Adoption Leave Policy and Procedure

1 Introduction

1.1 This policy sets out the Occupational Adoption Leave Scheme provided by the University to 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 is applicable to all employees who meet the eligibility criteria (including same-sex partners).

3 General Principles

3.1 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);

iii. One of the intended parents in a surrogacy case. Where a child is born to a surrogate, 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.

iv. 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 on or after 5 April 2015.

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

3.3 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.

3.4 This policy does not form part of any contract of employment and the University may amend it at any time.

4 Eligibility for leave

4.1 Employees:

- who have been newly matched with a child for adoption by an approved adoption agency and have agreed to take the child,
- who are, or expect 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,
- who 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 on or after 5 April 2015 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.

5 Eligibility for pay

5.1 To qualify for paid leave an employee must have worked for the University continuously for 26 weeks by the ‘Qualifying Week’ (beginning on Sunday) in which they are:

- notified of being matched with a child within the UK for adoption, or
- in which official notification was received of a child from overseas, or
- since their employment commenced (whichever is the latter).

6 Statutory Adoption Pay (SAP)

6.1 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 by the employer.

- the first 6 weeks of Adoption Leave are paid at 90% of the individual's average earnings
- thereafter, employees receive the Standard Rate, or 90% of average earnings if this is less, for 33 weeks.

6.2 Average earnings are calculated based on earnings over the eight-week period ending with the week in which they are notified of being matched with the child for adoption.

6.3 SAP may start on any day of the week.

6.4 To qualify an employee must have:

- completed at least 26 weeks of continuous service with the University by the Qualifying Week, and
- average 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, and
- have followed the application procedures set out in this Policy.

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

7 Occupational Adoption Pay (OAP)

7.1 OAP is provided by the University to give enhanced benefits to employees who intend to return to work after Adoption Leave. It comprises of:

- 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.
- SAP only for the first 13 weeks of the period of Additional Adoption Leave and the remaining 13 weeks will be unpaid.

7.2 To qualify an employee must have:

- completed at least 26 weeks of continuous service with the University by the Qualifying Week, and

- have followed the application procedures set out in this Policy informing the University 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).

8 Time off prior to adoption

8.1 The main adopter will be entitled to take paid leave for up to five adoption appointments 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. Each appointment may last up to 6.5 hours.

8.2 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 adoption appointments.

8.3 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.

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

9 Commencement of Adoption Leave

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

- From the date of placement, or
- No more than 14 days prior to the date of placement

9.2 For adoptions from overseas leave can be taken either:

- From the date the child enters the UK, or
- No more than 28 days after the child has entered the UK

9.3 Employees will not be unreasonably requested by the University to undertake work that would have taken place during the adoption leave period prior to departing on adoption leave. This will not however prevent employees from assisting in the planning of coverage of their work in advance of the adoption leave period.

10. Neonatal Care Leave

10.1 Neonatal Care Leave provides parents between 1 - 12 weeks additional leave if their baby requires 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.

11 Keeping in Touch (KIT) during Adoption Leave

11.1 During adoption leave, the University 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. This is to enable employees to keep in touch and keep up to date with developments at work, and may include working, attending training or meetings.

11.2 KIT days are optional; they must be agreed in advance by both the employee and the manager. Employees can work during Ordinary or Additional Adoption Leave. Where an employee wants to work a KIT Day, this will be accommodated wherever possible.

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

11.4 The University will pay employees at their normal hourly basic rate of pay (inclusive of Statutory and/or Occupational Adoption Pay) for the number of hours which the employee works on a KIT day.

11.5 All KIT days worked during Adoption Leave must be recorded in Oracle Fusion for payment. For further guidance, please refer to the Adoption Leave Knowledge Article.

11.6 In addition, during Adoption Leave, the University 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 at the workplace that might affect the member of staff on their return.

11.7 Prior to the commencement of Adoption Leave employees and managers are encouraged to complete the pre- adoption leave tasks in Oracle Fusion to agree and document arrangements for staying in touch with each other. This should include agreements on the way in which contact will happen, how often, and who will initiate the contact. It should also cover the reasons for making contact and the types of things that could be discussed.

11.8 The University 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.

12 Returning to Work

12.1 The return-to-work interview task list in Oracle Fusion provides a useful tool for managers to assist employees in making a successful transition back into work. This may be used on the individual's return or during keeping in touch days in the lead up to their return to work.

12.2 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' notice, in writing, of their intended date of return to their manager and to People Services.

12.3 An employee who is only taking the Ordinary Adoption Leave 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.

12.4 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.

12.5 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 discuss this with their manager as early as possible.

12.6 An employee who fails to return to work after Adoption Leave will be treated as being on unauthorised absence, and the University will be entitled to take appropriate disciplinary action, which may include dismissal. The University will, in such circumstances, reclaim any payment made in excess of SAP.

12.7 If an employee leaves within 12 weeks of their return to work after Adoption Leave the University has the right to recover any payment made in excess of SAP. 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.

13 Other Conditions during Adoption Leave

13.1 Continuity of employment

Periods of Adoption Leave are counted as periods of continuous employment. 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. This includes benefits in kind such as those provided through salary exchange arrangements like PensionChoice.

13.2 Annual Leave

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

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

Annual leave accrued during the Adoption Leave period should be taken during the current leave year wherever possible. Employees are expected to plan annual leave to stay within the existing conditions applied to carrying leave forward – a maximum of 5 days leave. Employees 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.

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

13.3 Parental Leave

An employee may apply to extend their Adoption Leave under the terms of the policies on Career Breaks for Carers or Parental Leave.

13.4 Sickness

Adoption Leave is not treated as absence due to illness. Employees are not entitled to receive sick pay whilst taking adoption leave.

13.5 Pension scheme membership

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

During any period when an employee is receiving SAP only:

- the University will pay all pension costs where the employee participates in PensionChoice,
- If the employee does not participate in PensionChoice, pension contributions are based on SAP; the University will make up the balance of employee contributions due on the difference between preadoption leave salary and SAP, plus employer contributions based on the pre adoption leave salary.
- During any period of unpaid adoption leave pension contributions/PensionChoice will not be made by the employee, or the University and pensionable service will not be earned for this period. An employee may choose to make this period pensionable on their return to work. 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 University will also pay its contributions to their pension scheme.

  Employees should contact the Pensions team for further information.

13.6 Fixed term contracts

13.7 Employees on fixed-term contracts or a finite funded permanent contract ("FFPC") are covered by this policy and associated provisions until the contract expires. Statutory Adoption Pay will continue to be paid beyond the contract expiry date via payroll if eligible.

13.8 Employees on fixed term contracts or FFPC 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.

13.9 Where the fixed term contract or FFPC is due to end by reason of redundancy while the employee is on adoption leave or has returned to work and is within an 18-month period of the date the child was placed, the employee will have enhanced statutory protection. If a suitable alternative vacancy is available, the employee shall be offered the role as a priority over other employees at risk of redundancy who do not have enhanced statutory protection. Similar protection also applies to employees who have notified the University of their pregnancy or are on, or have recently returned from, a period of maternity leave or shared parental leave.

13.10 Effect on Probation periods

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

14 Overpayments

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

15 How to apply for Adoption Leave

15.1 An employee should inform their manager/ Head of School/unit 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. They must keep their manager informed of progress and likely timescales. They may also find it helpful to consult with People Services to seek confidential advice and guidance on the policy.

15.2 For adoptions within the UK an employee must:

- inform their Manager and submit their Adoption Leave application through Oracle Fusion attaching 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.
- submission through Oracle Fusion will notify People Services of the application.

15.3 For adoptions from overseas an employee must:

- inform their manager and People Services within 28 days of receiving their official notification and confirm the date the child is due to enter the UK; and
- submit their Adoption Leave through Oracle Fusion at least 28 days prior to adoption leave starting.

15.4 Further guidance on submitting an application through Oracle Fusion is available in the Adoption Leave Request Knowledge Article

15.3 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.

15.4 Employees wishing to change the start date of their adoption leave must give their manager at least 28 days' notice if reasonably practicable.

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