

Adoption Policy

This policy was formerly part of the Work and Parents Policy, which was:

- First approved by Finance & Human Resources Committee 08.10.02
- Update approved by Finance & Human Resources Committee 11.06.03
- Updated March 2004 following consultation with the unions
- Updated August 2005 to reflect the rates of SMP & SAP at 4 April 2005
- Updated September 2006 to reflect the rates of SMP & SAP at 2 April 2006
- Updated October 2006 to incorporate the Work & Families Act 2006 (effective 1 October 2006)
- Updated April 2007 to reflect the rates of SMP & SAP at 1 April 2007
- Updated August 2008 to reflect the rates of SMP & SAP at 6 April 2008 and to clarify the position regarding statutory and occupational annual leave entitlements during maternity leave (Section 5.1 in maternity leave section). 4.1.6, 5.3.2 and 5.6.4 in maternity leave section also updated. Updates also reflected in Adoption policy.
- Updated October 2008 - update to Section 1; update titles under H&S Section; clarification on the calculation for statutory maternity pay; update to 5.1.1; update to 5.3.2; and update to titles under 5.6.4. Updates also reflected in Adoption policy.
- Updated March 2009 to reflect the proposed increase in statutory annual leave from April 2009 and sections 3.1 and 3.8 of the Parental leave section (18 weeks for each disabled child)
- Updated April 2009 to reflect the rates of SMP & SAP at April 2009
- Updated July 2009 to include additional text under section 5.1
- Updated April 2010 to reflect the rates of SMP & SAP at April 2010
- Updated August 2010 – update to Appendix 1 regarding continuous service
- Updated February 2011 (Maternity policy Section 4.2.9 and Paternity Leave Policy section 2.3)

This separate Adoption policy was finalised in June 2013 following consultation with the unions.

- August 2014: Paragraph 2b updated: “male partner” replaced with “co-adopter”.
- December 2014: Minor updates to reflect Shared parental leave legislation
- November 2016: Terminology updates
- January 2019: Terminology updates
- April 2019: updated to ensure inclusive and gender neutral
- July 2019: Reviewed by Stonewall
- September 2019: Occupational Adoption pay increased to 26 weeks full pay. Surrogacy included in the policy.

Policy reviewed by HR July 2021; no changes needed.

May 2022: Updated to be improve gender neutrality and inclusivity

July 2022: updates approved by SLT

October 2023: Terminology updated to be more inclusive

October 2023: SLT approved changes implemented to increase occupational adoption pay to 52 weeks full pay and reduce qualifying period from one year to 26 weeks in line with statutory adoption pay qualification period

April 2024: Updated to incorporate the Protection from Redundancy (Pregnancy and Family Leave) Act 2023 (SLT approved 5.3.24)

Adoption Policy

1. Introduction

The purpose of this policy is to provide guidance on entitlements to leave and pay arrangements associated with the adoption of a child or obtaining a legal parental order for a child following a surrogacy arrangement¹. This policy applies to all members of staff regardless of their gender or the gender of their partner, is inclusive of couples regardless of gender and is intended to be gender neutral.

Staff are advised to read this policy in conjunction with the Shared Parental Leave Policy.

2. Eligibility

Adoption leave is available to members of staff adopting children up to 18 years of age.

To be eligible for statutory adoption leave a member of staff must:

- a) be newly matched with a child for adoption by an approved adoption agency.
- b) have at least six months (26 weeks) continuous service² with the university at the date at which they are notified of being matched with a child for adoption

In the case of a couple³ adopting a child, only one partner of the couple will be entitled to claim adoption leave and pay, whether or not both partners work for the university. In such cases, the co-adopter may be entitled to paternity leave and pay (Section 3 - Paternity leave, paragraph 1 refers).

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

3. Ante natal care

Members of staff who intend to apply for a parental order following a surrogacy arrangement are entitled to take unpaid time off to accompany the surrogate parent to two antenatal appointments.

4. Adoption leave entitlements

A member of staff who satisfies the above qualifying conditions will be entitled to a total of up to 52 weeks' adoption leave.

5. Adoption pay entitlements

5.1 Statutory adoption pay

¹ To be able to apply for a parental order, at least one intended parent must be genetically related to the child

² Continuous previous service with other HEFCE institutions, Universities, Further Education establishments and Local Government

³ This includes couples regardless of gender

Statutory adoption pay (SAP) is a state benefit and is payable for 39 weeks to members of staff who have:

- a) average weekly earnings above the lower earnings limit for National insurance contributions and
- b) meet the qualifying conditions for statutory adoption leave.

The rate of statutory adoption pay will be the same as the standard rate of statutory maternity pay or 9/10ths of average weekly earnings if this is less than the current statutory rate.

Members of staff who have average weekly earnings below the lower earnings limit for national insurance contributions will not qualify for statutory adoption pay. In this case other financial support may be available from the member of staff's local authority.

5.2 Occupational adoption pay

Occupational adoption pay is more generous than statutory adoption pay and is available to members of staff who have 26 weeks' continuous service with the university at the date at which they are notified of being matched with a child for adoption, and who are also eligible for statutory adoption pay.

Occupational adoption pay is subject to the same types of pay deductions as normal salary payments.

Members of staff who are entitled to occupational adoption pay will receive:

- 52 weeks full basic salary (inclusive of 39 weeks statutory adoption pay at the current statutory rate).

6. When adoption leave may be taken

A member of staff may choose to start their adoption leave on any day of the week:

- from the date of the child's placement (whether this is earlier or later than expected), or
- from a set date which can be up to 14 days before the expected date of placement.

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

7. Notice requirements

To qualify for adoption leave, the member of staff is obliged to outline their intention to take adoption leave in writing to their line manager, (copied to their HR contact) within 7 calendar days of being notified by their adoption agency that they have been matched with a child, unless this is not reasonably practicable. They should also specify when the child is expected to be placed with them and the exact date on which they would like their adoption leave to start and provide formal confirmation in the form of a matching certificate from their adoption agency to confirm their entitlement to statutory adoption pay.

Members of staff will be entitled to change the date on which they want their adoption leave to start providing they give 28 days notice in writing to their line manager (copied to their HR contact), unless this is not reasonably practicable.

HR will normally respond to the member of staff's notification of their adoption leave plans, in writing, within 28 days, setting out the date on which they will be expected to return to work if they take their full entitlement to adoption leave

8. General conditions

8.1 Annual leave

8.1.1 Normal contractual holiday entitlement will continue to accrue throughout adoption leave. In addition, members of staff on adoption leave are entitled to accrue a day off in lieu of any bank holidays and fixed university closure days which fall during their adoption leave. In the case of fractional staff, this applies to bank holidays and fixed university closure days which fall on the days on which they would have worked, had they not been on adoption leave.

8.1.2 If they wish to do so, members of staff may take any annual leave which they will accrue during their adoption leave before commencing adoption leave. Alternatively they may take their remaining contractual annual leave immediately prior to their return to work, or after their return to work. Contractual annual leave must normally be taken within the leave year to which it applies but consideration can be given to carrying over annual leave if for example adoption leave commences close to the end of a leave year. If any leave is carried over it should be used immediately following adoption leave. If the member of staff does not return to work following adoption leave, payment in lieu of untaken annual leave will be made to the member of staff. In the event that the member of staff's employment ends during a period of adoption leave and they have, at that date, taken more annual leave than they have accrued, the university may recover any over payments made to the member of staff in respect of this.

8.2 Continuation of the contract of employment

8.2.1 Adoption leave counts as continuous employment and will not affect the member of staff's continuous service with the university.

8.2.2 Apart from basic remuneration, all terms of the contract of employment continue throughout adoption leave. Staff will therefore be entitled to receive an annual increment (where applicable) on their salary scale, in accordance with the terms of their contract of employment.

8.3 Pensions

8.3.1 Local Government Pension Scheme

Deductions in respect of the Local Government pension scheme are made until such time as a period of unpaid adoption leave commences. The period of reduced pay counts as full pensionable service. Members of staff have the option of electing to backdate contributions to cover the period of unpaid adoption leave (with the university paying the employer's contribution). Such an election must be made within 30 days of returning to work.

8.3.2 Teachers' Pension Scheme

Deductions in respect of the Teachers' Pension Scheme are made until such time as a period of unpaid adoption leave commences. Periods of unpaid adoption leave do not count as pensionable service under this scheme. Staff have the option of purchasing additional pension to replace period of non-pensionable service.

8.4 Contact during adoption leave

Line managers and Heads of School/Directors are entitled to make reasonable contact with a member of staff whilst they are on adoption leave. Managers may wish to make contact with a member of staff who is on adoption leave to discuss a range of issues, for example their plans for returning to work, or to keep them informed of important developments at the workplace, including relevant promotion opportunities or job vacancies that arise during adoption leave.

8.5 Keeping in touch days

Up to 10 optional 'Keeping in Touch' days are available to members of staff during their adoption leave to give them the chance to go to work, to undertake training and keep in touch without bringing the period of their adoption leave to an end. Such work may be undertaken at any time during adoption leave. The member of staff and their line manager are advised to agree what

work is to be done, whether it will be paid and, if so, how much the member of staff will be paid for it. 'Keeping in touch' days are optional and there will therefore be no obligation on either the employer or the member of staff to make use of these days.

9. Terms and conditions on returning to work

9.1 Time of return and notification

When a member of staff has not indicated an anticipated date of return to work, the line manager will assume that it is the member of staff's intention to work at the end of their full entitlement to adoption leave (including additional adoption leave), which is outlined in the letter confirming their entitlements.

A member of staff who wants to return to work before the end of the full entitlement of adoption leave (including additional adoption leave) will need to give their line manager at least 8 weeks notice in writing (copied to their HR contact) of the date on which they wish to return to work. The school/department may postpone an employee's return for up to 8 weeks from notification of return if they give less than 8 weeks notice of early return to work and will write to them to confirm this.

Human Resources will write to the member of staff within 21 days of their return to work to confirm their return.

9.2 Terms and conditions on returning to work following adoption leave

Members of staff who return to work at the end of their period of ordinary adoption leave, will be entitled to return to the job they were employed under their original contract of employment and on terms and conditions no less favourable than those to which they would have been entitled had they not been on adoption leave. For this purpose, 'job' means the nature of work which they were employed to do and the capacity and place in which they were so employed. Members of staff who return to work following additional adoption leave are entitled to return to the same job on the same terms and conditions of employment as if they had not been on adoption leave, unless there is a reason why it is not reasonably practicable for them to return to their old job, in which case they should be offered a similar job on similar terms and conditions which are not less favourable than their original job.

9.3 Returning to work on reduced working hours

If a member of staff wishes to return to work on a part time basis they should make this request in accordance with our [Flexible Working policy and procedure](#). If a member of staff does not consider that they meet the criteria detailed in the Flexible Working policy they may put a request to return to work on a part-time

basis in writing to the head/director and are advised to do so no less than 8 weeks before the date on which they intend to return to work. The member of staff should set out in writing the pattern of hours/days which they wish to work and how, in their view, it could be accommodated within the needs of the school/department.

The head/director (or their nominated deputy) will consider any request to alter working hours carefully, objectively and sensitively, in consultation with Human Resources. Requests to return to work on reduced hours will be dealt with expeditiously in line with the timescales provided in the Flexible Working policy and the head/director (or their nominated deputy) will make every effort to arrive at a mutually suitable arrangement but may take up to 8 weeks from the date of the request to finalise such an arrangement, particularly if they require external recruitment. Members of staff should bear this in mind when submitting such requests.

If the school/department would suffer serious operational difficulties if a member of staff were to return to work on reduced working hours, the head/director (or their nominated deputy) will make every effort to find the member of staff alternative part time work in accordance with considerations outlined in 8.2 if this is possible.

It is at the head/director's (or their nominated deputy) discretion whether to agree, at the time of return to work, that the employee's part-time working will be reviewed after a determined period of time, with a view to establishing whether the member of staff wishes to return to full-time work after the review period, or wishes to remain part-time on a continuing basis. If the head/director (or their nominated deputy) is unable, at the time of the member of staff's return to work, to agree to such a review but agrees to the request to work part-time, they will discuss this with the member of staff and the member of staff will be advised that they will need to reduce their hours of work to part-time on an indefinite basis. However, this reduction in hours will not prevent them from applying to work additional hours in the future, where such hours are available.

9.4 Right to improvements to terms and conditions on return to work

A member of staff returning to work after adoption leave is entitled to benefit from any general improvements to their rate of pay or other terms and conditions introduced during their absence, as though they had not been on adoption leave (including incremental progression, cost of living increases etc).

10. Summary of the member of staff's obligations

- 10.1 Entitlement to adoption leave and pay is subject to formal confirmation of the adoption (normally a matching certificate from the adoption agency).
- 10.2 The member of staff must notify their line manager (copying in their HR contact) of their intention to take adoption leave (including when they would like their adoption leave to start) within 7 days of being notified by the adoption agency that they have been matched with a child, unless this is not reasonably practicable.
- 10.3 Members of staff will be expected to return to work upon expiry of their adoption leave. Staff intending to return to work prior to the expiry of their additional adoption leave must inform their line manager in writing (copying in their HR contact) at least 8 weeks prior to returning to work.
- 10.4 Requests to return to work on reduced hours should be made in writing at least 8 weeks before the member of staff intends to return to work. Further details on this are provided in paragraph 8.3.
- 10.5 Members of staff are obliged to notify the Head of School/Director if they start work for a new employer after adoption, regardless of whether the adoption leave period has ended as this impacts upon the university's statutory adoption pay liability. Members of staff are bound by the terms and conditions of their contract of employment to give due notice if they intend to resign from their employment with the university.
- 10.6 Members of staff not returning to work after adoption leave, and who have received occupational adoption pay, will be obliged to pay back the last four weeks of half pay occupational adoption pay.

11. Redundancy

11.1 Consultation

If a member of staff who is on adoption leave is potentially at risk of redundancy, the head/director (or their nominated deputy) should contact the member of staff in person, to outline the proposals to them and inform them that they are potentially at risk of redundancy. A copy of the proposals should then be sent to the member of staff at their home address together with details of any group consultation meetings and an invitation to attend these meetings. The member of staff should be offered the opportunity to meet with or speak with a relevant manager on a one to one during the consultation process. Advice should be sought from Human Resources in such cases.

11.2 Offer of suitable alternative post

If the member of staff is selected for redundancy, following consultation, and they are currently on ordinary or additional adoption leave, or they returned from adoption leave within the last six months⁴, they are entitled to be offered a suitable alternative vacancy (where one is available) to start immediately after their existing employment ends. The alternative post must be suitable for the member of staff and appropriate in the circumstances. The capacity and place in which they are to be employed and the other terms and conditions of employment must be no less favourable to them than if they had continued to be employed in their old job. The member of staff on adoption leave is entitled to be offered this suitable alternative post in preference to any other member of staff who is similarly affected by the redundancy situation but is not currently pregnant; on adoption/maternity/shared parental leave or who returned from adoption/maternity/shared parental leave in the last six months. If the member of staff is offered a new job they are entitled to a trial period in accordance with the [Redeployment Procedure](#), which should commence at the earliest practical date. This might be before their adoption leave if they have not commenced adoption leave; immediately after they return from adoption leave if they are currently on adoption leave; or on an agreed date if they returned from adoption leave in the last six months.

If there is no suitable alternative post, the member of staff's employment will come to an end on the grounds of redundancy and the member of staff will be entitled to their full contractual notice. If the member of staff is currently on adoption leave, their adoption leave period will end. Any occupational adoption pay ceases as at the employee's last day of service, however any statutory adoption pay which has not been paid at the end of the member of staff's notice period will be paid to them as a lump sum.

- 11.3 If the member of staff is selected for redundancy before their adoption leave commences, they are entitled to be considered for redeployment to suitable alternative vacancies in the same as other employees. The member of staff is entitled to their full contractual notice period if they are made redundant. If the member of staff is offered redeployment to a suitable alternative job they are entitled to a trial period in accordance with the Redeployment Procedure, which should commence once they return from adoption leave. The redeployment can however commence prior to their return from adoption leave.

Glossary of abbreviations used in this policy

SMP Statutory Maternity Pay
SAP Statutory Adoption Pay

⁴ This protection applies until 18 months from the child's date of placement or, in cases of adoptions overseas, until 18 months from the date of entry into Great Britain