

Adoption Leave

1 Introduction

1.1

If you are an employee of the Central Academic Bodies and central activities of the University of London (the "central University") or University staff deployed to Health Education England, and you meet certain qualifying criteria, you are entitled to take 52 weeks' Statutory Adoption Leave (SAL) and receive Statutory Adoption Pay (SAP) for 39 weeks when you adopt a child.

1.2

The rules are different depending on whether the child is adopted from within the UK or from overseas.

2 Adoption Leave Entitlement

2.1 Statutory Adoption Leave - Adoption within the UK

2.1.1

Employees are entitled to up to 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL) when you adopt a child in the UK if you:

- have been matched with a child by a UK adoption agency;
- have notified the agency that you agree that the child should be placed with you and agree the date of placement;
- have been continuously employed by the central University for at least 26 weeks by the end of the week (beginning on Sunday and ending on Saturday) in which they are notified of having been matched with the child;
- have notified the central University of when you want to take SAL no more than seven days after you are notified that you been matched with a child.

2.2 Statutory Adoption Leave – Overseas Adoption

2.2.1

Employees are entitled to up to 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL) when you adopt a child from overseas if you:

- have received official notification from the relevant UK authority of your eligibility to adopt a child from abroad - see Official Notification for Overseas Adoptions;
- have been continuously employed by the central University for at least 26 weeks by the time you have received official notification or by the time SAL is due to begin, whichever is later.
- have given the central University the correct notification - see below for Official Notification for Overseas Adoptions;
- are the child's adopter i.e. the person who will adopt or has adopted the child or, in a case where the child will be or has been adopted by two people jointly, the joint adopter who has chosen to take statutory adoption leave in respect of the child.

2.3 central University Adoption Leave

2.3.1

If you comply with the requirements specified under 2.1 and 2.2 and have continuous service with the central University of one year or more at the start of the week you are matched with a child(ren) under four years of age you will be entitled to SAL. However if you comply with the requirements specified under 2.1 and 2.2 and provide a written statement of intent to return to work with the central University after your Adoption Leave, you will become entitled to the central University's occupational scheme (central University Adoption Leave or UAL).

2.3.2

If you comply with the requirements specified under 2.1 and 2.2 and have continuous service with the central University of one year or more at the start of the week you are matched with a child(ren) over four years of age you will only be entitled to SAL.

2.4 Joint and Individual Adoptions

2.4.1

Where you are part of a couple who are adopting jointly, you can choose who will take adoption leave and who (regardless of gender) will take paternity leave. You cannot both take adoption leave or paternity leave.

2.4.2

If you are adopting individually, you are only eligible for adoption leave - although your partner (regardless of gender) may be eligible for paternity leave.

2.4.3

For further information on paternity leave and pay please see - Paternity Leave and Pay

2.5 Foster Parents that Adopt a child

2.5.1

A foster parent may be able to take adoption leave if they go on to adopt a child, but only if:

- the child that the employee fostered is then matched with them for adoption by a UK adoption agency. Adoption via a court order does not count.
- the child is then actually placed with them for adoption.

2.5.2

The usual notification and service criteria still apply. The adoption leave only relates to the actual placement for adoption - any period of foster caring does not count.

2.6 No Entitlement to Adoption Leave or Pay

2.6.1

You will not qualify for Adoption Leave or Pay if you:

- arrange a private adoption;
- become a special guardian;
- adopt a stepchild;
- have a child through surrogacy.

3 Pay During Adoption Leave

3.1 SAP Rates

3.1.1

The rate is SAP flat rate (for the current SAP rate please visit the ['Statutory Rates'](#) page) or 90% of average pay (whichever is the lower) for 39 weeks. If you qualify for SAP, it will be paid through the Payroll, monthly and on the same date and in the same manner as applies to your salary payments.

3.2 HMRC Payroll Deductions on SAP

3.2.1

SAP is treated as earnings and is therefore subject to PAYE and national insurance deductions.

3.3 Qualification for SAP– Adoption within the UK

3.3.1

An employee qualifies for SAP when adopting a child from within the UK provided you have:

- at least 26 weeks continuous service with the University by the end of the week (beginning on Sunday and ending on Saturday) in which they are notified of having been matched with the child;
- given the University at least 28 days' notice (or as much as is reasonably practical) of the date from which they want payment of SAP to begin;
- average weekly earnings at or above the lower earnings limit for National Insurance contributions that applies at the end of the week you are matched with the child.

3.4 Qualification for SAP – Overseas Adoption

3.4.1

An employee qualifies for SAP when adopting a child from overseas provided you have:

- received official notification - see Official Notification for Overseas Adoptions;
- at least 26 weeks of continuous service with the University by the later of the week you receive official notification or the time you want payment of SAP to begin;
- given the University at least 28 days' notice (or as much as is reasonably practical) of the date from which they want payment of SAP to begin;
- average weekly earnings at or above the lower earnings limit for National Insurance contributions that applies at the later of either the end of the week in which you receive official notification or the end of the week in which you complete 26 weeks' continuous service with the University.

3.5 Pay During central University Adoption Leave

3.5.1

During UAL you will be paid through the Payroll, monthly and on the same date and in the same manner as applies to your salary payments at the following rates:

- 8 weeks on Full Pay
- 16 weeks on Half Pay
- 15 weeks during which SAP is payable subject to eligibility
- 13 weeks Unpaid Leave

3.5.2

UAL with full pay includes any SAP entitlement. SAP at the lower rate will be paid in addition to half pay to those eligible for it for a maximum of 16 weeks provided that no combination of payments exceeds full pay.

3.5.3

If you fail to return to work after your Adoption Leave or, when you do return to work, you fail to remain in our employment for a minimum of three months, your entitlement to UAL shall be replaced by the relevant statutory scheme and you will be required to repay the non-statutory elements of adoption pay.

4 Starting Your Adoption Leave

4.1 Starting your Adoption Leave - Adoption within the UK

4.1.1

An employee can choose to begin their adoption leave and pay on either of the following:

- the date on which the child is placed with them for adoption;
- a pre-determined date no earlier than 14 days before the expected date of placement and no later than the expected date of placement.

4.1.2

If you are at work on the day the child is placed with you, the period of adoption leave and SAP can start the next day. If the date of placement changes before you begin the leave, you should discuss the situation with your line manager/Human Resources as soon as possible. *4.2 Starting your Adoption Leave - Overseas Adoption*

4.2.1

Employees may choose to start their adoption leave from either the date the child enters the UK or a fixed date (as notified to the central University) no later than 28 days after the date the child enters the UK.

4.2.2

The leave can start on any day of the week.

4.2.3

Adoption leave cannot be used to cover the period you spend travelling overseas to arrange the adoption or visit the child.

5 Notification and Confirmation of Adoption Leave - Adoption within the UK

5.1 Notification and Confirmation of Adoption Leave – Adoption within the UK

5.1.1

You should notify your line manager/Human Resources in writing no more than seven days after you are matched with a child by an approved adoption agency:

- that you intend to take adoption leave;
- the date when you intend to start adoption leave;
- the date the child is expected to be placed with you for adoption.

5.1.2

Your notification will need to be supported by a matching certificate from your adoption agency as evidence of your entitlement to adoption leave and SAP. This should be sent directly to the central HR Office as soon as it becomes available.

5.1.3

If it is not reasonably practicable for you to meet this deadline, you should notify us as soon as possible.

5.1.4

If you do not give the central University correct notice, we can delay the start of your Adoption Leave (and pay) until you give the correct notice. However, the central University cannot postpone the start of the leave beyond the date of the placement.

5.1.5

After giving written notification as detailed above, you may vary the date on which you commence adoption leave by giving 28 days notice in advance of the earliest of either the previously notified or newly notified date. If it is not reasonably practicable for you to give such notice you must notify the central University as soon as it is reasonably practicable.

5.1.6

Human Resources shall respond in writing to your notification within 28 days. This response shall state the expected date of return if you take the full leave to which you are entitled.

5.1.7

You are encouraged to advise your line manager/Human Resources of your adoption plans at the earliest possible date so that your line manager may make arrangements to cover your work in your period of absence.

5.2 Notification and Confirmation of Adoption Leave – Overseas Adoption 5.2.1

Employees adopting a child from overseas must give their line manager/Human Resources written notice in three stages that you intend to take adoption leave.

FIRST NOTIFICATION STAGE

5.2.2

You must inform the central University of the date:

- on which they received official notification – see below for Official Notification for Overseas Adoptions;
- the child is expected to enter the UK.

5.2.3

Where you already have the necessary 26 weeks' qualifying service when you receive official notification, you must give your line manager/Human Resources this information within 28 days of receiving official notification. At this point, you should know roughly when the child will enter the UK.

5.2.4

Where you receive official notification before you have the necessary qualifying service, you must give your line manager notice within 28 days of completing 26 weeks' qualifying service. Again, at this point, you should know roughly when the child will enter the UK.

SECOND NOTIFICATION STAGE

5.2.4

In all cases, you must give your line manager/Human Resources at least 28 days' notice of the actual date you want your Adoption Leave (and SAP if you qualify) to start. You can give this notice at the first notification stage if you know the date. Adoption leave cannot start before the child enters the UK.

5.2.5

You can change your mind about the date on which you want your leave to start providing you tell your line manager/Human Resources at least 28 days in advance of the new date, or as soon as is reasonably practicable.

THIRD NOTIFICATION STAGE (AFTER CHILD HAS ENTERED THE UK)

5.2.6

You must tell your line manager/Human Resources the date the child entered the UK within 28 days of the child's date of entry. If you are claiming SAP, you will need to give evidence of the date of entry.

5.2.7

You must tell your line manager/Human Resources as soon as is reasonably practicable if you find out that the child will not be entering the UK.

5.2.8

Human Resources shall respond in writing to your notification within 28 days. This response shall state the expected date of return if you take the full leave to which you are entitled. 5.2.9

You are encouraged to advise your line manager/Human Resources of your adoption plans at the earliest possible date so that your line manager may make arrangements to cover your work in your period of absence.

5.3 Official Notification for Overseas Adoptions

5.3.1

Official notification is written notification issued by or on behalf of the relevant domestic authority stating that the authority either is prepared to issue a certificate to the overseas authority dealing with the adoption of the child, or has issued a certificate and sent it to that authority.

5.3.2

In either case, the certificate confirms that the adopter/joint adopter has been approved by them as being a suitable adoptive parent to adopt a child from overseas.

6 Time off Prior to taking Adoption Leave

6.1

Prior to the placement of a child(ren) you will be entitled to take up to 3 days paid leave to attend meetings, assessments, home visits etc. Following your first appointment your line manager/Human Resources may ask to see relevant letters and/or appointment cards.

6.2

You must endeavour to give your line manager as much notice as possible of any appointments and, wherever possible, arrange appointments to minimise disruption to work.

7 Terms and Conditions of Employment During Adoption Leave

7.1 Employment

Contract

7.1.1

During adoption leave, your employment contract is unaffected and you will be entitled to receive all your contractual benefits (except in so far as your normal salary is not payable in whole or in part), including any benefits in kind.

7.1.2

Continuous employment is not broken by adoption leave and incremental progression, (where appropriate) and your entitlement to pay awards etc are unaffected.

7.2 Occupational

Pension 7.2.1

Pensions rights and contributions are as laid down in the rules of the appropriate pension scheme.

7.2.2

During paid adoption leave, this includes adoption leave on half-pay and SAP only periods, membership of the pension scheme remains continuous with no detriment and employee contributions will be based on actual pay, while employer contributions will be based on the salary that you would have been paid were you not on adoption leave.

7.2.3

During any period of unpaid adoption leave, membership of the pension scheme is put on suspense. Life cover may also be suspended during unpaid adoption leave depending upon the rules of the scheme.

7.2.4

On your return to work, you have the opportunity to pay extra contributions for any pensionable service missed.

7.3 *Salary Sacrifice*

7.3.1

If a salary sacrifice arrangement is in place, your SAP will be calculated based on your Post-sacrifice Salary in line with statutory requirements; however the central University pays an enhanced occupational adoption pay which tops up the statutory payments so that the amount of pay you receive will not be affected by Salary Sacrifice for USS Pension or University Pension (SSUP).

7.3.2

Unless you apply to opt out of SSUP under a lifestyle event you will continue to sacrifice an amount of your adoption pay during any period you are in receipt of occupational adoption pay. This is on the basis that this does not reduce your Post-sacrifice Salary to below SAP. Adoption pay will continue to be based on your total Pre-sacrifice Salary.

7.4 *Annual Leave*

7.4.1

Annual leave entitlement shall accrue in the usual way during adoption leave. However you may not take accrued annual leave during your Adoption Leave.

7.4.2

Your annual leave entitlement must therefore be applied prior to or following your return from Adoption Leave. Please note that the normal provisions with regard to the carrying of leave between leave years shall apply and there is no automatic entitlement to carry leave forward to the next leave year.

7.4.3

The following special arrangements apply for the booking and use of leave for employees on adoption leave.

Applications for leave do not require the approval or acceptance of a line manager where you opt to terminate your adoption leave earlier than the maximum entitlement and take such accrued annual

leave as may be available for an equivalent or lesser period than the outstanding duration of adoption leave which would otherwise have been available to you. The usual notice requirements in respect of the termination date for the adoption leave will, however, apply and you must notify us at the same time if you wish to take leave in this way.

7.4.4

Any other requests for leave must be booked and approved in the usual way.

8 Maintaining Contact and Keeping in Touch Days

8.1

The central University may make reasonable contact with you during Adoption Leave on a range of matters, including the administration of your Adoption Leave, arrangements for your return and to advise you of important developments at work. You may of course contact us for similar reasons.

8.2

You must ensure that you have provided up to date contact information (including full postal address and home/mobile telephone numbers at a minimum, and a personal email address if possible) before commencing Adoption Leave and update us with any changes throughout your Adoption Leave.

8.3

We also recommend that, shortly before your Adoption Leave starts, you discuss with your line manager/Human Resources your preferences for maintaining contact during your Adoption Leave. This will enable your line manager to ensure you receive information in relation to, e.g. salary review processes, pay awards, job opportunities, details of events and training opportunities etc. during your absence if you wish.

8.4

In addition you may, with our agreement, do up to ten days' work under your contract of employment during Adoption Leave. These are called Keeping in Touch Days (KIT Days) and are not limited in their use to your normal work, but may be applied for example to attend team briefings/meetings, training, conferences or other events or even to ease the transition to returning to work.

8.5

If we request a KIT Day you are under no obligation to agree and shall suffer no detriment as a consequence of any refusal.

8.6

Any work done on a KIT Day shall count as a whole day so that, for example, if you attend a course with a duration of just one hour and do no other work that day, that counts as one of your KIT Days.

9 Payment for KIT Days

9.1

After calculation of the amount that would be payable calculated at your normal pay rate for the number of hours performed on a KIT Day, such payment shall only be made where that amount exceeds the amount paid to you (including SAP) under the relevant Adoption Leave scheme for that day.

9.2

In most cases, additional payments shall only therefore become due when you perform work on a KIT Day during the period of your Adoption Leave when only SAP is payable or when on unpaid Adoption Leave.

10 Notice Requirements on Ending Adoption Leave

10.1

The central University shall assume that, unless you notify us differently at the time that you start your Adoption Leave, you will return to work on the first working day following the end of your maximum adoption leave entitlement. On receipt of your written notification of your intended Adoption Leave start date, the central University shall provide written confirmation of your expected return date.

10.2

If your start date has been changed (either because you gave notice to change it, or because your adoption leave starting early due to the child being placed with you from an earlier date) HR shall write to you within 28 days of the start of adoption leave with a revised expected return date.

10.3

If you wish to return at an earlier date, you must give 8 weeks' notice of your return. Should you wish to vary that date, you may do so by giving 8 weeks' notice in advance of the new date (or of the original date if earlier).

10.4

If you fail to give the required 8 weeks' notice, the central University may postpone your return to work until you do give the appropriate notice, but this postponement may not extend your absence from work beyond your maximum adoption leave entitlement or previously notified earlier date of return.

10.5

The notice required above should be given in writing unless it is not reasonably practicable to do so, but the central University has the discretion to accept notice by telephone.

10.6

If you decide that you do not wish to return to work at the end of your Adoption Leave you must give notice of termination of employment as required under your contract of employment. **11**

Return from Adoption Leave

11.1

You are normally entitled to return to work following Adoption Leave in the job in which you were employed, under the original contract of employment, and on terms applicable to you as if you had not been absent.

11.2

If you are contracted to fulfil a full-time role you may apply to return to work part-time or otherwise request flexible working arrangements in order to enable you to care for your child. The details of this entitlement are covered by a general statutory right for natural and adoptive parents and partners of natural or adoptive parents to request flexible working arrangements.

11.3

Where you are unable to return from Adoption Leave on the due date as a result of ill health, the normal provisions of your contract in respect of sickness notification, absence and pay shall apply. **12**

Disrupted Adoption

12.1

In the case of a child adopted within the UK, if, after you have begun your Adoption Leave, the expected placement does not occur, or, once the child has been placed, the child dies or is returned to the adoption agency, your Adoption Leave will end eight weeks after the end of the week in which:

- you are notified that the placement will not be made;
- the child dies; or the child is returned.

12.2

In the case of a child adopted from overseas, if, after you have begun your Adoption Leave, the child dies or ceases to live with you then your adoption leave will end eight weeks after the end of the week in which:

- the child dies; or
- the child ceases to live with the you.