

Policy

Title: Adoption (Version 3)

Ref: Human Resources / Employee Relations

Last updated: 27/04/2015

1. Policy statement

The University recognises the needs of members of staff who adopt children and this policy recognises those needs. The policy incorporates the requirements laid down by legislation.

2. Scope

Along with those staff who are adopting a child(ren), this policy also covers staff who have a child through surrogacy and are in receipt of a parental order and staff who are dual approved prospective adopters in 'foster to adopt' arrangements under section 22C of the Children Act 1989.

3. Adoption leave

All members of staff, regardless of their length of service with the University, are entitled to 26 weeks ordinary adoption leave and 26 weeks additional adoption leave where they will be responsible for the upbringing of child(ren) being adopted and that the leave taken is to care for the child.

Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If a child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to 8 weeks after the end of the placement.

Members of staff are required to inform the University of their intention to take paid adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. They should do this using the 'matching certificate' provided by their adoption agency as well as completing the appropriate application form which requests confirmation of the date they wish to commence paid adoption leave. This date can be:

- The date of the child(ren) placement (whether this is earlier or later than expected); or
 - From a fixed date which can be up to 14 days before the expected date of placement.
- The University will respond to a member of staff's notification of their plans within 28 days.

If a member of staff wishes to take their full adoption leave entitlement no further notification to the University is necessary.

Where a member of staff wishes to return to work before the end of their full adoption leave entitlement, they should inform the University of their intended return date, giving 8 weeks' notice.

4. Adoption pay

In order to be eligible for statutory adoption pay a member of staff must have worked continuously at the University for 26 weeks leading into the week in which they are notified of being matched with a child(ren) for adoption. To be eligible for the University's occupational adoption pay a member of staff must have worked continuously at the University for 52 weeks leading into the week in which they are notified of being matched with a child(ren) for adoption.

In the case of surrogacy births the 'qualifying week' is the end of the 15th week before the expected week of the child's birth.

In the case of foster to adopt arrangements, the 'qualifying week' is the week the staff member is notified by the local authority that a child will be placed with them under section 22C of the Children Act 1989.

Where eligible, staff are entitled to a total of 52 weeks leave (26 weeks ordinary and 26 weeks additional adoption leave), of which 39 weeks will be paid at the statutory rate in force at the time of adoption, with the University topping up the first 26 weeks to full contractual salary. Statutory Adoption Pay (SAP) is currently 39 weeks at the standard SAP rate or 90% of average weekly earnings, whichever is less.

In order to be eligible for contractual adoption pay the member of staff must undertake, in writing, to return to work for at least 52 weeks following the period of adoption leave (both paid and unpaid leave periods). The University has the right to recover any contractual adoption pay should the member of staff not return to work or leave the employment of the University in this 52 week period.

Paid adoption leave is only available to the parent(s):

- newly matched for adoption by an approved adoption agency; or
- in receipt of a parental order where the parents have a child(ren) through surrogacy; or
- in receipt of a placement order under section 22C of the Children Act 1989 in approved 'foster to adopt' situations.

It is not available in circumstances where a child is not newly matched, for example when a stepparent is adopting a partner's child(ren).

5. Adoption and surrogacy appointments

Employees proposing to adopt a child or on after 5 April 2015 (either on their own or jointly with another person) will be entitled to take time off work to attend adoption appointments in certain circumstances. Adoption appointments are appointments made by an adoption agency relating to a child being placed for adoption or for a fostering for adoption placement. If the employee is the primary adopter they are entitled to 5 paid adoption appointments. If the employee is the secondary adopter they are entitled to 2 unpaid adoption appointments. Employees can take 6.5 hours for each adoption appointment.

Employees who intend to apply for a parental order and expect to become the child's legal parents in a surrogacy situation have the right to unpaid time off work to accompany the birth mother to up to two antenatal appointments.

6. General rights

Adoption leave can begin on any day of the week.

The University may make reasonable contact with the employee while he/she is on adoption leave.

During the adoption leave the employee will accrue holiday entitlement.

Adoption leave and pay is available to only one member per couple where a couple adopt jointly, but either partner may take the leave and pay. For the purposes of this policy a couple means that you are living together in an enduring family relationship or are married.

If a member of staff is a partner in a couple adopting jointly, they may apply for paid paternity leave where the other partner is taking paid adoption leave. Please refer to the [Paternity Leave Policy](#).

7. "Keeping In Touch" (KIT) days

There are 10 optional 'Keep In Touch' (KIT) days available to employees on adoption leave which will provide the opportunity to undertake a limited amount of work and training without losing any adoption pay. This may help ease an eventual return to work and benefit both parties. KIT days can only be taken where both the employee and employer agree that it would be beneficial; neither party is able to insist that KIT days are worked. Any work done on any day will count as a whole KIT day, i.e. if the employee attends work for a one hour training session they will have used one of the KIT days. There are no restrictions on when KIT days can be used.

Once the 10 days have been exceeded an employee will lose a whole week's Statutory Adoption Pay for any week in which they do any work for the employer, no matter how little.

Any contractual pay for a KIT day will be offset against normal SAP payments. The Head of Academic Unit or Professional Service (or their representative) may agree that work undertaken on a KIT day can be paid at

normal contractual rates in addition to SAP to reflect the additional work where appropriate. The rate of pay for a KIT day must be agreed by both parties prior to any work being undertaken.

8. Paternity leave

Two weeks paid paternity leave is available to the partner not taking adoption leave.

Please refer to the [Paternity Leave Policy](#) for more information.

9. Shared Parental Leave

Eligible employees who are proposing to adopt a child (or have a child through surrogacy) on or after 5 April 2015 will be able to curtail their adoption leave and share any untaken statutory adoption leave and pay as shared parental leave and pay. For more information about shared parental leave please refer to the Shared Parental Leave policy.

10. Parental leave

Unpaid parental leave for a period of up to 18 weeks is available to staff with 12 months continuous service with the University. Parental leave can be taken immediately after unpaid adoption leave or at a later date in accordance with the scheme. For more details of this please refer to the [Parental Leave policy](#) also available.

10 Maintaining this policy

The University will monitor the effectiveness of this policy and its general compliance within the organisation. This policy will be kept up to date and amended accordingly to reflect any changes in response to revised legislation and applicable standards and guidelines

DATE	REV No	CONTENT	PREPARED BY	APPROVED BY
April 2015	2	Revised to reflect statutory changes.	S Quin	NA