as they get older.	Grant holders must offer the option of studying on both a part-time and full time basis, with a minimum of 50% of full time equivalent required (TGC 5.3). 'Part-time students should be able to fully participate in the training and cohort development opportunities, where applicable, provided through the training grant' (TGC 5.3 Guidance: 13).	T&Cs could be expanded to recognise that people may need flexibility for a range of reasons e.g. caring responsibilities; they have a fluctuating health condition and want to change their commitments, change in employment status etc. UKRI to consider why part-time has to be a minimum of 50%. What are the constraints and can they be justified? Part-time opportunities can be used to support the objects of the Department for Business, Energy and Industrial Strategy's 2021 commitment to attract, develop and retain a diverse workforce within the UK research and innovation system. 59.7% of research postgraduates aged 36 and over studied part-time in comparison to 3% of research postgraduates aged 21 and under and 24% of all research postgraduate students (Advance HE Equality in Higher Education Students: Statistical report 2022: pages 51 - 52.	Part-time workers' rights - GOV.UK (www.gov.uk): www.ons.gov.uk/ employmentandl abourmarket/peo pleinwork/employ mentandemploye etypes/articles/fa miliesandthelabo urmarketengland/ 2019: www.ethnicity- facts- figures.service.go v.uk/work-pay- and- benefits/employm ent/full-time-and- part-time- employment/lates t
Equal treatment for fixed-term contract staff: Must not be treated less favourably than permanent employees doing the same job unless there is a good business reason to do so.	~	×	Day 1	Age, Disability, Ethnicity. Possibly gender identity, religion and belief and sexual orientation but national level data has not been analysed.	TGC 6.1.1 highlights that studentships are for a specified timeframe within the period of the grant.	As studentships are for a specified time period they could be compared to a fixed term contract. However they do not constitute employment. This project is seeking to explore the differences between URKI T&Cs for students and rights for workers or employees.	www.gov.uk/fixed -term- contracts/employ ees- rights#:~:text=Em ployers%20must %20not%20treat %20workers,busi ness%20reason %20to%20do%2 Oso . Younger and older staff in HE tend to be on fixed term contracts. Academic Staff (83.8% of those aged 25 and under and 69.7% of those aged 26- 30). Part-time staff on fixed term contracts are more likely to declare a disability than those on full time

							contracts. Among both UK and non-UK academic staff, a higher proportion of Black, Asian and minority ethnic staff were on fixed-term contracts (31.4% and 50.0% respectively) than white staff (Advance HE, 2021 Statistical report).
Right to join a trade union and to participate in trade union activities. Also protection from detriment for trade union membership	V	V	Day 1	Detriment due to trade union membership not a protected characteristic	T&Cs and Guidance do not mention trade union membership nor membership of the National Union of Students.	UKRI can consider including within the T&Cs and Guidance the right of people on studentships to join a trade union and participate in trade union and National Union of Student activities. At the time of writing there were strikes taking place across the HE sector.	Joining a trade union: Trade union membership: your employment rights - GOV.UK (www.gov.uk): www.gov.uk/join- trade- union- membership- your- employment- rights

Protection from Detriment in certain health and safety cases: All workers are protected by the Employment Rights Act 1996, against suffering any harm e.g. denied promotion or unfairly dismissed because of any reasonable actions they take on health and safety grounds for example: carry out, or propose to carry out, activities assigned to them in connection with preventing or reducing health and safety risks; bring to your attention, by reasonable means, a concern about situations at work that they reasonably believe are harmful, or potentially harmful, to health and safety; reasonably believe a situation to be of serious and imminent danger, and take or propose to take appropriate steps to protect themselves and others.		V	Day 1	All	TGC 3.3 of the T&C and Guidance highlights that health and safety is paramount. They state that 'Any significant developments that affect safety and well-being of research participants must be assessed and mitigated as appropriate in a timely manner as the research proceeds (this may include suspending or terminating the research) and should be reported to the appropriate authorities and to Us [UKRI](Guidance: page 7). The need for research organisations to ensure that staff and students can raise concerns regarding health and safety or perform health and safety functions etc. without detriment is not covered.	The need for research organisations to ensure that staff and students can raise concerns regarding health and safety or perform health and safety functions etc. without detriment is not covered. This is perhaps covered within section TGC 3.7 on whistleblowing. However, UKRI should consider expanding the section on health and safety to help ensure that staff and students can confidently raise health and safety concerns.	www.hse.gov.uk/i nvolvement/prep are/law/empprote ction.htm
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5.3 Table 3: Parental related benefits

Entitlement	E m pl oy ee	Wor ker	Qualif ying Perio d	Relevant protected characteristics	UKRI terms and conditions of training grant and training grant guidance	Recommendation	Additional info
Pregnancy: right to paid time off for antenatal care. This includes antenatal and parenting classes, if recommended by a medical professional, as well as medical appointments.	•	✓	Day 1	Pregnancy and maternity and sex	The T&C and Guidance do not mention support for students during pregnancy. TGC 5 and TGC 5.1 make clear that provision can be made to extend the funding period in relation to parental leave and other specific cases.	UKRI to ensure that grant holders are aware of protections for students during pregnancy and maternity in higher education. To make clear that significant pregnancy related illness is likely to be an exceptional case. Other reasons e.g. sick leave, emergency/compassionate leave can be highlighted too, as this will clarify for grant holders what is likely to be considered a specific case. Total extension period must not exceed 12 months during the lifetime of an award and this may prove a barrier for people with multiple circumstances e.g. maternity and have a fluctuating health condition or for students who have more than one pregnancy and period of maternity during the period of the studentship.	www.gov.uk/working- when-pregnant-your-rights

Maternity leave: Maximum is 52 weeks. Minimum of 2 weeks to be taken after baby is born or 4 weeks if working in factory.	✓	x	Day 1	Pregnancy and maternity sex and age. According to the Office for National Statistics, the average age people in UK become mothers is 30.6. Therefore, students below the age of 40 are more likely to use maternity provisions.	UKRI funded Students are entitled to 52 weeks of maternity-equivalent leave if the expected week of childbirth will occur during the period of their award (TGC 8.1 and Guidance). The earliest Maternity leave can commence is 11 weeks before the expected week of childbirth.	None	www.gov.uk/maternity- pay-leave/leave
Maternity leave pay: 90% of employees average weekly earnings (before tax) for the first 6 weeks; then £156.66 or 90% of employees average weekly earnings (whichever is lower) for the next 33 weeks. Total 39 weeks paid.	V	x	26 weeks	Sex and pregnancy and maternity	TGC 8.1 states the first 26 weeks should be paid at full stipend rate, pro-rated as necessary for part-time Students. The following 13 weeks should be paid at a level commensurate with statutory maternity pay. The final 13 weeks are not paid. Leave is paid for a total of 39 weeks.	At present students, receive 39 weeks' pay which is in line with the period of Statutory Maternity Pay in employment. UKRI to continue to monitor the rate and period of pay to ensure it is in line with or exceeds that in employment. UKRI may wish to consider the implications of compensation for additional cost arising from leave being provided at its 'discretion' at the end of the grant (TGC 8.4). Employers can recover some, if not all of the statutory parental pay that they pay to employees. It should also be noted that many employees receive contractual as well as Statutory Maternity Pay. Some HEIs offer this from the outset of employment and it can be considerably more than Statutory Maternity Pay.	https://www.gov.uk/matern ity-pay-leave/pay
Maternity Allowance: if employed or registered as self-employed for at least 26 weeks and have earnt £30 or more in at least 13 weeks of the 66 weeks before the baby is due. Entitled to 39 weeks paid at £156.66 a week or 90% of average weekly earnings (whichever is less).	x	✓	N/A	Sex and pregnancy and maternity	Not applicable	Some students may be eligible if they have recently been employed. However, the UKRI maternity payment is more generous and it is unlikely that students in receipt of a UKRI stipend will be eligible for both.	https://www.gov.uk/matern ity-allowance
Statutory Adoption Leave: 52 weeks for one person in a couple and includes paid time off to attend 5 adoption appointments after person is matched with a child. The partner of the person taking Statutory Adoption Leave can take paternity leave.	~	x	Day 1	Sex and sexual orientation. All other protected characteristics relevant too in terms of barriers groups might experience in the adoption process.	The main adopter of a child placed during a studentship is also entitled to 52 weeks of leave (TGC 8.1 and Guidance).	None	www.gov.uk/employers- adoption-pay-leave

Statutory Adoption Pay: is paid for up to 39 weeks. The weekly amount is: 90% of the employees average weekly earnings for the first 6 weeks £156.66 or 90% of their average weekly earnings (whichever is lower) for the next 33 weeks.	✓	x	26 weeks	Sex and sexual orientation. All other protected characteristics relevant in terms of the barriers groups might experience in the adoption process.	The first 26 weeks should be paid at full stipend rate, prorated as necessary for part-time Students. The following 13 weeks should be paid at a level commensurate with statutory maternity pay. The final 13 weeks are not paid (TGC 8.1 and Guidance).	UKRI may wish to consider the implications of compensation for additional cost arising from leave being provided at its 'discretion' at the end of the grant (TGC 8.4). Employers can recover some, if not all of the statutory parental pay that they pay to employees. Employers may also provide Contractual Adoption Pay, which will be considerably more than Statutory Adoption Pay and might be offered from day 1 of employment.	www.gov.uk/employers- adoption-pay-leave
Paternity leave: 1 -2 weeks after the birth and must end within 56 days of the birth. The leave must taken in one block e.g. not split into one week at a time over three weeks. Paternity Leave is for partners of new mothers and allows them time off to accompany their partner to 2 antenatal appointments.	✓	x	26 weeks	Sex and sexual orientation. According to the Office for National Statistics, the average age people in the UK become fathers 33.6. Therefore, students below the age of 40 are more likely to use provisions for families.	Partners are entitled to up to two weeks Ordinary Paternity Leave. This leave must be taken in one go. A week is the same amount of days that a student would normally study in a week Ordinary Paternity Leave cannot start before the birth and must end within 56 days of the birth (TGC 8.1 and Guidance).	Many employers are offering contractual paternity benefits above that of Statutory Paternity Pay. UKRI to consider a longer period of leave for partners of new mothers.	www.gov.uk/paternity-pay-leave; https://www.cipd.co.uk/kno wledge/fundamentals/emp -law/maternity-paternity- rights/extended-paternity- leave; www.birmingham.ac.uk/sc hools/business/research/r esearch-projects/equal- parenting/index.aspx
Paternity leave pay: The statutory weekly rate of Paternity Pay is £156.66 or 90% of an employee's average weekly earnings (whichever is lower).	V	х	26 weeks	Sex, sexual orientation and age. In relation to age, according to the Office for National Statistics, the average age people in the UK become fathers is 33.6. Therefore, students below the age of 40 are more likely to use provisions for families.	Partners are entitled to up to two weeks paid Ordinary Paternity Leave on full stipend (TGC 8.1 and Guidance).	UKRI may wish to consider the implications of compensation for additional cost arising from leave being provided at its 'discretion' at the end of the grant (TGC 8.4). Employers can recover some, if not all of the statutory parental pay that they pay to employees. Many employers offer contractual paternity pay in addition to Statutory Paternity Pay.	www.gov.uk/paternity-pay- leave
Shared parental leave: 50 weeks of leave shared between parents. To be taken in the first year after the child is born or adopted. Parents can take leave in blocks separated by periods of work. Parents can choose to take the leave at the same time or to take it separately.	✓	x	26 Weeks	All. However according to the Office for National Statistics, the average age people in UK become mothers is 30.6 and fathers 33.6. Therefore, students below the age of 40 are more likely to use.	Can be taken up to a maximum of 50 weeks. Is available to students who have not taken maternity or adoption leave (TGC 8.1 and Guidance).	None	www.gov.uk/shared- parental-leave-and-pay

Statutory Shared Parental Leave Pay when taking shared parental leave: Eligibility criteria vary for the mother, partner and adopting parents. See www.gov.uk/shared-parental-leave-and-pay for details. It is paid at paid at the rate of £156.66 a week or 90% of your average weekly earnings, whichever is lower.	✓	V	26 Weeks	Sex, sexual orientation and pregnancy and maternity. According to the Office for National Statistics, the average age people in UK become mothers is 30.6 and fathers 33.6. Therefore, students below the age of 40 are more likely to use it.	UKRI also operates a system of unpaid parental leave in lieu of the statutory shared parental leave scheme (TGC 8.1 and Guidance).	UKRI to consider introducing pay for partners of new mothers in line with or in excess of the statutory amount. In addition, UKRI to monitor for changes in legislation in this area. At present, many partners of new mothers site financial reasons for being unable to take shared parental leave.	www.gov.uk/shared- parental-leave-and-pay; https://inews.co.uk/inews- lifestyle/shared-parental- leave-uk-partners-pay- deal-share-new-baby- care-1233469
Statutory Parental Bereavement Leave - two weeks off work if your child dies before they are 18 or stillbirth after 24 weeks.	✓	x	Day 1	Sex and sexual orientation. Religion and belief in relation to traditions and rituals following death.	Mentioned under 'other leave': Grant holders are expected to have a policy in place to support students requiring short-term time off for emergencies and/or compassionate leave (TGC 8.3.1).	UKRI to consider the layout and ease of reading of the Terms and conditions and guidance in relation to parental bereavement as it is separate from other types of family leave but is sadly relevant to parents and the type of leave they may need to take.	www.gov.uk/parental- bereavement-pay-leave
Statutory Parental Bereavement Pay: paid at either £156.66 a week or 90% of average weekly earnings (whichever is lower)	√	x	26 weeks	Sex and sexual orientation. Religion and belief in relation to traditions and rituals following death.	Not mentioned in T&C. Guidance states that at a minimum, bereaved parents should be entitled to two weeks paid leave in the event of the death of a child under 18 years of age. (TGC 8.3.1)	UKRI may wish to consider the implications of compensation for additional cost arising from leave being provided at its 'discretion' at the end of the grant.	Statutory Parental Bereavement Pay and Leave: Overview - GOV.UK (www.gov.uk)
Unpaid Parental Leave: to look after child's welfare e.g. spend more time with children, to look at new schools, to settle into new childcare arrangements, spend more time with family.	✓	x	1 Year	Sex and sexual orientation but more likely to be used by women.	Leave of this nature is not mentioned within the T&C nor guidance	UKRI to consider if leave of this nature is appropriate in a studentship context. If students have flexibility on when they can take leave, which is up to 8 weeks it may not be necessary, as 8 weeks is more than you would get in employment. However, not all students will get 8 weeks, as it is a maximum.	Unpaid parental leave: Overview - GOV.UK (www.gov.uk)

Childcare funding England: Free education and childcare for 2 year olds. 2 year olds are eligible if they are looked after by a local authority, have an Education, Health and Care Plan, get Disability Living Allowance or have left care under an adoption order, special guardianship etc. Parents are entitled if they are eligible for following benefits: Income support, Income based Jobseeker's Allowance, Income related Employment and Support Allowance, Universal Credit with a household income of £15,400 or less after tax and not including benefits; the guaranteed element of Pension Credit, Child Tax Credit (or both) and household income is less than £16,190 before tax; the working tax credit 4 week run on.	V	✓	N/A	sex or sexual orientation	The costs of additional caring responsibilities, including childcare, beyond that required to meet the usual requirements of the studentship and which are directly related to the project, may be claimed against the training grant where this is required in order for the student to participate. However, costs associated with the student's normal working patterns may not be sought. See Page 9 of the	UKRI can consider how it ensures applicants to students are aware of the support available for childcare outside of 'normal working patterns'. In addition, consider providing further information on what is meant by normal working patterns. While UKRI does not provide information on benefits, it can encourage grant holders to consider the financial advice provided to postgraduate students by their student services. Students will be unable to access many childcare settings until their child is 6 months old. UKRI could consider introducing childcare grants, in line with those available for undergraduate students for students with children under the age of 3. https://www.ucas.com/finance/student-finance-england/dependants-grants-full-time-students/childcare-grants-full-time-students/childcare-grants-full-time-students at present, the costs of childcare mean that some student parents will have to take up to 2 to 3 years out. Being able to study at less than the minimum of 50% FTE may also assist with childcare. In the event that the income thresholds change, some students who receive universal credit may become eligible for free childcare for two year olds.	Help paying for childcare: Free education and childcare for 2-year-olds - GOV.UK (www.gov.uk)
Childcare funding England: 15 hours free childcare for 3 to 4 year olds. All 3 - 4 year olds are eligible	N/ A	N/A	N/A	sex or sexual orientation	Guidance under Deployment of Funds. There is no further mention within the T& C nor Guidance of support in relation to childcare.	UKRI can consider the introduction of childcare grants for students studying full time as 15 hours a week childcare may not be sufficient for full time study nor in some disciplines e.g. requiring lab work.	Help paying for childcare: 15 hours free childcare for 3 and 4-year-olds - GOV.UK (www.gov.uk)
Childcare funding England: 30 hours free childcare for 3 to 4 year olds. You are not eligible if you or your partner have an expected 'adjusted net income' over £100,000 in the current tax year. You are eligible if you and your partner each earn over the next 3 months at least the equivalent of working at the national minimum wage for 16 hours per week. You can get Tax-Free Childcare at the same time as 30 hours free childcare if you are eligible for both.	m ay be en titl ed	may be entitl ed	N/A	sex or sexual orientation		If students have a partner who is working, they may be able to access 30 hours free childcare for 3 - 4 year olds. UKRI to consider providing a childcare grant for students who are not eligible.	30 hours free childcare - GOV.UK (www.gov.uk)

Childcare funding Northern Ireland: 30 hours free childcare a week for 3-4 year olds is not available in NI. 12.5 hours of free childcare is available for all 3 and 4 year olds. Preschool places are funded by the government so they are completely free for parents. Though not compulsory, parents can only use the funded hours to secure a pre-school place for 2.5 hours per day, five days per week during term time (38 weeks). This means there is little flexibility and does not enable working parents to access childcare in the same way as the 15 and 30 hours free childcare hours do in England, Wales and Scotland. Funding for children aged 2 and under maybe available through the sure start programme. The Sure Start Programme support parents with children under the age of 4 living in disadvantaged areas.	V	V	N/A	sex or sexual orientation	UKRI to consider providing childcare grants to students where free provision is insufficient e.g. 2.5 hours per day as offered in Northern Ireland is unlikely to be sufficient for either full or part-time study. Travel time to and from childcare provision and place of study, needs to be considered as well as the actual hours of childcare provided.	A guide to free childcar Northern Ireland for 2, 3 4-year-olds - daynurseries.co.uk adv
Childcare funding Scotland: Funded early learning and childcare up to 30 hours a week for 3-4 year olds. If a child qualifies for early learning and childcare, they stay qualified even if their parents situation changes. Funding for children aged 2 years and under determined by local councils but if child has experience of being in care or if parents/carers get certain benefits they are eligible for funding. Benefits include income support, incapacity benefit, severe disablement allowance, state pension credit, income based job seeker's allowance and support under part VI of the immigration and asylum Act 1999. You may still be eligible if you have Child Tax credit dependent on your income.	m ay be en titl ed	may be entitl ed	N/A	sex or sexual orientation	Some students will be eligible for benefits and may qualify for funding for children aged 2 but as highlighted above students are likely to need to access childcare prior to their child turning 2. UKRI to consider providing childcare grants to students where provision is insufficient.	Funded early learning a childcare - mygov.scot
Childcare funding Wales: For 3 and 4 year olds up to 30 hours a week. Must live in Wales and each parent's gross income must be £100,000 or less per year. Foster parents and kinship carers (relative or friend who is not a child's parent) may be eligible if they earn at least the equivalent of working 16 hours a week on the national minimum or living wage; are on statutory pay or leave e.g. maternity, sick; are enrolled on either an undergraduate, postgraduate or further education course that is at least 10 weeks in length.	m ay be en titl ed	may be entitl ed	N/A	sex or sexual orientation	UKRI to consider providing childcare grants to students who have children who are under 3 years of age.	Get 30 hours of childca for 3 and 4 year olds: Eligibility GOV.WALE:

Child Tax Credit: You can only claim for Child Tax Credit if you already get Working Tax Credit.	m ay be en titl ed	may be entitl ed	N/A	sex or sexual orientation	Students are unlikely to be elig credits unless they are employ students are eligible for univers are in full time education and a child either as a single perso UKRI and grant holders to provaimed at postgraduate student support available to them for cl	ed. However, sal credit if they are responsible for n or as a couple. vide information s on the financial	Child Tax Credit: Overview - GOV.UK (www.gov.uk) https://www.gov.uk/univers al-credit/eligibility
Tax Free childcare: You can get up to £500 every 3 months (up to £2,000 a year) for each of your children to help with the costs of childcare. This goes up to £1,000 every 3 months if a child is disabled (up to £4,000 a year). You are not eligible if you or your partner have an expected 'adjusted net income' over £100,000 in the current tax year. You are eligible if you and your partner each earn over the next 3 months at least the equivalent of working at the national minimum wage for 16 hours per week. You can get Tax-Free Childcare at the same time as 30 hours free childcare if you are eligible for both. People claiming universal credit are not eligible for tax free childcare.	m ay be en titl ed	may be entitl ed	N/A	sex or sexual orientation	UKRI and grant holders to provaimed at postgraduate student support available to them for cl	s on the financial	Tax-Free Childcare - GOV.UK (www.gov.uk)

6. References

Advance HE (2022) Equality in Higher Education: Student statistical report 2021. York: Advance HE. Available at: Equality in higher education: statistical reports 2022 | Advance HE (advance-he.ac.uk)

Burchardt, T (2000) Enduring economic exclusion: disabled people, income and work. Joseph Rowntree Foundation. <u>Enduring economic exclusion: disabled people, income and work | JRF</u>

Colley, A (2022) <u>Childcare and Sex Discrimination: Real Employment Law Advice</u>. Employment Law Advice

DiscoverPhDs, 2023 How Much Does a PhD Cost in the UK? | DiscoverPhDs

DSC (2022) 'Disabled Student Commitment: Formal Consultation' Disabled Students' Commission

(EHRC, 2016) <u>'Three in four working mothers say they've experienced pregnancy and maternity discrimination'</u> Equality and Human Rights Commission. 05 April 2016.

Manfredi, S. (2017) 'Increasing Gender Diversity in Senior Roles in HE: Who Is Afraid of Positive Action?' (semanticscholar.org)

OIAHE (2021) 'Annual Report 2021' Office of the Independent Adjudicator. OIA Annual Report 2021 (oiahe.org.uk)

ONS (2016) <u>'Women shoulder the responsibility of 'unpaid' work'</u>. Office for National Statistics. 10 November 2016

UK Government (2022a) Ethnicity Facts and Figures <u>Pensioner income - GOV.UK Ethnicity</u> facts and figures (ethnicity-facts-figures.service.gov.uk)

UK Government (2022a) *Press release: 'Millions of Britons to be able to request flexible working on day one of employment'*, Department for Business, Energy and Industrial Strategy. 5 December 2022

UKRI (2022) 'Terms and conditions for training funding' November 2022. UKRI

UKRI (2020) 'An Evidence Review: Bullying and Harassment in Research and Innovation Environments', UKRI. <u>UKRI-020920-BullyingAndHarassmentEvidenceReview.pdf</u>

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