



Adoption / Surrogacy Rights

Guidance

Reasonable Contact

The employer is allowed by law to make reasonable contact during adoption / surrogacy leave. This is not counted as a Keep in Touch day. Reasonable contact allows employees who are on leave to stay up-to-date with important changes in the workplace or personal circumstances. This kind of contact is important because employers have legal obligations to employees while they are on leave. Employers must contact employees on maternity, adoption / surrogacy, paternity or shared parental leave if there: (a) are promotion, pay rise or other job opportunities (b) is the possibility of redundancy (c) is a re-organisation that might impact the employee's job.

Parental Bereavement Leave

Parents or carers will be entitled to two weeks' leave following the loss of a child under the age of 18

Leave can either be taken in one block or in two separate blocks of one week. It can be taken within a 56 week window from the child's death.

All employees will receive full pay for the two weeks' leave.

Continuity of Employment

Continuity of employment is maintained during adoption / surrogacy leave, which means there is no break in service during the employee's absence from work.

An employee shall normally return to the job in which they were employed under the original contract of employment and on terms applicable to them if they had not been absent.

Annual Leave

Throughout the paid and unpaid adoption / surrogacy leave period the individual accrues contractual annual leave and public holiday entitlement. This leave can be taken as agreed with the line manager. It is recommended that the employee adds this entitlement onto the beginning or end of the adoption / surrogacy leave period where possible.

In the event of an individual not returning to work following the period of adoption / surrogacy leave, they will be paid for any holiday entitlement accrued during such leave.

Equally, if the employee resigns rather than returning to work following adoption / surrogacy leave and, if at that time they have taken more holiday than they have accrued during the current holiday

year, they will be required, on request, to repay the equivalent of the excess holiday taken to the College.

If an employee is employed under variable hours contract at the College their annual leave entitlement during their period of adoption / surrogacy leave is calculated on the average hours worked during the twelve weeks prior to the start date of the adoption / surrogacy leave in line with their contractual annual leave entitlement.

Fixed Term Contracts

It is the College's policy to treat staff employed on fixed-term contracts in the same manner with respect to their entitlement to adoption / surrogacy leave and pay as those on substantive contracts. Staff on fixed term contracts will be expected to return to work for 3 months or to the end of the contract, whichever date is sooner. If the employee's contract is due to expire during the period of the adoption / surrogacy leave, and no suitable vacancy exists for them, they will not be required to return. In this case adoption / surrogacy pay under the College's Occupational adoption / surrogacy scheme, if applicable, will be paid until the expiry of the contract. After this date, if an employee is entitled to statutory adoption / surrogacy pay, this will be paid until the end of the 39 weeks.

Pension Arrangements

During the paid period of adoption / surrogacy Leave a member of either the Universities Superannuation Scheme (USS) or Superannuation Arrangements for University of London scheme (SAUL) is fully covered for pension benefits, based on the pensionable salary they would have been paid had they not been on Adoption / surrogacy Leave, provided that they continue to make contributions based on the adoption / surrogacy pay they are receiving.

During unpaid adoption / surrogacy Leave, neither the employee nor the College makes pension contributions. Their membership of the pension scheme is suspended and the period of unpaid adoption / surrogacy Leave does not count as pensionable service.

Further information on pensions during the period of adoption / surrogacy leave is available from the Pensions Officer, and employees are strongly advised to contact the Payroll and Pensions Office to discuss their pension position.

These links below may be useful with regards to pension contribution during adoption / surrogacy leave.

- USS: <https://www.uss.co.uk/>
- SAUL: <http://www.saul.org.uk/>

Keep In Touch Days

During the adoption / surrogacy leave period, all employees are entitled to work for up to 10 days, with the agreement of their manager and the Human Resources Department. These days are known as "Keep in Touch days" (KIT days) and can be taken at any stage during the adoption / surrogacy leave period, except during the first two weeks. Any work done on any day during the adoption / surrogacy leave period will count as a whole KIT day, up to the 10 day maximum. These days may be used for any activity which would ordinarily be classed as work under the employee's contract of employment, e.g. attending training or a team meeting.

As KIT days allow work to be done under the employee's contract of employment they will attract contractual payments and in this way are different to the reasonable contact that employers and employees may make with one another. The employee will be paid their contractual rate of pay for the hours they actually work during the KIT day, not for a full day's work (i.e. if an employee attends a 2 hour meeting on one day this will count as one KIT day, but they will only be paid for 2 hours work).

Any SAP and/or College adoption / surrogacy pay for the week in which the work is done will be counted towards the contractual pay. The College will pay the shortfall between the adoption / surrogacy pay and the employee's contractual rate of pay for each agreed KIT day. If a KIT day falls during the paid period of adoption / surrogacy leave, pension scheme contributions will be deducted accordingly.

Where an employee is in the final 13 weeks of leave where no pay is received, or is not entitled to OAP or SAP but is taking adoption / surrogacy leave, and receives pay for KIT days, no pension contributions will be deducted from any amount paid for the KIT day during the no pay period.

If an employee carries out any paid work for another employer or the same employer that is not under their current contract of employment and therefore not a KIT day, this will bring an immediate disqualification from SAP and OAP for the week in which this work was carried out. If paid work continues this may result in permanent disqualification

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

For Shared Parental Leave in Touch (SPLiT) days please, refer to the College Shared Parental Leave Policy.

Returning to Work

If an employee is returning to work at the end of the ordinary adoption / surrogacy leave period, i.e. within 26 weeks of starting adoption / surrogacy leave, they have the right to resume working in the same job they held before commencing adoption / surrogacy leave. If they are returning to work after additional adoption / surrogacy leave, i.e. after 26 weeks, the entitlement changes. In this case, they have the right to return either to the same job or, if this is not reasonably practicable from the College's perspective, to another suitable job on terms and conditions that are not less favourable.

Employees will be given opportunities for consultation at all stages of this process, in discussion with their relevant recognised trade union representative, or work colleague. Suitability for another potentially suitable job will depend on all relevant factors such as its appropriateness to the employee's skills, aptitudes and experience, level of responsibility and available training will all be taken into consideration.

1. Reintroduction to the Workplace

The College acknowledges that returning to work following a period of Adoption / surrogacy leave is a transition and can be a challenging time. As with all change, effective preparation will help the employee, the manager and the wider College to benefit from a smooth transition with a positive outcome for everyone.

It is the College's policy to be flexible on the working arrangements for all employees. Where reasonably practicable, the College will make every effort to consider and accommodate requests for reasonable adjustments to workload following a period of adoption / surrogacy leave in order to enable the employee to settle back into work on a gradual basis, with the aim that they will be completely up to speed and handling a full workload within one month of their return from adoption / surrogacy leave.

Each such request will be dealt with individually, taking into account the likely effects that an adjusted workload will have on the College, the work of the employee's department and the employee's colleagues, and the employee's salary will be adjusted accordingly. Agreeing to one request for an

adjusted workload will not set a precedent or create a right for another employee to be granted an adjusted workload.

2. Sabbatical Leave

To help academics returning from a period of adoption / surrogacy, adoption, shared parental or caring leave, the College offers relevant staff the option to take one term of sabbatical leave upon return. Further details can be found on the HR website.

3. Resignation after Adoption / Surrogacy Leave

If an employee does not wish to return to work after their ordinary or additional adoption / surrogacy leave, they must give the College the notice of termination required by their contract of employment. At the end of any period of adoption / surrogacy leave staff will be required to return to work for a period of three months in order to avoid the College re-claiming College occupational adoption / surrogacy pay, except in exceptional circumstances.

4. Redundancy whilst on Adoption / Surrogacy Leave

Where an employee's contract is due to end during adoption / surrogacy leave, the College's Redundancy Policy will be used.

With the employee's agreement, redundancy consultations may start early, i.e. before the adoption / surrogacy leave begins. This will not affect their statutory or contractual rights, and they will still receive access to redeployment opportunities, if relevant, at the appropriate time.

An employee who receives OAP is expected to return to work for at least 3 months, or to the end of their contract, whichever date is sooner. Where this is not possible due, for example, to the contract expiring, they will not be required to return to work for the full 3 months and OAP, if applicable, will be paid until the expiry of the contract.

If an employee's contract ends before their entitlement to SAP ceases, they will remain on the College's payroll for the remainder of the period for which they are eligible for SAP. All of their SAP entitlement will be paid via the College. Their leaving date will be the date on which funding ceased, so contractual benefits such as leave entitlement and redundancy calculations would be based on this date.

5. Shared Parental Leave (SPL)

SPL gives employees with caring responsibilities for babies or newly adopted children the opportunity to share up to 52 weeks' leave should they wish to do so. Parents taking SPL can request leave in separate blocks, returning to work in between blocks, and can be on leave at the same time. Further details can be on the HR website.