

## **ADOPTION LEAVE POLICY**

### **Purpose and Context**

This policy describes the entitlement and eligibility of all staff members to adoption leave and pay.

### **Scope**

This policy applies to all University members of staff subject to the continuous service requirements regarding eligibility.

Our policy endeavours to be fully inclusive and supportive of all types of couples and family relationships and we have attempted to reflect this within our policy. Where individual staff members are in relationships not outlined in the document and are finding barriers to access, we encourage a conversation with your HR Manager. We will evolve our policy in line with your feedback, regulations, best practice and legislative developments.

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## **1 Introduction**

- 1.1 The Adoption Leave Policy provides for leave and pay, where eligible, to enable a member of staff time off related to the adoption of a child and paternity leave and pay when a child is placed for adoption.

## **2 Eligibility**

- 2.1 Members of staff must satisfy the following conditions in order to qualify for adoption leave:

- Be newly matched with a child for adoption by an adoption agency and have agreed to take the child;
- Are, or expect to be, the parents of a child under a parental order in a surrogacy arrangement;
- Are an approved prospective adopter who looks after a child as part of a “fostering to adopt” arrangement, where they have been notified of a child’s placement;
- Have worked continuously for the University for 26 weeks at the end of the week in which they are notified of being matched with a child.

- 2.2 Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a stepparent is adopting a partner’s child.

## **3. Leave Entitlement**

- 3.1 The maximum period of adoption leave that can be taken is 52 weeks.

- 3.2 Members of staff can choose to start their leave from the date of the child's placement or from a fixed date which can be up to 14 days before the expected date of placement.
- 3.3 Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.
- 3.4 If the child's placement ends during the adoption leave period, the staff member can continue adoption leave for up to 8 weeks after the end of the placement.

#### **4. Pay Entitlement**

- 4.1 Statutory Adoption Pay (SAP) is payable to all members of staff who have been continuously employed by the University for at least 26 weeks at the end of the week in which they are notified of being matched with a child for adoption and have earned at least the equivalent of the lower earnings limit for National Insurance contributions in the weeks up to and including the week in which notification of being matched is received. Members of staff who are notified of being matched with a child for adoption will also be entitled to Contractual Adoption Pay (CAP) if they have been continuously employed with the University for at least one year at the end of the week in which they are notified of being matched with a child for adoption.
- 4.2 Members of staff eligible for SAP will receive:
- The first 6 weeks at 90% of average weekly earnings.
  - The remaining 33 weeks at the lower of either 90% of average weekly earnings or the SAP flat rate.
- 4.3 Members of staff eligible for CAP will receive:
- The first 4 weeks at full pay, offset by any entitlement to SAP.
  - 2 weeks at 90% of full pay, offset by any entitlement to SAP.
  - 12 weeks at half pay, payable on return to work or in addition to SAP entitlement if paid, during adoption leave.
- 4.4 If a member of staff chooses to receive the half pay element of the CAP whilst on adoption leave, they must return to work at the end of the leave for a qualifying period of at least 3 months. If the member of staff does not return, then they will have to refund the amount in full. This qualifying period will be extended on a pro rata basis if returning to work on reduced hours from those previously worked
- 4.5 Please note that SAP is paid whether or not the member of staff intends to return to work.
- 4.6 Members of staff who are not eligible to receive Statutory Adoption Leave may be entitled to receive financial support in relation to their adoption payment through the adoption agency. In addition, financial support may be available through the Housing Benefit, Council Tax Benefit or Tax Credits, available through either the Jobcentre Plus office or Social Security office.

## **5 Notification**

- 5.1 Members of staff are advised to contact their line manager and HR, as soon as practicably possible. HR will advise the member of staff of their entitlements.
- 5.2 Members of staff must complete the Notification of Adoption Leave form and return it to HR with the Certificate of Matching which is obtained from the adoption agency. Both documents should be received by HR within 7 days of being notified by their adoption agency that they have been matched with a child for adoption.
- 5.3 HR will confirm the member of staff's entitlement and notification periods in writing.

## **6 Matching Certificate**

- 6.1 Members of staff are required to provide the University with documentary evidence from the adoption agency as evidence of their entitlement to Statutory Adoption Leave and Pay. This certificate also gives an indication of possible placement dates.

## **7 Terms and Conditions of Employment**

- 7.1 All terms and conditions, except salary apply while on adoption leave. Continuous service continues to accrue while on adoption leave. A member of staff will return to the same job, terms and conditions where reasonably practicable, with rights protected.

## **8 Annual Leave**

- 8.1 During the periods of ordinary and additional adoption leave a member of staff will continue to accrue annual leave, including bank holidays and closure days, in the normal way.
- 8.2 Annual leave may be taken at the start and/ or end of the adoption leave period with the agreement of the line manager.
- 8.3 Annual leave accrued during the adoption leave period should be taken during the current leave year wherever possible. Members of staff are expected to plan annual leave to stay within the existing conditions applied to carrying leave forward (a maximum of 5 days leave). Staff will normally only be allowed to carry over more accrued annual leave into the next leave year if it has not been possible to take it.

## **9 Pension**

- 9.1 Pension contributions will be deducted and pensionable service will continue to accrue whilst in receipt of pay.
- 9.2 For any unpaid period prior to return to work:

- Members of staff who are members of the West Yorkshire Pension Fund may elect to pay pension contributions on this period of unpaid leave on their return to work. Contributions are based on the salary paid prior to any unpaid period of leave. The University will contact you on your return to work with details of how to do this.
- Members of staff who are members of the Teachers' Pension Scheme cannot have their period of unpaid leave count towards their pension. Staff members cannot elect to pay contributions but may wish to consider purchasing additional pension within the Scheme.

## 10 Keeping in Touch Days

- 10.1 Members of staff may carry out up to 10 days' work during adoption leave. However, there is no requirement to do so.
- 10.2 Where managers and individuals both agree that the member of staff is to attend the University during their adoption leave it must be for a specific purpose e.g. training, or a specific event. Members of staff are not required to take up Keeping in Touch Days and they do not have to be offered.
- 10.3 Where Keeping in Touch Days are taken up, normal rates of pay will apply. During the paid adoption leave period the difference between contractual adoption pay and standard pay will be paid. During unpaid adoption leave a normal day's pay will apply.
- 10.4 Attendance for part of a day will count as one Keeping in Touch Day.
- 10.5 Individuals and managers should complete the appropriate notification form, available from the [HR website](#) and return it to the Payroll Office.

## 11 Return to Work

- 11.1 A member of staff is automatically expected to return at the end of their Additional Adoption Leave. Any return to work prior to this date requires the member of staff to give 8 weeks written notice of their intention to return to work. If a member of staff wishes to extend their Adoption Leave, having previously notified a return-to-work date, an 8 week notice period will be calculated from the original return date. It may not be extended beyond the end of Additional Adoption Leave.
- 11.2 Members of staff returning to work during or at the end of the first 26 weeks (ordinary adoption leave) are entitled to return to the same job on the same terms and conditions (for example salary, hours and the seniority of the job). Members of staff taking more than 26 weeks (additional adoption leave) are also entitled to return to the same job on the same terms and conditions. However, if that isn't reasonably

practicable the staff member is entitled to return to a suitable job on terms and conditions which are no less favourable.

- 11.3 If a member of staff does not wish to return to work, normal contractual notice provisions will apply.

## **12 Request to return to work part-time**

- 12.1 There is no automatic right to return to work on a part-time basis following adoption leave. If a member of staff wishes to reduce their working hours they should discuss with their manager prior to their return and submit a formal request under the [Flexible Working Procedure](#).

## **13 Time off prior to adoption**

- 13.1 Members of staff who are the main adopters are entitled to paid time to attend up to 5 appointments in relation to the adoption once they have been matched with a child. Each appointment may last up to half a working day.
- 13.2 The main adopter's partner (where their partner is adopting the child jointly) will be entitled to unpaid time off for up to two such appointments.
- 13.3 Members of staff who are adopting a child via surrogacy will be entitled to unpaid time off to attend two antenatal appointments with the surrogate mother.
- 13.4 The members of staff must produce documentation giving details of the appointment date and time and discuss their request with their line manager.

<b>POLICY SIGN-OFF AND OWNERSHIP DETAILS</b>	
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<b>Compliance Checks:</b>	HRG SMT regularly review to ensure compliance
<b>Related Policies/Procedures:</b>	Paternity Leave Policy Shared Parental Leave Policy Flexible Working Policy

<b>REVISION HISTORY</b>			
<b>Version</b>	<b>Date</b>	<b>Revision description/Summary of changes</b>	<b>Author</b>
V1.1	July 2019	Revisions to terminology following advice from Stonewall regarding LGBT inclusion and transference to new template.	Senior HR Officer (EDI)
V1.2	June 2020	Correction	HR Manager
V1.3	August 2020	Correction	HR Manager
V1.4	December 2021	Formatting updates (minor amends not requiring committee approval)	HR Manager
V.2	January 2024	Policy review – no changes.	HR Manager