



Adoption and Surrogacy Leave and Pay Policy

Introduction

The College is committed to ensuring equality and diversity across the College and supporting staff to achieve a balance between work and family that works for them.

This policy sets out the appropriate entitlement and statutory rights for employees who are:

- Newly matched with a child for adoption by an approved adoption agency or an appropriate statutory body
- Intended parents of a child born through a surrogacy agreement and who will be subject to a Parental Order
- Prospective adopters who are fostering a child under the “Fostering for Adoption” scheme.

This policy does not apply in circumstances where an individual becomes a special guardian or kinship carer or arranges a private adoption. Prospective adopters are entitled to a reasonable amount of paid time off work to attend placement meetings prior to placement. The primary adopter may take off time for up to five appointments with another adopter attending up to two appointments.

Purpose

The purpose of this policy is to:

- Outline the statutory and occupational entitlements for Adoption and Surrogacy Leave and Pay as applicable
- Ensure managers are aware of their responsibilities to employees who are covered by this policy
- Ensure that employees are clear on their rights and responsibilities prior to, during and after their period of Adoption and Surrogacy leave.

Eligibility

This policy applies to all employees of the University and in all partnerships regardless of gender identity and sexual/romantic orientation.

All employees are entitled to take up to one year (52 weeks) Adoption Leave regardless of length of service with the College.

Adoption Leave is available to:

- Employees who adopt individually
- One member of a couple, regardless of gender, where a couple adopt jointly

Employees who are a couple jointly adopting must decide who will take the paid Adoption Leave.

Roles and Responsibilities

Employees

- In order to access the benefits outlined in this policy, employees must meet the formal requirements including the various notification procedures.
- Notify HR and line manager of adoption / surrogacy and submit leave request.
- Engage and communicate with managers as requested
- Keep managers informed of plans before, during and about return at the end of such leave
- Provide documentary evidence to verify appointments and leave requests.
- Notify HR if for any reason the adoption does not take place as planned.
- Provide a copy of a medical certificate if taken ill whilst on adoption/surrogacy leave.
- Notify the College when varying the date or not intending to return to work.
- Liaise with line manager to arrange contact during adoption/surrogacy leave, where required.
- Submit requests for flexible working, where required.

Line Managers

- Manage all cases in a timely and supportive manner.
- Make arrangements to cover post during adoption/surrogacy leave, where required.
- Communicate with employees, as appropriate, ensuring those on leave are kept informed of necessary communications
- Consider flexible working requests, where required.

Human Resources

- Manage all cases in a timely and supportive manner.
- Liaise with employee to manage the adoption/surrogacy leave process.
- Provide advice or guidance where requested.
- Provide a copy of SAP1 to employee requesting adoption leave, when the employee does not qualify for Statutory Adoption Pay

Adoption and Surrogacy Leave

During Adoption Leave employees are entitled to take 52 weeks leave, which is made up of 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave. Any employee taking Adoption Leave has the right to return to work at any time during either Ordinary Adoption Leave or Additional Adoption Leave period, subject to following the correct notification procedure.

Employees can choose to stay on Adoption Leave for the whole 52 weeks or end it early and share the remaining weeks leave and pay with their partner by opting in to Shared Parental Leave. Further information on Shared Parental Leave can be found on the HR website.

At the end of Additional Adoption Leave employees have the right to return to their old job, but if it is not reasonably practicable for the College to offer the old job back, they must be offered appropriate similar employment, on no less favourable terms, and with seniority and pension conditions unaffected.

Adoption/surrogacy leave can start:

- For UK adoptions - up to 14 days before the child starts living with the employee but no later than the date of placement.
- For overseas adoption - when the child arrives in the UK or within 28 days of this date.
- For surrogacy - the day the child is born or the day after.

Adoption Pay

Although all employees are entitled to 52 weeks Adoption Leave the amount of **pay** received differs depending on the length of continuous service with the College and return to work after Adoption Leave.

To qualify for Statutory Adoption Pay (SAP) and Occupational Adoption Pay (OAP) an employee must have been employed continuously for at least 26 weeks. To qualify for OAP an employee must also return to work for a minimum period of three months.

Statutory Adoption Pay (SAP)

Statutory Adoption Pay is paid by employers on behalf of the Government for up to 39 weeks at the rate set by the Government.

Statutory Adoption Pay is payable for up to 39 weeks. The first 6 weeks are paid at 90% of average weekly earnings and 33 weeks at the Statutory Adoption Pay rate or 90% of the average weekly earnings (whichever is less).

The remaining 13 weeks of the 52 weeks leave is unpaid.

Occupational Adoption Pay (OAP)

Those qualifying and who return to the College for three months at the end of their Adoption Leave period will receive full pay for the first 18 weeks of leave. Payment will include SAP where applicable.

If a member of staff is employed on a variable hourly contract, and is entitled to OAP, this will be calculated based on the average hours worked in the 12 weeks prior to the date of commencing Adoption Leave.

Employees on fixed term contracts will be expected to meet standard requirements to qualify for OAP. Where the end date on a fixed term contract does not allow for return for 3 months they will be expected to work up to their end date. If the end date on fixed term contract is during the period of Adoption Leave, the employee will be paid up to the end date and the remaining period, if applicable, will be paid at the statutory rate.

It will also be fully recoverable where employees employed on a fixed-term contract are offered, and subsequently decline, an extension to their contract which would allow for a return to work for 3 full working months.

Adoption and Surrogacy Keep in Touch Days (KIT)

Employees can work up to 10 paid Keep in Touch (KIT) days with prior line management agreement. These are normally days the employee will attend their place of work. They can be used singly, consecutively or in blocks. Any amount of work on one of these days will count as one whole day.

The employee can choose to notify the College of their intention to take KIT days when submitting notification of their intention to take Adoption Leave, or these can be arranged and agreed whilst on leave.

Staff should complete the KIT day form, get approval from their line manager and return it to HR Operations, preferably within one month of the KIT day being taken.

Abbreviations

SAP	Statutory Adoption Pay
OAP	Occupational Adoption Pay
KIT Days	Keep in Touch Days

Linked Policies

Details on other family friendly policies can be found on the HR webpages, including:

- Maternity Leave and Pay
- Shared Parental Leave
- Paternity
- Parental

Policy Schedule	
Policy Title	
Policy Owner	
Policy Lead Contact	
Consultation with College Unions	
Approving Body	
Date of Approval	
Review Interval	