



Adoption / Surrogacy Leave Policy  
Human Resources Department

## Document History

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## Glossary of Terms

|                  |                                                                                                                                                                                                                                                                                                     |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Adopter -        | An adopter is a person who has been matched with a child for adoption, or if a couple (heterosexual or homosexual) have been matched jointly, the member of that couple who has chosen to take adoption leave.                                                                                      |
| Partner -        | A partner means a person (male or female) who lives with the adopter and the child in an enduring family relationship but is not an immediate relative.                                                                                                                                             |
| Matching -       | A person is matched with a child for adoption when an adoption agency decides that person would be a suitable adoptive parent for the child, either individually, or with another person. In the case of surrogacy, matching occurs when a surrogate or egg donor is matched with intended parents. |
| Placing -        | The placement of a child for adoption occurs when the child goes to live with the adopter permanently with a view to being formally adopted in the future.                                                                                                                                          |
| Intended Parent- | Person or persons who become the legal parent of a child born through surrogacy                                                                                                                                                                                                                     |

## Contents

|      |                                                       |   |
|------|-------------------------------------------------------|---|
| 1.0  | Adoption / Surrogacy Leave Entitlement.....           | 3 |
| 2.0  | Notification of Adoption/ Surrogacy Leave.....        | 4 |
| 3.0  | Appointments Connected to Adoption /Surrogacy .....   | 4 |
| 4.0  | Commencing Adoption / Surrogacy Leave .....           | 5 |
| 5.0  | Applying for Adoption / Surrogacy Leave .....         | 5 |
| 6.0  | Adoption/ Surrogacy Leave Period .....                | 5 |
| 7.0  | Payments During Adoption/ Surrogacy Leave .....       | 5 |
| 8.0  | Pension Contribution .....                            | 6 |
| 10.0 | Keep in Touch Days .....                              | 6 |
| 11.0 | Withholding Statutory Adoption/ Surrogacy Pay .....   | 6 |
| 12.0 | Repayment of University Adoption / Surrogacy Pay..... | 7 |
| 13.0 | Return to Work .....                                  | 7 |
| 14.0 | Salary on Return to Work.....                         | 8 |
| 15.0 | Parental Leave.....                                   | 8 |

## 1.0 Adoption / Surrogacy Leave Entitlement

- 1.1 A member of staff is entitled to take Adoption/ Surrogacy Leave when one or more children are newly matched (see 1.4 below) with them for adoption or when a child is born through a surrogacy arrangement, regardless of their length of service. This applies whether children are adopted from within the UK or from overseas.
- 1.2 The arrangements for Adoption/ Surrogacy Leave set out below incorporate the provisions for the payment of Statutory Adoption Pay (SAP). Care should be taken to distinguish the respective benefits of the University's Adoption Leave Scheme and the State's Scheme for SAP. Entitlements to paid Adoption/ Surrogacy Leave under the University's Scheme include any SAP entitlement.
- 1.3 Adoption/ Surrogacy Leave is available to individual members of staff who adopt or have a child born via surrogacy. Where a couple adopts or has a child through surrogacy, the couple must choose which spouse, partner or civil partner will take Leave. This applies to all couples, irrespective of their place of work (not just to couples who both work within the University). It is therefore necessary for the University to verify with the employer of the non-leave taking spouse/partner/civil partner that this individual has not submitted a request for adoption/ surrogacy leave in their own right. The couple will therefore be required to furnish contact details of the non-leave taking spouse's/partner's/civil partner's place of work, if applicable.
- 1.4 In the case of a couple who are jointly adopting a child or having a child through surrogacy, the spouse/partner/civil partner (male or female) who does not apply for

Adoption Leave, may apply for Paternity Leave. See University Policy on Paternity Leave.

- 1.5 To qualify for Adoption Leave, a member of staff must be newly matched with a child for adoption by an adoption agency or an appropriate statutory body or have a child born through a surrogacy arrangement. It is not available in circumstances where a child is not newly matched for adoption, ie when a step parent is adopting a spouse's/partner's/civil partner's child.
- 1.6 If more than one child is being adopted at the same time, only one period of Adoption Leave can be granted.
- 1.7 If the employee is a local authority foster parent who is also approved as a prospective adopter and a child is placed with the employee in a "foster to adopt" situation, the employee will qualify for adoption leave and pay should they meet all the eligibility criteria.

## **2.0 Notification of Adoption/ Surrogacy Leave**

- 2.1 A member of staff should consult at the earliest opportunity with their Head of Department regarding Adoption/ Surrogacy Leave for the purposes of departmental planning. Indeed, it is recommended that the member of staff inform the Head of Department when they are approved for adoption or matched with a surrogate.
- 2.2 A member of staff must complete an '**Adoption/Surrogacy Start Date**' Employee Request, available on the Staffing Request tab of your Employee Dashboard on CORE Portal within seven days of the date they are notified of having been matched with the child for adoption, or by the 15<sup>th</sup> week before the expected week of child birth (EWC) for intended primary carers of a child born through surrogacy, or as soon as reasonably practicable (see 5.1). In the case of adoption this must be supported by appropriate documentation from the Adoption Agency or the appropriate statutory body where possible (i.e.; matching certificate or letter), In the case of surrogacy this should be a verified copy of the surrogate mothers MATB1 and a parental order within 6 months of the birth. The University accepts such documentation may not always be available at early stages (in which case the appropriate documentation must be submitted as soon as possible thereafter).

## **3.0 Appointments Connected to Adoption /Surrogacy**

- 3.1 A member of staff, regardless of length of service, has an entitlement to reasonable paid time off (including travel time) to attend appointments connected with the Adoption Leave, such as assessment meetings with the adoption agency, meetings with social workers or meetings with the child when appropriate. In the case of surrogacy this may be ante natal appointments and parental classes also. The Head of Department will not unreasonably refuse consent but may request that the member of staff produce an official appointment card, where appropriate, showing that the appointment has been made.

## 4.0 Commencing Adoption / Surrogacy Leave

- 4.1 The member of staff can choose to commence Adoption/ Surrogacy Leave no later than the date on which the child is placed with them for adoption or born through a surrogate or a pre-determined date no more than fourteen days before the date on which the child is expected to be placed for adoption or EWC.

## 5.0 Applying for Adoption / Surrogacy Leave

- 5.1 You must complete an **'Adoption/Surrogacy Start Date'** Employee Request, available on the Staffing Request tab of your Employee Dashboard on CORE Portal at least twenty-eight days before the date the member of staff intends to start the Adoption/ Surrogacy Leave, or as soon as reasonably practicable. Your line Manager will authorise the request and an email Notification will be sent to The Head of Department as confirmation. Once approved, the request will be sent to the Payroll Team in Human Resources for processing.
- 5.2 To request a change in the start date of Adoption/ Surrogacy Leave you should complete the **'Adoption/Surrogacy start date change'** Employee Request, available on the Staffing Request tab of your Employee Dashboard on CORE Portal giving at least twenty eight days' notice, or as soon as reasonably practicable.
- 5.3 If a placement is delayed, a member of staff who has already begun Adoption Leave cannot stop the leave and commence it again at a later date.

## 6.0 Adoption/ Surrogacy Leave Period

- 6.1 The University's Adoption Leave Scheme allows for a maximum period of Adoption / Surrogacy Leave of fifty two weeks, regardless of length of service. During this period the member of staff is entitled to the benefit of all those contractual terms and conditions that they would have enjoyed had they not been absent – with the exception of remuneration, which is outlined below.

## 7.0 Payments During Adoption/ Surrogacy Leave

- 7.1 A member of staff will receive payments under the University's Adoption/ Surrogacy Pay Scheme regardless of their length of service at the time of the adoption / birth of child via surrogate. To qualify for the additional Statutory Adoption Pay, the member of staff must have earnings at the Lower Earnings Limit (LEL) and have been employed by the University for twenty six continuous weeks at the date the child is matched or born via surrogate.

| Weeks | University Adoption Pay Scheme                                      | Statutory Adoption Pay Scheme                                           |
|-------|---------------------------------------------------------------------|-------------------------------------------------------------------------|
| 1 – 8 | Full basic pay or 100% of average weekly pay, which is inclusive of | The lower of 90% of average weekly earnings or SAP at the standard rate |

|         |                                                |                                                                                    |
|---------|------------------------------------------------|------------------------------------------------------------------------------------|
|         | the basic statutory entitlement shown left     |                                                                                    |
| 9 – 24  | Half of basic pay or 50% of average weekly pay | Plus SAP at the standard rate, to the extent that normal full pay is not exceeded. |
| 25 – 39 | Unpaid                                         | SAP at the standard rate.                                                          |
| 40 - 52 | Unpaid                                         | Unpaid                                                                             |

## 8.0 Pension Contribution

- 8.1 During the period of University unpaid leave, both the employer's and employee's superannuation contributions will be maintained, to ensure that the member continues to accrue pensionable service at the salary level which would have accrued had they not been absent.

## 9.0 Annual Leave

- 9.1 Annual leave, bank holidays and closure days continue to be accrued throughout the period of adoption / surrogacy leave.
- 9.2 Annual leave and accrued closure days or bank holidays are to be taken in agreement with the employee's Line Manager. The university's expectation is that the leave accrued would be taken immediately following the end of the adoption / surrogacy leave period to assist with the management of operational requirements.
- 9.3 For academic staff with no set annual leave period within contractual terms and conditions, individuals will accrue the same amount of annual leave as a member of staff on the same grade on a PMSA contract i.e. 30 days

## 10.0 Keep in Touch Days

- 10.1 A member of staff may, by mutual agreement with their Head of Department, carry out up to ten days work, known as "keep in touch days" during their Adoption / Surrogacy Leave. The member of staff will receive time off in lieu or payment for the time worked without the Adoption Leave period or adoption pay being brought to an end. Formal notification of intention to request a "keeping in touch day" should be made by completing a '**Keep in Touch Day – Paid**' OR '**Keep in Touch Day – Time off in Lieu**' Employee Request, available on the Staffing Request tab of your Employee Dashboard on CORE Portal.

## 11.0 Withholding Statutory Adoption/ Surrogacy Pay

- 11.1 The entitlement to Statutory Adoption Pay expires 8 weeks after any of the following events:-
- a) The child is not placed,

- b) The child stops living with the adopter,
- c) The child dies.

11.2 Entitlement to Statutory Adoption Pay would cease immediately if:-

- a) The employee works in any week in which SAP is payable during the Adoption Leave period, (with the exception of 'Keep in Touch Days', see 10.1 above).
- b) The employee is taken into custody,
- c) The employee became entitled to Statutory Sick Pay.

11.3 In the event of the adopter's death, entitlement to Statutory Adoption Pay will expire at the end of the week in which death occurs.

## **12.0 Repayment of University Adoption / Surrogacy Pay**

12.1 In the event that a member of staff fails to return to work after a period of Adoption/ Surrogacy Leave, or returns to work but fails to continue in employment for at least three months, the University will normally require the member of staff concerned to repay the non-statutory element of the adoption pay received.

## **13.0 Return to Work**

13.1 The University will notify the member of staff taking Adoption/ Surrogacy Leave of the date their Adoption Leave will end, within twenty eight days of receiving the member of staff's notification regarding Adoption/ Surrogacy Leave and if appropriate, report details of the leave to the Leave of Absence Committee.

13.2 A member of staff may, at any time, consult with their Head of Department regarding the end of Adoption/ Surrogacy Leave, for the purposes of departmental planning. In any case, the individual is required to give at least eight weeks' notice to the Human Resources Department and their Head of Department of their intention to return to work on any given date.

13.3 Before a member of staff's Adoption/ Surrogacy Leave commences, the Head of Department will discuss with them the arrangements to be made regarding liaison, should they wish this to take place during their Leave.

13.4 The Head of Department in any event may make reasonable contact with a member of staff on Adoption/ Surrogacy Leave to discuss return to work arrangements such as dates and working hours for the purposes of departmental planning, or to update them on developments.

13.5 Requests for a change in the notified date of return should be made in writing to the Human Resources Department with a copy to the Head of Department, as soon as possible.

13.6 The Employment Rights Act now provides employees who are parents of children under the age of six with the right to request a return to work on flexible working conditions. The University's Family Friendly suite of policies will provide more information.

## **14.0 Salary on Return to Work**

- 14.1 On return to work, the member of staff shall be placed on the salary scales at the point to which they would have normally progressed at that time if they had not been absent.

## **15.0 Parental Leave**

- 15.1 A member of staff may be entitled to Parental Leave, which may be taken immediately after Adoption Leave. See University Policy on Parental Leave.