

Adoption Leave Policy

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1. Policy

a) St Mary's University ("the University") is committed to ensuring equality and diversity across the University. The aim of the University's Adoption Leave Policy is to set out the rights and entitlements of employees who plan to adopt in relation to adoption leave and pay.

b) The University's Adoption Leave Policy incorporates statutory requirements in relation to adoption rights and offers a more generous provision in relation to Adoption Pay than that which is required by law.

2. Scope of the Procedure

This Adoption Leave Policy applies to all employees who have been matched with a child for adoption or have a child through a surrogacy arrangement on or after 1 October 2015.

3. Roles and Responsibilities

a) Employees have a responsibility to:

- Discuss their plans for Adoption Leave with their manager as early as possible
- Clarify the relevant procedures and their entitlement with the Human Resources department;
- Provide the correct notification, as detailed in this Adoption Leave Policy, and provide any additional evidence if requested by the University.

b) Managers have a responsibility to:

- encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible;
- make arrangements to cover the employee's period of Adoption Leave.

4. Adoption Leave Entitlements

Employees who have been matched with a child for adoption may take up to 52 weeks Adoption Leave, and may be entitled to 39 weeks of Adoption Pay. If a couple jointly adopt a child, one may take Adoption Leave and the other parent may be able to take Paternity Leave. Alternatively, eligible parents may opt into the Shared Parental Leave scheme (see the Paternity Leave and Shared Parental Leave policies).

In the case of overseas adoptions, in order to qualify for Adoption Leave, the employee:

- must have 'official notification' (permission from a UK authority) that they can adopt from abroad
- must fill in a SC6 form (available at www.gov.uk) to declare they are adopting a child with their partner

Employees will not qualify for either Adoption Leave or Pay if they:

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

Notification Requirements

As soon as an employee knows that he/she is to be matched with a child for adoption he/she must inform their line manager.

Adopters are required to inform the Human Resources department of their intention to take Adoption Leave within **7 days** of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. They need to tell the University:

- when the child is expected to be placed with them; and
- when they want their Adoption Leave to start.

The notification requirements are different if it is an overseas adoption and the University's policy reflects statutory requirements. In such cases employees must inform the Human Resources department:

- the date of the employees' original notification and the expected date the child arrives in the UK within 28 days of getting the notification
- the actual date the child arrives in the UK – within 28 days of this date
- how much Adoption Leave the employee wants and when they want it to start – they must provide 28 days notice.

Adopters can change their mind about the date on which they want their Adoption Leave to start providing they tell the University at least 28 days in advance (unless this is not reasonably practicable).

The University will respond within 28 days of notification of Adoption Leave plans. The University will detail the date on which it is expecting the employee to return to work if the full entitlement to Adoption Leave is taken.

Length of Adoption Leave

Adopters are entitled to up to 26 weeks' **ordinary adoption leave ("OAL")** followed immediately by up to 26 weeks' **additional adoption leave ("AAL")** making a total of up to 52 weeks' Adoption Leave.

Only one period of Adoption Leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If the child's placement ends during the Adoption Leave period, the adopter can continue Adoption Leave for up to eight weeks after the end of the placement.

Start of Adoption Leave

Adoption Leave will start either:

- For UK adoptions
 - on the date the child starts living with the employee or up to 14 days before the expected placement date; or
 - when an employee has been matched with a child to be placed with them by a UK adoption agency; or
- For overseas adoptions, when the child arrives in the UK or within 28 days of this date; or
- For parents in surrogacy arrangements, the day the child is born or the day after.

5. Contact during Adoption Leave

Reasonable contact between the University and the employee is encouraged to facilitate communication. Either party is entitled to initiate this during the Adoption Leave period (for example to discuss the employee's return to work or potential work related issues that may concern them) and such contact will not bring the Adoption Leave period to an end.

'Keeping-In-Touch' ('KIT') Days

Employees on Adoption Leave may, with the agreement of the University, carry out up to 10 days' work during their Adoption Leave period without bringing the Adoption Leave to an end. In accordance with legislation, any work carried out on any day shall constitute a full day's work.

An employee's entitlement to Adoption Pay (in accordance with paragraph 9, below) is not affected by their participation in KIT days.

Work means any work done under the contract of employment and may include training, attending meetings and committees or any activity undertaken for the purposes of keeping in touch with the workplace.

It should be noted however, that this provision does not confer any right on the University to require any work to be carried out during the Adoption Leave period, nor any right on an employee to request work during this period. Also, there is no obligation on either the University or the employee to make use of these days.

Any days' work carried out will not have the effect of extending the total Adoption Leave period.

6. Return to Work

If an employee intends to return to work **before** the end of the 52 weeks Adoption Leave period they must give 8 weeks' written notice to Human Resources department

The University may delay an employee's return-to-work date if they have failed to provide adequate notice of their return. The return-to-work date may therefore be postponed to a date which would give the University 8 weeks' notice. Where an employee changes their mind about their intended return date they are required to give 8 weeks' written notice of the new return date.

If an employee returns to work on the latest date of return as specified by the University they will not be required to give notice.

Rights to return to work

When an employee returns to work at the end of the OAL period they have the right to return to their previous job on no less favourable terms and conditions as applied before the Adoption Leave commenced.

Where the employee returns to work during or at the end of the AAL period and it is not practicable for the employee to return to their original job because of redundancy/reorganisation, a suitable alternative post, on not less favourable terms and conditions will be offered where one exists. In the event that the employee's post is affected by a redundancy/reorganisation situation occurring during Adoption Leave, the University will write to inform the employee of any proposals and will invite the employee to participate in formal consultation before any final decision is reached. If the employee on Adoption Leave is affected by redundancy they will be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

While full time employees do not have an entitlement to return to work part-time, the University will give sympathetic consideration to employee requests to return to work on a part-time basis following Adoption Leave. Employees who wish the University to consider an alternative working pattern on their return from Adoption Leave should submit a request in accordance with the University's Flexible Working Policy.

7. Time off Work to attend Adoption Meetings and Antenatal Visits

The main adopter has the right to paid time off to attend up to five adoption appointments.

Surrogacy parents are allowed paid time off to attend up to two antenatal visits.

Employees must notify their line manager in writing advance of the appointment stating the date and time of the appointment and may be required to produce written evidence of appointments.

8. Annual Leave

Annual leave is accrued during a period of Adoption Leave.

The University's annual leave year runs from 1 August to 31 July. Annual leave accrued before commencement of Adoption Leave should be taken prior to that date where reasonably practicable. In many cases a period of Adoption Leave will last beyond the end of the annual leave year. Any annual leave entitlement for the year that cannot reasonably be taken before starting a period of Adoption Leave, may be carried over to the next annual leave year, subject to the provisions of the University's Annual Leave Policy and Procedure.

All employees should discuss and agree their annual leave plans with their line manager in good time before starting Adoption Leave. Although due regard will be given to the employee's circumstances, all annual leave requests remain subject to approval by the line manager.

9. Pay During Adoption Leave

In order to be paid during their period of Adoption Leave employees must inform the Human Resources department at least 28 days before they wish to commence Adoption Leave where reasonably practicable to do so; and provide documentary evidence as evidence of their entitlement to Adoption Pay. The evidence should show the:

- name and address of the agency and employee
- date the child was matched, e.g. the matching certificate
- expected or actual date of placement, e.g. a letter from the agency

- relevant UK authority's 'official notification' confirming the parent is allowed to adopt (overseas adoptions only)
- date the child arrived in the UK, e.g. plane ticket (overseas adoptions only)

The University can also ask for this as evidence of entitlement for Adoption Leave.

Occupational Adoption Pay (OAP)

Primary adopters who have been employed by the University for a minimum of 52 weeks ending with the week in which they are notified of being matched with a child for adoption are entitled to Occupational Adoption Pay as follows:

- (i) 18 weeks at full pay (including Statutory Adoption Pay (SAP*))
- (ii) 21 weeks at flat rate SAP* (or 90% of earnings if this is less than flat rate SMP); and,
- (iii) Additional leave will be unpaid.

*In the event that a staff member qualifies for Occupational Adoption pay, but not Statutory Adoption pay then the employee will be paid Occupational Adoption pay minus any SAP.

Statutory Adoption Pay (SAP)

Primary adopters who do not qualify for Occupational Adoption Pay and who have been employed by the University for a minimum of 26 weeks ending with the week in which they are notified of being matched with a child for adoption are entitled to Statutory Adoption Pay (provided that their earnings reach the Lower Earnings Limit for National Insurance Contributions. Further information on the National Insurance Lower Earnings Limit is available at <https://www.gov.uk/>);

SAP is calculated as follows:

- 6 weeks at 90% of average weekly earnings followed by
- 33 weeks at the lower rate of SAP.

The amount of SAP is set by the Government for the relevant tax year.

Employees not eligible to receive SAP

Adopters who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes do not qualify for SAP. They should contact their adoption agency as they may be able to receive financial support in relation to their Adoption Payment.

Additional financial support may also be available and employees should contact their local Jobcentre Plus office or Social Security office for further information.

Employees in Surrogacy Arrangements

The conditions for Adoption Pay are the same for employees in surrogacy arrangements except that they must have been employed by the University for at least 52 weeks by the 15th week before the week the baby is due in order to be eligible for Occupational Adoption Pay; and for at least 26 weeks by the 15th week before the week the baby is due in order to be eligible for Statutory Adoption Pay.

The University may also request a written statement (a 'Statutory Declaration') to confirm that the employee intends to apply for a statutory Parental Order in the 6 months after the baby's birth.

10. Decision not to Return

If an employee decides not to return to work following Adoption Leave they should notify the Human Resources department of their resignation as soon as possible.

11. Shared Parental Leave

Eligible employees may decide to end Adoption Leave early and opt into the Shared Parental Leave scheme. This scheme enables eligible parents to choose how to share the care of their child during the first year of birth or adoption.

Further information is contained within the Shared Parental Leave Policy which is available on staffnet or from the Human Resources department.

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