



Adoption Policy

Effective from October 2021

Our Adoption Policy covers the University provision for colleagues who have been matched with a child for Adoption and/or are going through the Fostering for Adoption process. It also covers provision for colleagues who are adopting following surrogacy. As there are slight differences between each of these processes, we provide a brief overview of each one here:

Adoption is the legal process by which a child or a group of siblings who cannot be brought up within their birth family become full, permanent and legal members of their new family. Adopters become the child's legal parents with the same rights and responsibilities as if the child was born to them.

Fostering for Adoption places a child with approved adopters who are also approved as foster carers, known as dually approved carers. During the fostering stage of the placement the court will weigh up what is in the child's best interests in the longer term. The fostering for adoption carers need to be able to deal with the uncertainty of this period before the court's final decision. If the court agrees that the child should be adopted and the adoption agency approves the 'match' between the carers and the child then the placement becomes an adoption placement.

Surrogacy is an arrangement, often supported by a legal agreement, whereby a surrogate agrees to bear a child for another person or persons, who, through applying for a parental order, will become the child's legal parent(s) after birth.

Please note that this policy does not cover colleagues who:

- become a special guardian or kinship carer
- adopt a stepchild or family member
- adopt privately, for example without permission from a UK authority or adoption agency

Colleagues who fall within these categories can apply for Parental Leave. Please refer to our Family Time policy for details.

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1. Purpose of this policy

Congratulations on your exciting news!

Your head is probably awash with information at the moment and so the purpose of this Policy is to provide a guide to what support we provide to you as you prepare for a new arrival.

At the same time, we do understand that the adoption process can be very difficult to predict and is quite often out of your control. There is flexibility in terms of timescales detailed below, and we hope to provide you with as much support as possible so you can get the absolute most out of your leave and really focus on forging that all-important bond with the new addition to your family.

Our Adoption policy applies to all colleagues and includes co-parents irrespective of their sex/gender.

2. Time off work

Everyone is different in terms of how much time they want away from work when adopting a child – these are your options regardless of how long you have worked for us:

- In total you can take up to 52 weeks of adoption leave. This is made up of 26 weeks of ordinary adoption leave and 26 weeks of additional adoption leave.
- When you start your adoption leave is up to you, as long as it's no earlier than 14 days before the expected date of placement. However, we are aware that, in some cases, placements can happen very suddenly or may change with little notice, and we will be as flexible as possible, so please do speak with your line manager if this is your situation. If you are adopting from overseas, the earliest you can start your leave is when the child arrives in the UK or within 28 days of this date. If you are adopting following surrogacy, the law states that the earliest you can start leave is on the day the child is born (Section 10: Associated documents). You can of course take annual leave before your adoption leave starts.
- The latest you can start your adoption leave is the day your child is placed with you or if adopting following surrogacy, the day after your child's birth.
- If you want more time with your child, you can take annual leave at the end of your adoption leave and up to 4 weeks' parental leave
- If you still want more time off, you may be able to take a career break – you need to ask about this and agree it with your manager

You are also entitled to take compassionate leave should your adopted baby arrive prematurely (born before 37 weeks gestation). This leave is paid and will cover the time between your baby's birthday and the date they would have reached 40 weeks gestation. You will find more information about this in the section below called 'Dealing with the unexpected'.

You should inform your manager as soon as possible once you have been notified of the date of placement. The information can be kept confidential if requested. If possible, the University would appreciate 7 days' notice of matching and of the need to take leave, but we understand that this might not always be possible.

3. Pay whilst you are off

We are delighted to say that regardless of your length of service, you will be paid occupational adoption pay (OAP) for the first 18 weeks of your adoption leave. We are one of the few universities that pay no attention to how long you have worked for us when accessing the benefits.

Adoption pay is broken down as follows:

- As above, for the first 18 weeks of your adoption leave, you will receive **occupational adoption pay (OAP)** which is full basic pay.
- For the next 21 weeks of your adoption leave, you will receive **statutory adoption pay (SAP)**. This will be either 90% of your average weekly earnings or the weekly flat rate generated annually by HMRC (Section 10: Associated documents). You will receive whichever of these is the lower amount.
- The remaining 13 weeks leave would then be unpaid
- To be able to claim SAP for the period after your initial 18 weeks of OAP, you must:
 - Earn on average an amount at least equal to the [Lower Earnings Limit](#) (This is an amount set by the Inland Revenue to determine whether someone has enough National Insurance Contributions to be eligible for Statutory Pay)
 - Give the [correct notice](#) (see Section 10: Associated Documents)
 - Provide us with [evidence of Adoption or Surrogacy](#)
 - Have worked for the University continuously for at least 26 weeks continuing into the 15th week before the expected week of placement

Should you not be entitled to SAP, our Payroll Team will provide you with a SAP1 form once you have submitted your request for adoption leave. The SAP1 form explains the reasons for ineligibility, and you may be able to obtain support from your local council. (see Section 10: Associated documents).

Pay: the details

Adoption pay starts from the date you start your adoption leave. There are two elements of adoption pay:

Occupational adoption pay (OAP) – As part of our commitment to be a leading family-friendly institution and to support colleagues during this crucial time in their family life, we choose to pay all our colleagues (regardless of your length of service) more than the statutory amount during the first 18 weeks of adoption leave, even though there is no legal requirement for the University to do so. Occupational adoption pay is inclusive of statutory adoption pay.

Statutory adoption pay (SAP) – Once the first 18 weeks of your leave is over, the rate of pay and the length of time for which this is paid is determined by the government. SAP is paid for 21 weeks at either 90% of your average earnings or the weekly flat rate generated annually by HMRC, whichever is the lower (Section 10: Associated documents).

You will continue to pay tax and National Insurance Contributions on both OAP and SAP.

To receive OAP you must agree to return to work for at least one month following the end of your leave and you will be asked to confirm this on your leave request form. If your contract of employment comes to an end during your leave, you will receive OAP up until your leave date. Any SAP you are entitled to following your leave date will continue to be paid via the University Payroll.

Any enhancements or awards due whilst you are on adoption leave will be considered in the usual way and pro-rated appropriately based on the time you were at work.

How average earnings are calculated

To calculate your average weekly earnings, we will average your gross earnings over the eight weeks up to and including the last payday before the Matching Week. For working out SAP purposes, 'gross pay' means pay that is due to you before any deductions. We will take into account your gross pay that you received in the set period, as long as it counts for National Insurance contributions (or would count if earnings were high enough).

4. Before your child has been placed with you

Appointments

You are entitled to take paid time off to attend adoption related appointments. If available, please provide your manager with details of these appointments.

As with medical appointments, such appointments should be arranged, where possible, at times which would cause least disruption to your work.

5. After your child has been placed with you

Unless there is a change in your expected date of placement and you wish to change the start date of your adoption leave, there is no action required of you once your child has been placed with you.

We appreciate that there might be increased childcare appointments when adopting a child following the period of adoption leave or later on in life. As above, where possible, appointments should be arranged at times which would cause least disruption to your work. You could agree with your line manager to take this time as holiday, time-owing or by rearranging your hours. If these aren't an option, you will be able to take up to 2 days (in any 12 month period) paid time off as 'Care for dependents'. In some cases your line manager may request appropriate documentation before the leave is approved. Please refer to our [special leave policy](#) for details.

Annual Leave

You will continue to accumulate annual leave days during your adoption leave. You may take annual leave immediately prior to, or immediately following your adoption leave by agreement with your manager. Remember you are still expected to take all your holiday entitlement during the holiday year in which it accrues, so don't miss out! However, if it is not possible for you to take your leave due to operational reasons or exceptional circumstances, leave can be carried forward into the next holiday year (following discussion with your line manager), but any carried-over leave must still be taken at the end of the leave period, immediately before your return to work.

You are also entitled to take back any Bank Holidays and University Closure Days that fell on your normal days of work during your paid Adoption Leave. Bank Holidays and Closure Days that fall during your paid adoption leave must be taken at the end of your leave period before you return to work.

To determine what annual leave, bank holiday and closure days you should be credited you should refer to the [annual leave calculator](#) (Section 10: Associated Documents) which can calculate your entitlements on a full time or part time basis.

Keeping in Touch (KIT) Days

You can work up to 10 KIT days whilst on adoption leave. You're not obliged to work any days at all but, if you'd like to, speak to your line manager to agree when would be a good time to come in and what you could do e.g. work, training or attend a work event. Please complete an online [KIT form](#) every time you work a KIT day and, upon approval by your line manager, you will be paid for this within the relevant pay reference period. If you are unable to log into the system to complete this form, your line manager can complete a hard copy KIT form and send that across to People Solutions.

Please note that if you were to do more than the 10 days (and that even one hour KIT is classed as one day), your statutory adoption pay wouldn't be paid for the full week in which you worked the extra days regardless of how long you actually worked. It is therefore your responsibility to ensure that you only work a maximum of 10 KIT days.

Shared Parental Leave

You may be eligible to take Shared Parental Leave and share your time off and pay with your partner (including same-sex partner). Please see the [shared parental leave policy](#) (Section 10: Associated Documents) for more details.

6. Dealing with the unexpected

Prematurity

We are extremely proud to have signed up to the Employer with Heart Charter to support adoptive parents of premature babies. This could apply to surrogate babies born prematurely, or to babies whose adoption is already decided before they are born to their birth mother. If your adoptive baby is born before 37 weeks gestation, based on the due date, you are entitled to paid compassionate leave (shown on your payslip as 'occupational adoption leave') to cover the period from the baby's birth day until the date at which the baby would reach 40 weeks gestation. This will be paid to you on completion of your statutory adoption pay. This will be automatically be processed by People Solutions when you inform them/your line manager of the birth of your adopted baby.

If you have returned to work, we will also allow you paid time-off to attend relevant medical appointments as a result of your baby's early arrival during their first year.

Pregnancy loss

Sadly, not all pregnancies end in a live birth. We want to support you if this happens to you and to give you time needed to grieve. Here we are referring to a still birth or death following a birth.

In the difficult circumstance where your adoptive baby is still-born or dies following birth, you will still be entitled to the same adoption leave and pay. You are also entitled to parental bereavement leave of up to 2 weeks taken during the year following the death of your baby. The weeks can be taken in 2 blocks of 1 week at different times or in a single block of 2 weeks. Please refer to our [special leave policy](#) for details. We would strongly suggest that you reach out for support during this difficult time and access counselling or talking therapies. Our [Employee Assistance Programme \(EAP\)](#) can be accessed 24/7 and provide confidential and professional counselling for Colleagues **and** their immediate family. Further support can be found in Section 10: Associated Documents.

Placements which end or do not take place

If you have already commenced adoption leave, providing 8 weeks leave remain, you will be able to continue adoption leave for up to 8 weeks even if the child's placement does not take place or ends. If you are in receipt of statutory adoption pay, you will continue to receive this for up to 8 weeks. The 8-week period commences after the end of the week in which you were told the placement would not be happening or is ending.

7. What will happen to my benefits while I'm off?

Salary Exchange

If you participate in a salary sacrifice scheme e.g. Pensions+, Cycle to Work etc. you may receive less statutory pay. However, we are committed to ensuring that there is no detriment to you while you are on adoption leave.

By participating in salary sacrifice there is a reduction of salary for national insurance purposes during this period which can then reduce entitlement. In these circumstances we will ensure there is no detriment to any colleague with salary sacrifice arrangements by paying a "top-up" payment equal to the amount you would have received, if you were not participating in salary sacrifice.

If you commence leave and your fixed term contract ends within the first 6 weeks, and you have been a member of any of the salary sacrifice schemes, we will ensure there is no detriment by paying a 'top-up' payment equal to the amount you would have received if they were not participating in salary sacrifice.

Pension

Universities Superannuation Scheme (USS)/Retirement Benefits Plan (RBP)/National Health Service (NHS) on contributory basis

If you are a member of USS/RBP/NHS on contributory basis, or if you are a member of NEST, contributions to the fund will be made by both you and the University throughout the paid period of adoption leave.

Your contributions are based on your actual pay received for the pay period (including SAP); the University will contribute the balance required to ensure you continue to accrue pension benefits as though you were working at your normal rate of pay. For example, if you are entitled to 39 weeks paid leave (OAP and/or SAP) you will accrue normal pension benefits throughout this period.

The first 39 weeks of adoption leave will be regarded as normal pensionable service regardless of whether it is paid or unpaid so the University may meet the whole cost of providing accrual of your pension benefits if you are not entitled to receive any pay during part of this period.

If you are taking unpaid leave beyond this period, you will be contacted by the Payroll and Pensions Section to discuss whether you wish to maintain contributions during the period of unpaid leave. If you wish to maintain your contributions, the University will also maintain its contributions, ensuring that you continue to accrue pension benefits. If you choose not to maintain your own pension contributions, your membership of the scheme will continue in that you will continue to be covered by the death in service provisions, but you will not accrue any pension benefits during this period. However, if your employment comes to an end, your membership of the pension scheme will end with it unless you transfer to another employer linked to the same scheme.

Universities Superannuation Scheme (USS)/Retirement Benefits Plan (RBP) Pensions+

If you are an RBP/USS Pensions+ member you will continue with your pensions salary sacrifice during paid periods of Adoption Leave, providing your salary less any salary sacrifices is not reduced below **National Minimum/Living Wage** (Section 10: Associated documents). Salary sacrifices cannot be made against any statutory payments including SAP, so the sacrifice will only apply to OAP. If you choose to take a period of unpaid leave you will be contacted by the Payroll and Pensions Section to discuss whether you wish to increase your salary sacrifice on your return to work to maintain your pensionable service during the unpaid period. If you do KIT days during the unpaid period of your adoption leave, no pension contributions will be due.

If you choose not to increase your salary sacrifice to cover this period of unpaid leave, your membership of the scheme will continue in that you will continue to be covered by the death in service provisions, but you will not accrue any pension benefits during this period. However, if your employment comes to an end, your membership of the pension scheme will end with it unless you transfer to another employer linked to the same scheme

Further information is available from the appropriate **Payroll and Pensions colleagues** (Section 10: Associated documents).

8. When you are coming back

We will assume that you are returning to work on the date you have told us on your Adoption Leave Request Form. If you want to change this date, that's fine – you will just need to let your line manager know in writing at least 8 weeks before you are due back. Your line manager will forward this onto People Solutions who will then write back to you to confirm your new dates. If you're unable to give 8 weeks' notice of a change and we need more time to prepare for your return, your line manager can postpone your return until we've had enough notice. In any event, your line manager can't postpone your return past the end of the 52-week period of adoption leave.

Role on return

We hope that you will be coming back to work after your time off with your child. Assuming you do, if you have taken 26 weeks or less adoption leave, you're entitled to return to the same job that you left on terms just as favourable as when you went on adoption leave.

If you have taken more than 26 weeks of adoption leave and we are not able, for good business reasons, to offer you the same job you had before your adoption leave, we will offer you a similar job. A similar job means one at the same level with terms and conditions just as favourable as those for the job you had before adoption leave. Naturally, we will talk to you about this in good time before your return and will do our best to confirm all this with you 8 weeks before you come back to work unless you have agreed with your line manager that you are happy we confirm this with you closer to your return.

If you are considering returning on a different work pattern to when you left, please talk to your line manager about this as soon as you can whilst you are off. The earlier you talk to us about it the easier it will be to try to accommodate your request. Please think realistically about your request and consider both the impact on you and the University. We would like to reach a happy compromise for both you and the University. You might find it useful to review the **flexible working policy**.

Phased return to work

For some parents, returning to work on their usual working hours whilst settling a child into new childcare arrangements can be quite a stressful thought, particularly after a considerable period of time off work. In order to help you manage the transition we offer a phased return to work over a period of up to 4 weeks. This could mean starting a bit later to allow more time with your child in the morning or maybe working shorter days, meaning you and your child have more time to adjust to you being back at work. You will be paid for the hours you work. This can be a real support at the beginning, so talk to your line manager about setting this up if you think it would be useful for you.

Returns Support Programme

This Programme offers funded support (of up to £10k) to eligible colleagues who are returning to work following extended leave in order to maintain career development. Areas of support that can be accessed include the appointment of a fixed term technician, a phased return to work at full pay, returners' coaching or enabling attendance at a training course/conference. However, this is a flexible policy which, within reason, can be tailored to individual circumstances. You can find out more through our [Returns support programme policy](#) (Section 10: Associated documents) or by speaking to your faculty EDI officers.

9. Resignation and Redundancy

If you resign from university employment and do not return to work for at least one month at the end of your leave, the University has the right to reclaim all or part of the non-statutory element of your OAP.

Should you wish to resign while you are on leave, you should give the University notice as outlined in your conditions of service. Any remaining SAP will continue to be paid via the university payroll for a period of up to 39 weeks.

Should a redundancy situation arise when you are on adoption leave that may affect you, the University will consult with you in accordance with the arrangements that are put in place for all affected colleagues. For further information see the redundancy procedure (Section 10: Associated documents).

10. Associated documents

- [Statutory Adoption Pay](#)
- [Lower earnings limit](#)
- [Correct notice](#)
- [Evidence of adoption or surrogacy](#)
- [Time off and pay for parents in surrogacy arrangements](#)
- [Special leave policy](#)
- [Annual leave calculator](#)
- [Keeping in touch \(KIT\) days](#)
- [Keeping in touch \(KiT\) online form](#)
- [Shared parental leave policy](#)
- [Employer with Heart](#)
- [National Minimum/Living Wage](#)
- [Payroll and Pensions](#)
- [Flexible working policy](#)
- [Returns support programme](#)
- [Redundancy procedure](#)
- [Adoption Toolkit](#) (includes information on KIT days)

- [SANDS](#) offers support if your baby dies during pregnancy or after birth, and also run a helpline.

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