Adoption Leave Policy and Procedures

1. Purpose

1.1 This policy sets out the Adoption Leave Scheme provided by the University of Manchester Conferences Ltd (UMC Ltd) ("the company") for its employees and explains the statutory rights to adoption leave and pay.

1.2 The policy aims to:

- support employees to balance work and family life
- maintain contact with employees and assist them in their return to work
- retain employees and thereby encourage equality and diversity within the workplace

2. Scope

2.1 This policy applies to all employees, who meet the eligibility criteria (including same-sex partners).

2.2 Adoption leave and pay will be available to:

i. Individuals who adopt

ii. One member of a couple where a couple adopt jointly (the couple may choose which partner takes adoption leave regardless of gender)

2.2 One of the intended parents in a surrogacy case. Where a child is born to a surrogate mother, the intended parents can become the child's legal parents by applying for a parental order. One of the intended parents must be the biological parent of the child, the child must live with the intended parents and the parental order application must be made when the child is between 6 weeks and 6 months old.

2.3 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.

2.4 The partner (regardless of gender/gender identity) of an individual listed above may be entitled to paternity leave and pay (see Paternity Leave Policy).

2.5 This policy should be read in conjunction with the Shared Parental Leave Policy which provides parents with more flexibility in how to share the care of their child during the first

year. Adopters can opt to curtail their adoption leave early and to share the remaining leave and pay entitlement with their partner. This enables parents to choose to be off work at the same time and/or take it in turns to have periods of leave to look after their child.

2.6 This policy does not form part of any employee's contract of employment and the company may amend it at any time.

3. Eligibility for leave

3.1 Employees are statutorily entitled to Ordinary Adoption Leave (OAL) for 26 weeks and Additional Adoption Leave (AAL) for 26 weeks - 52 weeks in total – regardless of length of service, on the basis of one of the following:

i. Having been newly matched with a child for adoption by an approved adoption agency and have agreed to take the child

ii. Are, or are expecting to be the parents of a child under a parental order in a surrogacy arrangement, where the child's expected date of birth is on or after 5 April 2015

4. If they are an approved prospective adopter who looks after a child as part of a "fostering to adopt" arrangement, where they are have been notified of a child's placement

5. Eligibility for pay

4.1 To qualify for paid leave an employee must have worked for the company continuously for 26 weeks by the 'Qualifying Week' (beginning on Sunday) in which they are:

i. Notified of being matched with a child within the UK for adoption; or

ii. in which official notification was received of a child from overseas; or …

since their employment commenced (whichever is the latter).

5. Statutory Adoption Pay (SAP)

5.1 SAP is a State benefit for employees on adoption leave, the conditions for which and the amount of which are determined by the Government but it is paid as follows by the employer (since April 2015):

i. The first 6 weeks of Adoption Leave are paid at 90% of the employee's average earnings

ii. Thereafter, employees receive the Standard Rate or 90% of average earnings if this is less, for 33 weeks.

5.2 Average earnings are calculated based on earnings over the eight-week period ending with the week in which he or she is notified of being matched with the child for adoption.

5.3 SAP may start on any day of the week.

5.4 To qualify, an employee must have:

i. At least 26 weeks of continuous service with the company by the Qualifying Week;

ii. Earnings above the lower earnings limit for National Insurance contributions purposes during the eight-week period ending with the week in which they are notified of being matched with the child for adoption the employee; and

iii. Followed the application procedures set out below in section 19.

5.5 All eligible employees will receive SAP whether or not they intend to return to work after Adoption Leave.

6. Occupational Adoption Pay (OAP)

6.1 OAP is provided by the company to give enhanced benefits to employees who intend to return to work after Adoption Leave, comprising of:

i. Full pay for 26 weeks during the period of Ordinary Adoption Leave, which will include any payments of SAP, or SAP alone where this is greater;

ii. SAP only for the first 13 weeks of the period of Additional Adoption Leave; and

iii. the remaining 13 weeks will be unpaid.

6.2 To qualify an employee must have:

i. Completed at least 26 weeks of continuous service with the company by the Qualifying Week; and

ii. followed the application procedures set out below in section 19, informing the company in writing that they intend to return to work at the end of the period of Adoption Leave for at least 12 weeks (excluding sickness absence and extended unpaid leave).

7. Time off prior to adoption

7.1 The main adopter will be entitled to take paid leave for up to five adoption appointments, each of which may last up to 6.5 hours, where these 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.

7.2 The main adopter's partner (where his or her partner is adopting the child jointly) will be entitled to unpaid time off for up to two such adoption appointments.

7.3 Employees who are adopting a child via surrogacy will be entitled to unpaid time off to attend

two ante natal appointments with the surrogate mother.

7.4 The employee must produce documentation giving details of the appointment date and time and discuss their request with their line manager.

8 Commencement of Adoption Leave

8.1 For adoptions within the UK leave can be taken either:

i. From the date of placement; or

ii. no more than 14 days prior to the date of placement.

8.2 For adoptions from overseas leave can be taken either:

i. From the date the child enters the UK; or

ii. no more than 28 days after the child has entered the UK.

8.3 Employees will not be unreasonably requested by the company to undertake work that would have taken place during the adoption leave period prior to departing on adoption leave; however, this must not prevent employees from assisting in the planning of coverage of their work in advance of the adoption leave period.

9. Neonatal Care Leave

9.1 Neonatal Care Leave provides parents between 1 – 12 weeks additional leave if their baby neonatal care within the first 28 days after birth for at least seven consecutive days. Details regarding pay entitlement during Neonatal Leave can be found in the Neonatal Care Leave Policy.

10.Keeping in Touch (KIT) during Adoption Leave

10.1 KIT days enable employees to both 'keep in touch' and up to date with developments at work, and may include working, attending training or meetings.

10.2 During adoption leave, the company may offer employees the option to work for up to 10 KIT days without bringing Adoption Leave to an end, or losing Statutory or Occupational Adoption Pay, as individual employees are permitted to work during Ordinary or Additional Adoption Leave.

10.3 KIT days are optional, although they must be agreed in advance by both the employee and the line manager.

10.4 Working for any part of a day will count as one of the 10 KIT days available, although this will not extend the Adoption Leave period.

10.5 The company will pay employees at their normal hourly basic rate of pay (inclusive of Statutory and/or OAP) for the number of hours worked on a KIT day.

10.6 A log of days worked must be kept using form ML/ADL4 and submitted for payment on return to work at the end of the Adoption Leave period.

10.7 In addition, during Adoption Leave, the company may also make reasonable contact with employees, for example, to discuss return-to-work arrangements or to communicate important information, such as news of changes in the workplace which may affect them.

10.8 Prior to the commencement of Adoption Leave employees and line managers are encouraged to use the pre-adoption leave checklist (form ADL2) to agree and document arrangements for staying in touch with each other, including agreements on the way in which contact will happen, how often, who will initiate the contact and also the reasons for making contact and the types of things that could be discussed.

10.9 The company will ensure that employees are kept informed of promotion opportunities relevant to their job and any important changes in the workplace which may directly affect them on their return to work.

11. Returning to Work

11.1 The return-to-work interview checklist (form ML/ADL3) provides a useful tool for line managers in assisting employees for a successful transition back to work, whether used at the time of the employee's actual return to work or during KIT days (or both).

11.2 An employee who intends to return to work at the end of full Adoption Leave (i.e. 52 weeks) will not have to give any further notification of their return to work, however if they intend to return to work **before** the end of their Adoption Leave they must provide 8 weeks' written notice of their intended date of return, both to their line manager and to People Services.

11.3 An employee who is only taking the OAL is entitled to return to the same job they were in before they went on leave, on terms and conditions that are no less favourable than those that would have applied had they not been absent.

11.4 An employee who has stated their intention to return to work after Additional Adoption Leave will normally be re-employed in their previous post, but if there are exceptional reasons why this is not possible, they will be employed on similar work and on terms and conditions no less favourable than if they had not been absent.

11.5 An employee who has been working full-time but who indicates a wish to return to work on a part-time basis following Adoption Leave should submit a request under the Flexible Working Policy and aim to contact their line manager for a meeting to discuss their matter at earliest time possible.

11.6 An employee who fails to return to work after Adoption Leave will be treated as being on unauthorised absence and the company will, in such circumstances, reclaim any payment

made in excess of SAP, whilst undertaking appropriate disciplinary action, which may include dismissal.

11.7 If An employee leaves within 12 weeks of their return to work after Adoption Leave the company has the right to recover any payment made in excess of SAP, although this provision shall not apply to employees on a fixed term contract that expires either before their return to work, or within a period of 12 weeks from return to work provided that they have not (i) been notified that their contract is to be renewed/extended or (ii) refused an offer of suitable alternative employment.

12. Continuity of employment

12.1 Adoption Leave periods qualify as continuous employment, whereby employees are entitled to the benefit of (and bound by) their normal terms and conditions of employment, except for terms relating to salary throughout the 52 week period of Ordinary and Additional Adoption Leave, including any benefits in kind such as those provided through salary exchange arrangements like *Pension Choice*.

13. Annual Leave

13.1 During the period of Ordinary and Additional Adoption Leave an employee will continue to accrue annual leave, including bank holidays and closure days, in the normal way.

13.2 Employees may take their annual leave at the beginning and/or end of Adoption Leave.

13.3 Annual Leave accrued prior to the start of the Adoption Leave period must be taken within the current leave year.

13.4 Annual leave accrued during the Adoption Leave period should be taken during the current leave year wherever possible. The expectation is that individual will plan annual leave to stay within the existing arrangements applied to carrying leave forward, i.e. up to 5 days leave into the next leave year with their manager's agreement, if it has not been possible to take their full leave entitlement.

13.5 Employees transferring to part-time work on their return must take their outstanding full-time annual leave allowance prior to returning.

14. Parental Leave

14.1 A member of staff may apply to extend their Adoption Leave under the terms of the policies on Career Breaks for Carers or Parental Leave.

15. Sickness

15.1 Adoption Leave is not treated as absence due to illness.

15.2 Employees are not entitled to receive sick pay, i.e. employees cannot be classed as off sick during Adoption Leave.

16. Pension scheme membership

16.1 During any period of OAL on full pay, pension contributions / Pension Choice will continue as usual.

16.2 During any period when the employee receives SAP only:

i. The company will pay all pension costs where the employee participates in *Pension Choice*

ii. If the employee does not participate in *Pension Choice*, employee pension contributions are based on SAP; the company will make up the balance of employee contributions due on the difference between pre adoption leave salary and SAP, plus employer contributions based on the pre-adoption leave salary

iii. During any period of unpaid adoption leave pension contributions/ *Pension Choice* will not be made by the employee or the company and pensionable service will not be earned for this period

iv. An employee may choose to make the unpaid period pensionable on their return to work, for which any contributions will be based on the salary that would have been earned during this period; if the employee pays contributions for this period, the company will also pay its contributions to their pension scheme.

v. Employees should contact the Pensions Office for further information.

17. Fixed term contracts

17.1 Employees on fixed-term contracts are covered by this policy and associated provisions until the contract expires; SAP will continue to be paid beyond the contract expiry date via payroll, if the employee is eligible to receive this.

17.2 Employees on fixed term contracts whose date of contract expiry means that they cannot meet the requirement to return for 12 weeks will not be required to repay their Occupational Adoption Pay, provided that they have not:

i. Been notified that their contract is to be renewed/extended or

ii. Refused an offer of suitable alternative employment

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17.3 Where the fixed term contract is due to end by reason of redundancy during adoption leave an employee who qualifies as a redeployee will be offered a suitable alternative post where such a post becomes available

18. Effect on Probation periods

18.1 There may be occasions when the probationary period is interrupted, and in such circumstances it should be made clear (and confirmed in writing) to the individual whether probation is continuing or if it is being suspended; if it is the latter, an indication of the period it is suspended should be given.

19. Overpayments

19.1 If the company makes an overpayment of Statutory or Occupational Shared Parental Pay, the amount of any such overpayment will be deducted from the individual's salary (which may include holiday pay, sick pay, bonus, honoraria, one-off payments, market supplements and pay in lieu of notice).

20. How to apply

20.1 An employee should inform their line manager that they are going through the process to adopt a child at the earliest opportunity; this will enable planning for their absence to begin as soon as possible.

20.2 The employee must keep their manager informed of progress and likely timescales, whilst also consulting with People Services to seek confidential advice and guidance on the policy.

20.3 For adoptions within the UK a member of staff must:

i. Inform their Line Manager and People Services; and

ii. Complete Form ADL1 'Notice of intention to take Adoption Leave, and attach the matching certificate (provided by the adoption agency) within 7 days of being notified by their adoption agency that they have been matched with a child for adoption via People Connect.

20.4 For adoptions from overseas an employee must:

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i. Inform their Line Manager and People Services; and

ii. within 28 days of receiving their official notification and confirm the date the child is due to enter the UK

iii. Complete Form ADL1 'Notice of intention to take Adoption Leave' at least 28 days prior to adoption leave starting via via People Connect.

20.5 People Services will then confirm in writing, within 10 working days, the terms of the Adoption Leave and the date on which the employee is expected to return to work.

20.6 Employees wishing to change the start date of their adoption leave must give their Line Manager at least 28 days' notice if reasonably practicable

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Keeping in Touch Agreement Form

During Adoption Leave it is beneficial to maintain contact with UMC Ltd as this eases your return to work.

Please discuss, agree and record below the extent and nature of contact preferred (refer to Policy for guidance)

Your Personal Details	
Employee Name:	
Employee number: (on payslip)	
Post Title:	
Organisational Unit*:	
Managers Name:	
Post Title:	
Organisational Unit*:	

Arrangements	
Purpose for contact, eg. department news, training events	
Form of Contact, e.g. telephone, email	
Frequency of Contact	
Who will initiate contact	
Keeping In Touch days – list dates and purpose	

Declaration	
Signed (Employee)	**Signed (Manager)**
Date	**Date**

Manager and Employee to keep one copy each.

Upon returning to work, the employee's Line Manager must forward a copy of this form to People for their Personnel File via People Connect.

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