

ADOPTION AND SURROGACY LEAVE AND PAY PROCEDURE

1. INTRODUCTION

The University recognises the importance of ensuring that our employees enjoy a healthy balance between their work and family life. We will support this by offering a range of family friendly rights to our employees, including the right to adoption and surrogacy leave and pay for employees who become parents through adoption or surrogacy. Adoption and surrogacy leave and pay applications are open to all eligible employees regardless of age, disability, race, ethnicity, religion or belief, sex, gender identity or gender expression, sexual orientation, marriage or civil partnership, pregnancy or maternity or any other equality characteristic, including those who have a surrogacy arrangement.

2. OBJECTIVES

The objectives of this procedure are to:

- Inform employees of their rights and responsibilities during the adoption or surrogacy process;
- Help employees to understand their entitlements in relation to adoption leave and pay;
- Ensure that employees are treated fairly and consistently during the adoption or surrogacy process, during adoption leave and on their return to work.

3. ENTITLEMENTS

3.1 Time Off for Adoption Appointments

Individuals are entitled to paid time off to attend up to 5 appointments arranged by the adoption agency. The University reserves the right to request evidence of these appointments.

3.2 Adoption Leave

Individuals are entitled to a total of 52 weeks adoption leave, regardless of their length of service, if they are a primary adopter. We will assume that individuals will take the 52 week entitlement unless otherwise notified.

To be eligible for adoption leave and pay, individuals must be newly matched with a child for adoption by an approved adoption agency.

If individuals are becoming a parent through surrogacy, they will only be entitled to adoption leave and pay if they have applied for a parental order or intend to do so within 6 months of the child's birth.

Only one parent will be entitled to adoption leave in cases of adoption or surrogacy. The other parent may however, be entitled to paternity leave or shared parental leave. Adoption leave can start:

- Up to 14 days before the date the child starts living with the individual (UK adoptions);

- When the child arrives in the UK or within 28 days of this date (overseas adoptions);
- The day the child is born or the day after (if the individual has used a surrogate to have a child).

3.3 Adoption Pay – Statutory Adoption Pay

Individuals may be entitled to up to 39 weeks of Statutory Adoption Pay (SAP), subject to meeting the following requirements:

- Have average weekly earnings at or above the lower earnings limit for the payment of National Insurance Contributions; and
- Have 26 weeks continuous service at the beginning of the week they were matched with a child for adoption; or
- Have 26 weeks continuous service at the beginning of the 15th week before the expected week of delivery in the case of surrogacy.

The Government sets the lower earnings limit and SAP rates on a yearly basis. [These figures can be found on the Government’s website.](#)

3.4 Adoption Pay – University Enhanced Adoption Pay Options

We offer an enhanced package of adoption pay to individuals who qualify for SAP and:

- Continue to be employed by the University until immediately before the adoption leave commences;
- Have more than 26 weeks continuous service; and
- Intend to return to work for a minimum of 3 months following adoption leave.

Individuals who satisfy the above criteria will have the option to choose which adoption pay package best suits their circumstances. These options are outlined below:

Continuous Service	Option 1 (intend on returning to work)	Option 2 (intend on returning to work)	Option 3 (do not intend to return to work)
More than 26 weeks continuous service	<p>Entitled to up to 52 weeks adoption leave:</p> <ul style="list-style-type: none"> • First 16 weeks at full normal pay (including SAP) • Following 23 weeks at SAP only or 90% of weekly earnings (whichever is less) • Up to 13 weeks of unpaid leave 	<p>Entitled to up to 52 weeks adoption leave:</p> <ul style="list-style-type: none"> • First 8 weeks of the SPL period at full normal pay (to include SAP) • Following 16 weeks at half pay (to include SAP) • Following 15 weeks at SAP only or 90% of weekly earnings (whichever is less) • Up to 13 weeks unpaid leave 	<p>Entitled to up to 52 weeks adoption leave:</p> <ul style="list-style-type: none"> • First 6 weeks at 90% of weekly earnings (to include SAP) • Following 33 weeks at SAP only or 90% of weekly earnings (whichever is less) • Up to 13 weeks unpaid leave
	<p>Individuals who do not return to work for 3 months following adoption leave will be required to pay back 10 weeks full normal pay.</p>		

4. PROCEDURE

4.1 Notification

Individuals are encouraged to advise their line manager of their intention to take adoption leave at the earliest opportunity. The minimum statutory notification requirements are:

UK Adoptions

Within 7 days of being notified by the adoption agency of being matched with a child, individuals must notify their line manager and the Department of People & OD in writing using **Form AL1** (see page 7) stating:

- The date of being notified of being matched with the child;
- The name and address of the adoption agency;
- The date on which the child is expected to be placed for adoption or, the date on which the child was placed if this has already taken place;
- The date when the individual wants the adoption leave to start;
- For the purposes of pay, a declaration that the individual wishes to receive SAP rather than Shared Parental Pay.

Overseas Adoptions

If the individual is adopting from overseas, individuals must have received an official notification to qualify for adoption leave. This is a written notification, which is issued by, or on behalf of, the relevant domestic authority in the UK. It confirms that they are prepared to issue a certificate to the overseas authority that is dealing with the adoption process. The certificate confirms that the individual is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

Individuals must notify their line manager and the Department of People & OD in three stages for overseas adoptions. These are as follows:

Stage	Notification	Timescale
Stage 1 <u>Form AL2a</u> (see page 8)	<ul style="list-style-type: none"> • Confirmation of the date on which the notification of adoption was received • The date on which the child is expected to enter the UK 	<ul style="list-style-type: none"> • Received within 28 days of receiving official notification
Stage 2 <u>Form AL2b</u> (see page 9)	<ul style="list-style-type: none"> • Actual date the individual wishes to start adoption leave (if this is known at Stage 1 then it can be notified at the same time) 	<ul style="list-style-type: none"> • 28 days' notice before any leave can be taken
Stage 3 <u>Form AL2c</u> (see page 10)	<ul style="list-style-type: none"> • Confirmation of the actual date the child entered the UK 	<ul style="list-style-type: none"> • Received within 28 days from the date of entry

4.2 Surrogacy

Individuals must advise their line manager and the appropriate HR Representative in writing of when the baby is due and when they plan to start adoption leave, and this should be done at least 15 weeks before the expected week of childbirth. A 'statutory declaration' should also be provided confirming that the individual has either applied for a parental order or intends to do so within 6 months of the child's birth. (A statutory declaration is a written statement signed in the presence of a solicitor.)

The appropriate HR Representative will respond within 28 days of receipt of receiving a written notification, confirming the date that adoption leave will start and the date on which the individual is expected to return to work.

Failure to follow these statutory notification procedures may result in the individual losing their right to start adoption leave on their chosen date.

If an individual wishes to change the start date of their adoption leave, they must advise their line manager and the appropriate HR Representative in writing at least 28 days before the new proposed start date.

4.3 Recording Adoption Leave

All adoption leave will be recorded in the University's employee database 'iTrent', to ensure appropriate and accurate records are kept.

5. Terms and Conditions during Adoption Leave

During adoption leave, there will be no change to an employee's core contractual rights or terms and conditions, except for pay. All other terms and conditions remain unchanged.

5.1 Pension

Individuals will continue to pay pension contributions in the normal way during paid leave. The University will also continue to make pension contributions on the individual's behalf during this time. Individuals have the option to agree to continue these contributions whilst on unpaid leave. Further information on the options available under each pension scheme can be found on the staff intranet.

5.2 Annual Leave and Public Holidays

Individuals will continue to accrue contractual annual leave and public holiday entitlement throughout adoption leave. Individuals should discuss when this leave will be taken with their line manager. Where possible, all leave should be taken within the leave year in which the entitlement became available.

If an individual decides not to return to work, any annual leave and public holidays due to them will either be offset against their contractual notice period or paid in their final salary payment.

5.3 Keep in Touch Days

Individuals are entitled to up to 10 'Keep in Touch Days' whilst on adoption leave. The purpose of these days is to allow individuals to undertake work in their normal role, to attend training or work events or to ease their return to work. 'Keep in Touch Days' are optional and must be agreed with the individual's line manager. They do not have any impact on adoption leave or affect pay. These days will be paid at the individual's normal contracted rate of pay and will be offset against any SAP that is due.

An individual's line manager will keep them informed of any changes that take place in their department and the University as a whole during adoption leave, including details of any suitable vacancies. Individuals are also encouraged to stay in contact with their line manager during adoption leave.

6. Returning to Work

Before starting adoption leave, the University will confirm the date that the individual is expected to return to work in writing. If the individual is unable to return to work on this date due to illness or injury, our normal arrangements for absence management will apply.

If the individual decides to come back to work before their expected return date, they must advise their line manager and the Department of People & OD in writing at least 8 weeks before they plan to return.

Individuals will have the right to return to the job they did before adoption leave, or if that is not practical, to an alternative job that is suitable and appropriate.

Eligible employees have the right to request flexible working and the University will give due consideration to such requests. Further information is available in the University's Flexible Working Procedure.

Official Use

Procedure Author – Employee Relations & Performance Adviser

Procedure Owner – Director of People and Organisational Development

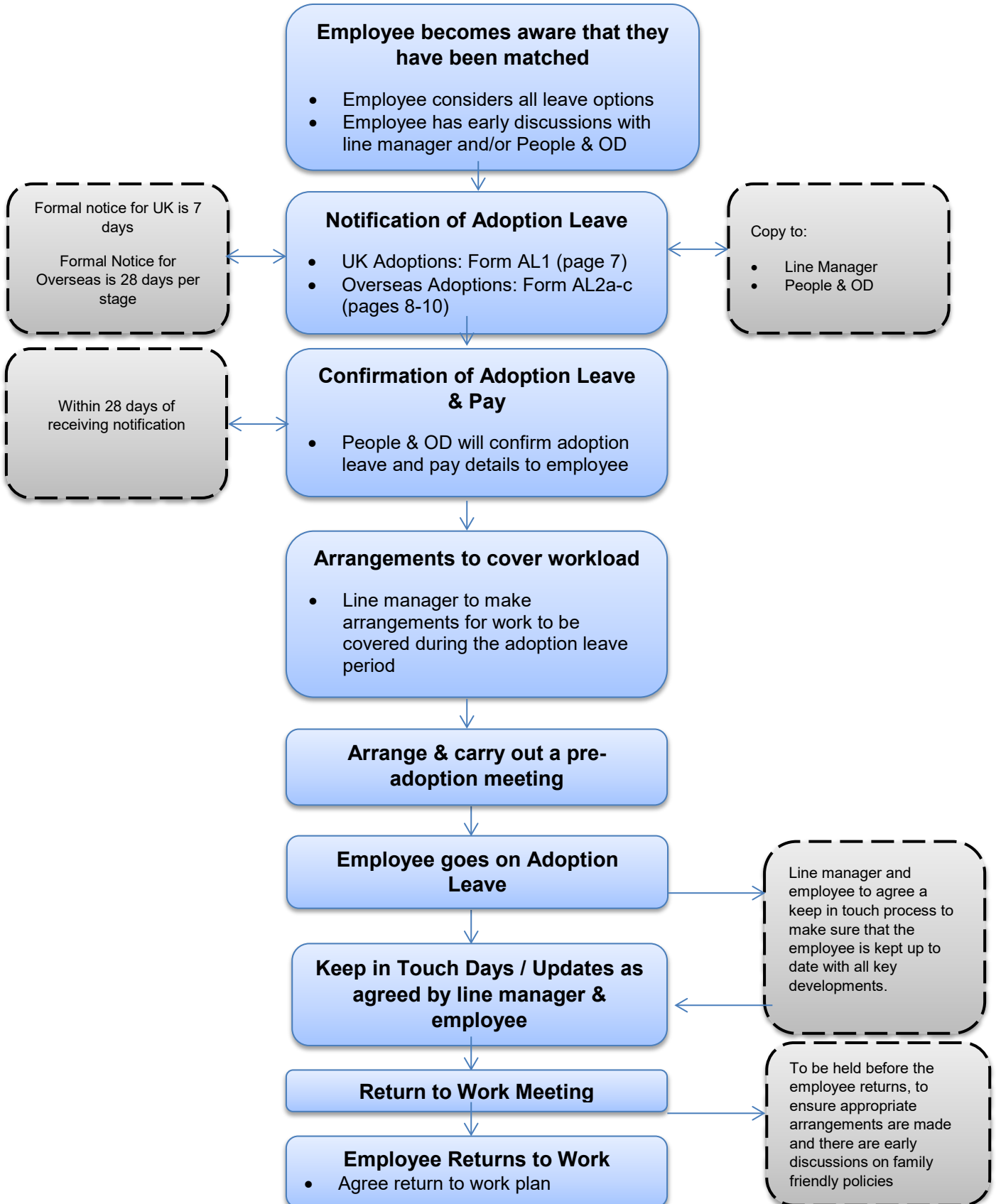
Parent Policy Statement – People and Organisational Development

Public Access or Staff Only Access – Public

Version – Version 7 Approved June 2021

Changes and Reason for Changes – Annual People & OD Procedure Update

Appendix 1
The Procedure at a Glance



FORM AL1
APPLICATION FOR ADOPTION LEAVE
(UK Adoptions)

Adoption Leave: Application	
Name:	
Job Title:	
School/Department:	
Section A: Confirmation of Match & Details	
I confirm that the date I was notified of being matched with a child was:	
The name & address of the adoption agency:	
The name and date of birth of the child:	
The date the child is expected to be placed for adoption:	
The date I wish my adoption leave to start:	
The date I wish my adoption leave to end:	
Section B: Option	
I have more than 26 weeks continuous service and can confirm that I choose option (insert option 1, 2 or 3):	
I have less than 26 weeks continuous service and understand that I do not qualify for statutory maternity pay.	
Section C: Declarations	
I declare that the information provided is accurate in terms of statutory payments. I confirm that I have chosen Statutory Adoption Pay and not Statutory Paternity Pay.	
I have attached a copy of my 'Matching Certificate' as evidence of the adoption.	
Signed:	Date:

Please return this application form to your line manager and email a copy to
human.resources@uws.ac.uk

FORM AL2a
APPLICATION FOR ADOPTION LEAVE
(Overseas Adoptions)

Adoption Leave: Application	
Name:	
Job Title:	
School/Department:	
Section A: Confirmation of Notification	
I confirm the date I received the notification of adoption was:	
The date the child is expected to enter the UK:	
Note: This form must be submitted within 28 days of receiving official notification.	
Section B: Declarations	
I declare that the information provided is accurate.	
I have attached a copy of my 'Matching Certificate' as evidence of the adoption.	
Signed:	Date:

Please return this application form to your line manager and email a copy to human.resources@uws.ac.uk

FORM AL2b
APPLICATION FOR ADOPTION LEAVE
(Overseas Adoptions)

Adoption Leave: Application	
Name:	
Job Title:	
School/Department:	
Section A: Confirmation of Leave Dates	
The date I wish to start my adoption leave is:	
The date I wish to end my adoption Leave is:	
<p>Note: This form must be submitted within 28 days before any adoption leave can commence.</p> <p>Employees can change dates but must provide the University with 28 days' notice before any adoption leave can start.</p> <p>The Department of People & OD will confirm adoption leave requests in writing within 28 days of receiving this notice.</p>	
Section B: Declarations	
<p>I declare that the information provided is accurate and I have submitted form AL2a. I confirm that I have chosen Statutory Adoption Pay and not Statutory Paternity Pay.</p> <p>I have previously submitted a copy of my 'Matching Certificate' as evidence of the adoption.</p>	
Signed:	Date:

Please return this application form to your line manager and email a copy to
human.resources@uws.ac.uk

**FORM AL2c
APPLICATION FOR ADOPTION LEAVE
(Overseas Adoptions)**

Adoption Leave: Application	
Name:	
Job Title:	
School/Department:	
Section A: Confirmation of Leave Dates	
I confirm the actual date the child entered the UK was:	
Note: This form must be submitted within 28 days of the child entering the UK.	
Section B: Declarations	
I declare that the information provided is accurate and I have submitted form AL2a. I confirm that I have chosen Statutory Adoption Pay and not Statutory Paternity Pay.	
I have previously submitted a copy of my 'Matching Certificate' as evidence of the adoption.	
Signed:	Date:

Please return this application form to your line manager and email a copy to
human.resources@uws.ac.uk

FORM AL3
NOTIFICATION OF RETURN TO WORK FOLLOWING
ADOPTION LEAVE

Section A: Adoption Leave – Return to Work

Name:

Job Title:

School/Department:

I previously provided the University with an initial indication of my proposed end date for adoption leave in my application for adoption leave & pay. This was dated (INSERT DATE - _____). I now wish to amend my proposed end date.

I now intend to return to work on:

Section B: Declarations

I declare that I am providing 8 weeks' notice of my return to work date as required with the Adoption Leave & Pay Procedure and that this is within the maximum adoption leave entitlement.

I give permission for this information to be shared with the payroll team to ensure appropriate arrangements are made in relation to my pay.

Signed:

Date:

Please return this notification form to your line manager and email a copy to human.resources@uws.ac.uk

**FORM AL4
KEEPING IN TOUCH REQUEST**

Section A: Adoption Leave – Keeping in Touch

Name:	
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Job Title:	
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Department:	
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I am aware of my statutory entitlement to request up to 10 Keeping in Touch days to be worked throughout my adoption leave.

I would like to request to work on the following date(s) for the purpose of Keeping in Touch:	
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Section B: Declarations

I give permission for this information to be shared with the payroll team to ensure appropriate arrangements are made in relation to my pay.

Signed:	Date:
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Please return this request form to your line manager and email a copy to
human.resources@uws.ac.uk