

Adoption Leave Policy

1. Introduction

This Adoption Policy does not cover overseas adoptions, and specific advice should be sought from your HR Partner/Adviser regarding Adoption Leave and Pay if you are considering adopting a child from overseas. Many of the provisions will be the same, but there are some variations due to differences in the adoption process.

The University's Occupational Adoption Pay Scheme provides enhanced benefits to those contained within the statutory provisions.

The purpose of this document is to outline the main provisions relating to adoption leave as provided in the Work and Families Act 2006. It also covers staff who have a child through surrogacy or who foster a child through the 'Foster to Adopt' programme in accordance with section 22C of the Children Act 1989.

Throughout this document, the terms 'couple' and 'partner' refer to heterosexual and same-sex relationships

2. Eligibility

The essential qualifying requirements for adoption leave are that you must be newly-matched with a child for adoption by an approved adoption agency. A match occurs when an approved adoption agency matches an adopter with a child.

If the employee is a local authority foster parent who is also approved as a prospective adopter and a child is placed with the employee in a "Foster to Adopt" situation, he or she will have the same entitlement to adoption leave and pay. Adoption leave is extended to an individual or to one member of an adopting couple.

If you have adopted in another way for example informally through family connections you will not be eligible for adoption leave. Special rules apply for overseas adoptions.

Some parents through surrogacy are eligible for adoption leave for example couples who are married, in a civil partnership, or in an 'enduring family relationship' who intend to apply for a Parental Order (or where they have already obtained such an order) making them the legal parents of the child that they are having through surrogacy.

In situations where the adoption is arranged through a private adoption or where an individual becomes a special guardian or kinship carer or adopts a stepchild or a family member, there is no entitlement to adoption leave or pay.

Where a couple jointly adopt a child, only one may take adoption leave and the other may be able to take paternity leave or shared parental leave. (Throughout this document, the terms 'couple' and 'partner' refer to heterosexual and same-sex relationships).

You must be able to demonstrate that you will have responsibility for the upbringing of the child to be eligible for Adoption Leave - it does not matter if you are not married/in a civil partnership.

3. Notification Procedures

You must notify your line manager and the relevant HR Partner/Adviser of your intention to adopt within 7 days of the date on which you are matched with a child, and at least 4 weeks before you want to start receiving Statutory Adoption Pay. Within this notification, you must confirm the date on which the child will come to live with you and the date on which you intend to commence your Adoption Leave – this will be either the date the child comes to live with you or a date up to 14 days before the expected date of placement. This notification should be in writing. You will need to provide evidence of your eligibility for Adoption Leave and Pay by asking your adoption agency to complete an [Adoption Matching Certificate](#), which can be found on the HR website.

In the case of adoption through a Parental Order, you must provide written notification of your entitlement to adoption leave by the 15th week before the expected week of birth along with a statutory declaration that you have obtained or have applied for/intend to apply for a Parental Order in respect of the child you are having with the help of a surrogate. You will also need to provide the actual date of birth as soon as reasonably practical after the birth.

We encourage you to contact your HR Partner/Adviser much earlier than this, as this enables the University to ensure that you are provided with clear information as early as possible. It also enables the University to start making arrangements for covering the period while you will be on Adoption Leave.

Once your HR Partner/Adviser has been formally notified of your intention to take Adoption Leave, they will write to you to confirm your entitlements and to request confirmation of your intentions regarding your Adoption Leave. Unless advised otherwise, the University will assume that you wish to take your full 52 weeks of Adoption Leave.

After confirming the date you intend to commence your Adoption Leave, you can change this date, but must give at least 4 weeks' notice, in writing, of the new date. This must be 4 weeks before the original date, or 4 weeks before the new date, whichever is earlier.

If, after confirming the date you intend to return from your Adoption Leave, you wish to change this date, you must give at least 8 weeks' notice, in writing, of the new date. This must be 8 weeks before the original date, or 8 weeks before the new date, whichever is earlier.

4. Adoption Leave Entitlement

Eligible employees are entitled to up to 52 weeks' of Adoption Leave regardless of length of service and hours of work. The rules concerning overseas adoptions are slightly different.

In the case where the child will be adopted by two people jointly, one person can take Adoption Leave and the other person can take [Adoption Support Leave](#) if eligible. The couple can decide between them who takes which type of leave, subject to the qualification criteria. The employee taking Adoption Leave will be required to confirm in writing that any joint adopter is not also taking Adoption Leave.

You can start your Adoption Leave on any day of the week and at any time from 2 weeks before the expected date of placement, up to and including the actual day of placement. You can take any amount of Adoption Leave (from 1 week to 52 weeks), but it must be in one continuous period. If you return to work without using the full 52-week entitlement to adoption leave you may be eligible to transfer any outstanding adoption leave (and outstanding adoption pay) to your partner to be taken as [Shared Parental Leave](#). Please see the University's [Shared Parental Leave](#) policy for further details.

You may be entitled to take other types of leave (e.g. annual leave), before starting your adoption leave. You may also be eligible for other types of leave (e.g. annual leave or shared parental leave) after you have finished your adoption leave but you must take at least 2 weeks of adoption leave before starting any shared parental leave. If you wish to change the dates you start or end your Adoption Leave you must give the required notice, as specified above.

5. Statutory Adoption Pay

5.1 What is Statutory Adoption Pay (SAP)?

SAP is a taxable weekly government benefit which is paid by the employer during Adoption Leave to employees who qualify for SAP.

SAP is paid over the first 39 weeks of Adoption Leave at a rate of:

90% of your average weekly earnings (this figure is calculated on your normal weekly earnings in the 8 week period leading up to the date you are notified of a match with a child) for the first six weeks; followed by

£145.18 per week (from 6 April 2018) or 90% of your average weekly earnings if that is less than £145.18 per week – for the next 33 weeks.

If you qualify for SAP it will be automatically incorporated into Occupational Adoption Pay (if eligible).

5.2 How do I qualify for Statutory Adoption Pay?

The week (Sunday to Saturday) in which you are notified of having been matched with a child is known as the Matching Week.

In order to qualify for SAP, you must be still employed by the University at the Matching Week and have been continuously employed with the University for at least 26 weeks continuing into the Matching Week (part weeks' count as full weeks).

You must also have average weekly earnings above the National Insurance lower earnings limit (£116 a week from 6 April 2018).

In the case of surrogacy, you must have been continuously employed with the University for at least 26 weeks by the 15th week before the baby's due date and intend to apply for a Parental Order and expect that application to be granted.

In the case of overseas adoption, you must have worked continuously for the University for at least 26 weeks by the time you receive your "official notification" in order to be entitled to Statutory Adoption Leave and Pay.

5.3 What if I do not qualify for Statutory Adoption Pay?

If you qualify for Adoption Leave, but not for SAP (as your average earnings are below £116 per week from 6 April 2018), then you may still be eligible to receive Occupational Adoption Pay, as long as you return to work for the required period following your Adoption Leave. If you do not know whether you will return to work following your Adoption Leave, you can still take 52 weeks unpaid leave and take the option to defer the payment of your Occupational Adoption Pay until after you return to work. If this option is of interest to you, please contact your HR Partner/Adviser to discuss this further.

6. Occupational Adoption Pay

6.1 How do I qualify for the University Occupational Scheme?

Provided that you qualify for Adoption Leave and you declare that you intend to return to work at the end of your Adoption Leave, you will be entitled to benefit from the University Occupational Adoption Scheme.

6.2 What does the Occupational Scheme provide?

All employees who qualify for the Scheme, regardless of their staff category, grade and hours of work, are entitled to receive the following payment during their Adoption Leave:

- 18 weeks on full pay (inclusive of SAP, if eligible) then;
- 21 weeks on SAP only, (if eligible) then;
- 13 weeks of unpaid leave

N.B. If you are eligible for Occupational Adoption Pay, but not SAP (as your average earnings are below £116 per week) then you will receive 18 weeks of full pay and the remaining 34 weeks of Adoption Leave will be unpaid.

6.3 What happens if I decide to leave the University after I have received Occupational Adoption Pay?

If you decide not to return to work after your Adoption Leave, or if you return to work after Adoption Leave and work less than three months (pro rata if your hours are reduced following your return to work) before you leave, you will be required to repay Occupational Adoption Pay paid to you (less any SAP you received).

In order to help you with this situation, you have the option to defer the payment of your Occupational Adoption Pay until after you return to work, if you wish. If this option is of interest to you, please contact your HR Partner/Adviser to discuss this further.

7. Time Off for Appointments

Eligible employees are entitled to time off to attend adoption appointments in the period between being notified of a match and the child being placed with you for adoption.

Single adopters are entitled to paid time off to attend up to 5 adoption appointments.

In the case of joint adoptions (i.e. a couple who have been jointly matched to adopt the child) one of the adopters will be entitled to paid time off to attend up to 5 adoption appointments. The other adopter may be entitled to unpaid time off work to attend up to 2 adoption appointments.

Up to 6.5 hours is allowed for each appointment.

In the case of joint adoptions, the adopter who took paid time off to attend adoption appointments cannot claim Adoption Support Leave and Pay. Therefore the parent who intends to take adoption leave and pay is likely to take the paid time off for appointments and the other parent is likely to take the unpaid time off.

Prospective parents adopting through a Parental Order are entitled to take unpaid leave to enable them to accompany the surrogate mother to up to 2 of her antenatal appointments.

8. During Your Adoption Leave

8.1 Terms of Employment during Adoption Leave

All your terms and conditions of employment (excluding those relating to payment of salary) will be preserved during your Adoption Leave. This includes your accrual of annual leave (see below).

For members of one of the pension schemes offered by the University, contributions are maintained in full during the SAP pay period. Your contributions during this period are based on actual earnings and the University tops this up to the level of your normal monthly pension contribution.

Pension contributions cease during any period of unpaid Adoption Leave and no service is accrued. Contributions are not payable on KIT days (see below) taken in any period of unpaid leave and therefore do not accrue service. On your return to work you have the option to pay contributions for the period of suspended membership based on the rate of pay that you would have received had you not been on Adoption Leave (and incorporating the relevant KIT days, which occurred during this period). Should you wish to do this, please contact the Pensions Office to discuss this further.

Periods of Adoption Leave do not affect continuity of employment. This means that periods of Adoption Leave will still count when calculating continuous employment for statutory rights.

8.2 Annual leave

During your Adoption Leave you carry forward any untaken annual leave until the Adoption Leave period ends. Any public holidays or closure days which occur during your Adoption Leave are also carried forward until your Adoption Leave period ends. As far as possible, you should take a reasonable proportion of your entitlement to annual leave before you commence your Adoption Leave. If your Adoption Leave spans two leave years, you will be allowed to carry over into the next leave year any leave that you have accrued during your Adoption Leave period and which you did not take prior to commencing your Adoption Leave. You should discuss any outstanding annual leave upon your return with your line manager.

8.3 Communication during Adoption Leave

Although you are bound to be focused on other things during your Adoption Leave, the University recognises that it is important to keep you up to date about what is happening within the University during your absence.

Your line manager and the HR Department will therefore maintain reasonable contact with you whilst you are on Adoption Leave.

Also, you can keep up to date through the University website, and, of course, through informal contact with your colleagues.

8.4 Keeping in Touch Days

You are not obliged to do any work or attend any work related events or meetings during your Adoption Leave. However, Keeping in Touch Days (known as KIT days) allow you to go into work for up to 10 days (which may be either separate days or a single block) without losing any SAP or triggering the end of your Adoption Leave. KIT days can be used to enable you to attend meetings, training sessions, or other events, or for you to perform your normal job duties. You should make the appropriate childcare arrangements during any KIT days.

For KIT days to work, you and your manager must agree that you will do some work on a particular day and the type of work to be undertaken. There is no requirement for you to agree to attend work for any KIT days, and your manager does not have to offer such days to you, but they can be a very effective way of maintaining contact during your Adoption Leave and easing your return to work.

If you do attend work for a KIT day, you will receive full pay for any day/hours worked. If a KIT day occurs during a week when you are receiving SMP, this will be effectively “topped up” so that you receive full pay for the day/hours in question. Alternatively you may agree to take the equivalent number of days/hours as time off in lieu. If you work for less than a full day, this will still count as one KIT day for the purposes of the maximum 10 days allowance.

9. Returning to Work after Adoption Leave

The University will expect you to return to work after 52 weeks of Adoption Leave unless you have notified us of an earlier date of return or you have already resigned or you are on a fixed-term contract that has already expired.

If you wish to return to work before the intended return date, you must give the University at least 8 weeks' notice, in writing, of the new date on which you intend to return. If you fail to give the required notice, we may need to postpone your return until the end of the 8 week notice period or your previously intended return date, whichever comes first.

If you decide not to return to work after your Adoption Leave, you must give written notice to terminate your employment in accordance with your contract of employment – and please see section 6.3 above regarding Occupational Adoption Pay.

If you wish, and if you have accrued sufficient annual leave, you should agree with your line manager to take a period of annual leave at the end of your Adoption Leave – see section 8.2 above regarding annual leave accrual.

If you are unable to return to work at the end of your Adoption Leave due to illness then you must follow the normal absence reporting procedure to report your absence from work – as if you had returned to work on the appropriate date.

In all circumstances you should ensure that you keep in touch with your line manager and keep them fully informed of your intentions.

9.1 Workplace support

The University is committed to supporting the successful return to work of individuals following an extended period Adoption Leave.

Funding is available to all Schools and Departments or Functions to aid the successful transition back to the workplace for staff returning to work following an extended period of maternity, adoption or shared parental leave.

Staff are encouraged to discuss with their Line Manager either before they commence Adoption Leave or prior to their return, how these funds might best be used to help with the transition back to the workplace by providing an opportunity to update skills and knowledge, understand any changes that may have occurred in their role, department or field in order to assist a return to full productivity as soon as possible and at the same time enabling personal development in their role. Consideration will be given, for example, to requests for attendance at relevant training courses or conferences, relief from teaching for an additional period or any other support that may be identified by the member of staff or their Line Manager as potentially relevant. The funding will remain available for 12 months following the date of return to the workplace.

10. Shared Parental Leave

Shared Parental Leave (SPL) is a statutory right available to employees who are expecting a child to be born or placed for adoption (whether through birth, adoption, or surrogacy) on or after 5 April 2015. It provides the option of sharing up to 50 weeks of leave and 37 weeks of pay if they meet the necessary eligibility criteria. The parents can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child. Further information can be found in the University's [Shared Parental Leave policy](#). If you propose to return to work early without using the full 52-week entitlement to adoption leave by giving proper notice as outlined above (see section 9), you may be eligible to transfer any outstanding adoption leave (and outstanding adoption pay) to your partner to be taken as Shared Parental Leave once you have returned to work.

11. Childcare Vouchers

The University operates a Childcare Vouchers scheme administered by Computershare Voucher Services. Details of the scheme can be found on the Human Resources website. If you currently receive Childcare Vouchers you are entitled to continue receiving them during the whole period of your Adoption Leave. Please contact your HR Partner/Adviser to discuss this further.

12. Requesting a Change of Working Hours on Return to Work after Adoption Leave

All employees (with over 26 weeks' service) have the legal right to request flexible working (for example, a change in your working hours or work pattern). It is important to note that you do not have an automatic right to work flexibly, you are entitled to make a **request** to work flexibly.

The procedure for requesting flexible working can be found on the [flexible working](#) page of the HR website. We recommend that if you do wish to request a change then you discuss this informally with your manager as soon as possible, and then submit a formal request at least 8 weeks before you intend to return to work. This should allow enough time for your request to be considered before you need to make arrangements regarding your return to work. Please contact your HR Partner/Adviser to discuss this further.

Also, if you receive Occupational Adoption Pay during your Adoption Leave, and you return to work on reduced hours, then the length of time you must remain employed for (to avoid having to repay your Occupational Adoption Pay) is extended. See section 6.3 above.

13. Fixed-term contracts

If you are on a fixed-term contract and your contract is due to end while you are still on Adoption Leave, the case for extending or renewing your contract will be considered in the normal way. The fact that you are on Adoption Leave is not material to the process to be followed or to the decision to be made.

If the decision is taken to end your contract, your employment will end on the date in your contract. However, the University will continue to consider redeployment opportunities for you until the date that your Adoption Leave ends.

If you qualify for Occupational Adoption Pay you will be paid Occupational Adoption Pay up until the date that your contract ends and SAP thereafter until the statutory adoption pay period is exhausted. You will also be paid any redundancy pay that you are entitled to. The University will waive repayment of any difference between Occupational Adoption Pay and SAP if the end of your contract prevents you from either returning to work or completing three months employment on returning to work after your Adoption Leave.

Please refer to your HR Partner/Adviser if you require further advice.

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