

Adoption Leave Policy

Purpose and Context

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

Scope

This policy applies to all University employees, full and part-time, permanent and temporary, 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 employee.

1 Introduction

- 1.1 The Adoption Policy provides for leave and pay, where eligible, to enable an employee 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 Employees must satisfy the following conditions in order to qualify for adoption leave and pay:

- Be newly matched with a child for adoption by an adoption agency;
- 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 Employees 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 employee can continue adoption leave for up to 8 weeks after the end of the placement.
- 3.5 Employees 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 employees 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. Employees which 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 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 Employees 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 Employees 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 an employee 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 employee 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 employee intends to return to work.
- 4.6 Employees 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 Employees are advised to contact their line manager and a HR Officer, as soon as practicably possible. HR will advise the employee of their entitlements.
- 5.2 Employees 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 employee's entitlement and notification periods in writing.

6 Matching Certificate

- 6.1 Employees 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. An employee 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:
- Employees 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.
 - Employees who are members of the Teachers' Pension Scheme cannot have their period of unpaid leave count towards their pension. Employees cannot elect to pay contributions but may wish to consider purchasing additional pension within the Scheme.

10 Return to Work

- 10.1 An employee is automatically expected to return at the end of their Additional Adoption Leave. Any return to work prior to this date requires the employee to give 8 weeks written notice of their intention to return to work. If an employee 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.
- 10.2 Employees 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). Employees 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 employee is entitled to return to a suitable job on terms and conditions which are no less favourable.
- 10.3 If an employee does not wish to return to work, normal contractual notice provisions will apply.

11 Request to return to work part-time

- 11.1 There is no automatic right to return to work on a part-time basis following adoption leave. Any request will be considered sympathetically and will only be denied if the work could not be done on a part-time basis.
- 11.2 An employee who wishes to explore a return to work part-time should discuss this with their line manager as soon as they consider this to be a possibility. This will enable the manager to investigate possible options, including a return to another part-time post.

POLICY SIGN-OFF AND OWNERSHIP DETAILS	
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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	Typographical correction	HR Manager