

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 staff subject to the continuous service requirements regarding eligibility.

This policy applies to same-sex couples and is applicable regardless of the gender identity of the staff members.

1 Introduction

- 1.1 The Adoption Leave Policy provides for leave and pay, where eligible, to enable a staff member 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 Staff members 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 step-parent is adopting a partner’s child.

3. Leave Entitlement

- 3.1 From 1 April 2007 the maximum period of adoption leave that can be taken is 52 weeks.
- 3.2 Staff members 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.

- 3.5 Staff members who are the main adopters are entitled to paid time off to attend up to 5 appointments relating to the adoption. Secondary adopters are entitled to paid time off to attend up to 2 appointments relating to the adoption.

4. Pay Entitlement

- 4.1 Statutory Adoption Pay (SAP) is payable to all staff members 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. Staff members who are notified of being matched with a child for adoption on or after 1 April 2007 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 Staff members 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 Staff members 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 staff member 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 staff member 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 staff member intends to return to work.

- 4.6 Staff members 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 Staff members are advised to contact their line manager and a HR Officer, as soon as practicably possible. HR will advise the staff member of their entitlements.

- 5.2 Staff members 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 staff members entitlement and notification periods in writing.

6 Matching Certificate

6.1 Staff members 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 staff member will return to the same job, terms and conditions where reasonably practicable, with rights protected.

8 Annual Leave

8.1 Annual leave will continue to accrue during both ordinary and additional adoption leave. Annual leave may be taken at the end of adoption leave with the agreement of the line manager. Normal arrangements for the carry forward of leave apply.

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:

- Staff members 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.
- Staff members 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 Staff members 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 staff member is to attend the University during their adoption leave it must be for a specific purpose e.g. training, or a specific event. Staff members 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 staff member is automatically expected to return at the end of their Additional Adoption Leave. Any return to work prior to this date requires the staff members to give 8 weeks written notice of their intention to return to work. If a staff member 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 Staff members 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). Staff members 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 staff member does not wish to return to work, normal contractual notice provisions will apply.

12 Request to return to work part-time

- 12.1 A staff member who indicates a wish to return on a part-time basis following Adoption Leave should submit a request under the University's Flexible Working Policy and discuss this with their manager as early as possible. This will enable the manager to investigate possible options, including a return to another part-time post.

13 Time off prior to adoption

- 13.1 The main adopter will be entitled to take paid leave for up to five adoption appointments where there are arranged by, or at the request, of the adoption agency for the purpose of having contact with the child or for any other purpose connected with the adoption. 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 Staff members who are adopting a child via surrogacy will be entitled to unpaid time off to attend two ante natal appointments with the surrogate mother.
- 13.4 The staff members must produce documentation giving details of the appointment date and time and discuss their request with their line manager.

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

REVISION HISTORY			
Version	Date	Revision description/Summary of changes	Author
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