

## **ADOPTION LEAVE POLICY AND PROCEDURE**

### **1 Introduction**

Whilst the University expects its employees and staff to comply with this policy, it does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time following appropriate consultation and negotiation with recognised trade unions. Breach of this policy may be addressed via the University's Disciplinary Policy and Procedure and Code of Conduct.

This policy will be reviewed by the Human Resources department on a 3-year basis or amended in response to changes in future legislation and/or case law.

### **2 Ownership**

The Human Resources department owns and manages this policy on behalf of The University of Northampton.

### **3 Organisational Scope**

This Adoption Leave policy is a corporate policy and applies to all employees (and workers, as applicable) of The University of Northampton including any wholly owned subsidiaries, unless an alternative policy exists, subject to any qualifying conditions.

### **4 Policy Statement**

The University of Northampton recognises the statutory rights of employees to take adoption leave and adoption pay where the qualifying criteria are met. This policy aims to inform all employees of the statutory right to adoption leave and, for those who qualify, adoption pay.

This policy is informed by the Children and Families Act (2014).

## 5 Definitions

**Adopter** - an individual who has been newly matched with the child for adoption, or, in the case where two persons have been matched jointly, whichever of them has elected to be the child's adopter for the purpose of taking statutory adoption leave or statutory paternity leave.

**Partner** - a person who is in a relationship with a child's adopter (irrespective of gender), who lives with the adopter and the child in an enduring family relationship, but is not a relative of the adopter.

**Ordinary Adoption Leave** - 26 weeks leave.

**Additional Adoption Leave** - 26 weeks leave which begins immediately after ordinary adoption leave.

**Official Notification** - a written notification issued by or on behalf of the relevant authority

**A child** - is a person who is, or when placed for adoption was, under the age of 18.

**Matching date** - The date on which the adopter was told that they have been told by the adoption agency that they have been matched with a child for adoption.

**Matching Week** - The week commencing the Sunday on or immediately prior to the matching date and ending on the following Saturday.

## 6 Key Principles

The University is committed to supporting all employees who have a child, adopt a child, foster a child for adoption or are 'Parental Order' intended parents in a surrogacy arrangement. This policy is designed to ensure that all members of staff are treated fairly and consistently and in line with the relevant legislation. Following the birth or placement, eligible employees can take up to two weeks' paid paternity leave to care for the child and/or to support the other parent.

During the adoption leave period the employee's contract of employment continues and they are entitled to receive all their contractual benefits except pay. Contractual annual leave entitlement will continue to accrue.

Unauthorised recording of conversations is prohibited. Anyone in breach of this may be subject to disciplinary action.

## **7 Procedure**

### **7.1 Notification of Adoption Leave (in country)**

An employee who wishes to take adoption leave must inform their Line Manager that they wish to take the leave no later than 7 days after receiving the notification of matching by the adoption agency.

The notification should be in writing and must specify the date the child is expected to be placed with the adopting parents and the date the employee wishes to begin their adoption leave. The matching certificate should accompany the Notification form (appendix 1) wherever possible or be available within 28 days of the notification.

The University will respond to the adopters request within 5 days of receipt; confirming the start/end dates of the leave and any entitlement to pay.

### **7.2 Notification of Adoption Leave (from overseas)**

#### **7.2.1 First notification stage**

The employee should advise the University of both:

- the date on which they received official notification
- the date on which the child is expected to enter Great Britain

#### **7.2.2 Second notification stage**

An employee must give their Line Manager at least 28 days notice of the actual date they want the Statutory Adoption Leave and Statutory Adoption Pay to start. This notice can be provided at the first notification stage if the date is known.

Statutory Adoption Leave and Pay cannot start before the child enters the UK.

Having given notice, the employee can change the date on which they wish to start their adoption leave by providing their Line Manager and Human Resources with at least 28 days written notice. If this is not possible they must tell their line manager as soon as is reasonably practical.

### 7.2.3 Third notification stage (after the child has entered the UK)

An employee must advise their line manager of the date the child actually entered Great Britain. They must do this within 28 days of the child's date of entry. If they are also claiming Statutory Adoption Pay they must provide evidence of the entry date. This could be a copy of a passport stamp or visa.

## 7.3 Time off for adoption appointments

The main adopter will be able to take paid time off for up to five adoption appointments.

The secondary adopter will be entitled to take unpaid time off for up to two appointments.

An employee must be prepared to show if requested an appointment card or some other document confirming that an appointment has been made. As with other appointments, adoption appointments should be, wherever possible be made outside normal working hours.

## 7.4 Adoption Leave

Adoption leave consists of 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL) for all employees, regardless of their length of service.

Adoption leave can start either:

- from the date the child starts living with the adopting parents;
- up to 14 days before the date they expect the child to start living with them for UK adoptions.
- when the child arrives in the UK or up to 28 days before the date they expect the child to start living with them for overseas adoptions.

Adoption leave can start on any day of the week.

## 7.5 Adoption Pay

An employee with less than 26 weeks continuous service by the week of being matched with a child is not entitled to Statutory Adoption Pay (SAP).

An employee with 26 weeks or more continuous service by the week of being matched with a child, who returns to work for at least 26 weeks has an entitlement to a total of 39 weeks paid adoption leave consisting of:

- the first 6 weeks at full pay; and
- the next 12 weeks at half pay plus SAP (but not exceeding full pay); and
- the next 21 weeks at SAP or 90% of weekly earnings if this is less than SAP (but not exceeding full pay)

An employee with 26 weeks or more continuous service by the week of being matched with a child who chooses not to return to work has an entitlement to a total of 39 weeks paid adoption leave consisting of:

- the first 6 weeks at full pay; and
- the next 33 weeks at SAP or 90% of weekly earnings if this is less than SAP (but not exceeding full pay)

The University has the right to reclaim the non-statutory element of adoption pay if the employee chooses not to return to work and continue in employment for at least 26 weeks.

## 7.6 Special Circumstances

### 7.6.1 Adoption through surrogacy

Parents in a surrogacy arrangement who are entitled to and intend to apply for a Parental Order under the Human Embryology and Fertilisation Act 2008 will be able to take adoption leave and pay and paternity leave and pay (birth and adoption), if each parent meets the normal qualifying conditions.

### 7.6.2 Child stops living with adopter

If the child ceases to live with the adopter during the SAP period, the pay period will end 8 weeks after the end of the SAP pay week in which the child stops living with the adopter, if it wasn't due to end earlier.

#### 7.6.3 More than 1 child is placed

This can happen where 2 or more siblings are adopted from the same family within 39 weeks of entitlement to SAP for the first child. If a separate Matching Certificate is issued, this will be considered as a separate arrangement. Entitlement of up to 39 weeks of SAP will commence from the date the second child is placed with the adopter. Where periods of SAP overlap, payment of the first period of SAP will continue regardless of the second period of SAP and 2 payments of SAP may be payable for the same week.

#### 7.6.4 Child is not placed

If an employee has already started receiving SAP but the child isn't placed with them, the SAP period ends 8 weeks after the end of the week in which the employee is told that the child won't be placed.

### 7.7 Contact during Adoption Leave

Prior to adoption leave commencing the line manager shall take responsibility for agreeing with the individual the level of contact which will take place during their adoption leave.

During the adoption leave either party is entitled to initiate contact with the aim of keeping the individual informed and ensuring they feel involved. This can include but not be limited to forwarding relevant information and invitations to key meetings and social events.

### 7.8 Keeping in Touch days

'Keeping in Touch' (KIT) days allow an employee to carry out up to 10 days' work during their adoption leave period, without bringing their adoption leave to an end.

KIT days can be taken at any time during the adoption leave period, with the exception of the two weeks immediately after the placement of the child. If KIT days are worked, they do not extend the statutory adoption leave period.

KIT days must be agreed between both the employee and the line manager, as there is no obligation on either party to make use of these days.

Payment will be made based on the number of hours worked during each KIT day. Regardless of the number of hours worked during a KIT day, it will constitute a full day's work for the purposes of the number of KIT days used.

#### 7.9 Job vacancies

Whilst an employee is on adoption leave the University will provide them with details of current job vacancies. Employees will be able to provide a personal email address on the Notification form where details of current vacancies will be sent.

#### 7.10 Pension schemes

Information on pension contributions whilst on adoption leave can be provided upon request from the Payroll Team.

#### 7.11 Salary increments and cost of living increases

Salary increments and cost of living pay rises will be applied as normal during adoption leave.

If the University awards a pay rise which is effective at any time from the start of the set period used to work out SAP and the end of adoption leave, SAP will be recalculated and pay adjusted accordingly.

#### 7.12 Annual Leave and bank holidays

Whilst on adoption leave an employee continues to accrue annual leave and Bank holidays and closed days (where applicable). These can be taken on return from adoption leave and should be agreed with the line manager in accordance with normal annual leave procedures.

### 7.13 Shared Parental Leave

Subject to qualifying criteria, an employee may be entitled to end their adoption leave to take Shared Parental Leave which allows both parents to be on leave. Further details on this can be found in the Shared Parental Leave Policy and Procedure.

### 7.14 Returning to work

An employee returning from ordinary adoption leave is entitled to return to the same job, on the same terms and conditions as if they had not been absent. An employee returning from additional adoption leave is entitled to return to the same job, or a similar job on the same or better terms and conditions. If a post does not exist due to a restructure the Redundancy Policy and Procedure and Redeployment Policy and Procedure will apply.

If an employee intends to return to work at the end of their full adoption leave period entitlement, he/she is not required to give notice of their return. However if an employee wishes to extend their Adoption leave, or return earlier than a date previously specified, they are required to give their line manager and Human Resources, eight weeks notice of the change, in writing.

If the employee decides not to return to work they must provide their line manager and Human Resources with notice of resignation, providing their contractual notice period.

Prior to returning to work, employees and managers are encouraged to discuss the individual's return to help facilitate their integration back into the work place.

If an employee is unable to return to work due to sickness on the day they are expected back from adoption leave, normal sickness procedures apply.

### 7.15 Flexible Working Requests

Any employee has a statutory right to request flexible working. Please refer to the Flexible Working Policy and Procedure for more information.

### 7.16 Parental Leave

The employee may have the right to 18 weeks unpaid "Parental Leave", and are entitled to request that some of this is added to the end of their Adoption Leave

period. Further details on this can be found in the Time Off and Special Leave Policy and Procedure.

## 8 Associated Documents

8.1 The University of Northampton's:

Paternity Leave Policy and Procedure  
Maternity Leave Policy and Procedure  
Time off and Special Leave Policy  
Flexible Working Policy and Procedure  
Shared Parental Leave Policy and Procedure  
Working Off Premises Policy and Procedure

## 9 Approval Process

To be confirmed

## 10 Equality Analysis

An Equality Impact Assessment must accompany this document.

## 11 Version Control

<b>Version Control</b>		<b>Approval record</b>	
Author:	HR	Approval:	Board Approval 23/06/2015
Date written:	Spring 2015	Updates:	
Current status:	Approved		
<b>Record of Amendments</b>			
Date	Details of Change	Approval	
Dec 2018	1. New policy template used 2. Key principles expanded	18 Jan 2019	

	<ol style="list-style-type: none"><li>3. Minor tweaks to wording</li><li>4. Increased the response time for Resourcing team to write to employees from 2 days to 5 days.</li><li>5. Made the policy Gender neutral</li><li>6. Notification form added in Appendix 1</li></ol>	
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## APPENDIX 1 – Notification of Adoption Leave

Please complete all sections in block capitals and return to HR with your Matching Certificate.

Name:	
Faculty/Department:	
Line Manager:	
Employee Number:	
Expected Date of Placement:	
Date Adoption Leave to commence:	
Number of weeks of Adoption leave being taken:	

**If eligible for Employer enhanced Adoption Pay please select option 1 or 2 by ticking the appropriate box below:**

1) I wish to be paid at the enhanced rate of Adoption pay and understand that I will be required to repay these enhanced benefits should I not return to work with The University of Northampton for a minimum of 26 weeks.

2) I do not wish to be paid at the enhanced rate of Adoption pay and understand that I will receive the enhanced payment should I return to work for 26 weeks.

### Job Vacancies

During your Adoption leave we will keep you informed of current vacancies. These alerts will automatically be sent to the e-mail address provided below, unless you request an alternative method.

Email:

If you wish to opt out of vacancy alerts, please tick this box to confirm your choice:

Please sign and date below to confirm your notification of the details above.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_