

## **ADOPTION LEAVE AND PAY POLICY & PROCEDURE**

### **1. INTRODUCTION**

#### **1.1 Purpose**

**1.1.1** This policy sets out adoption leave and pay entitlements, eligibility requirements, and employment rights before, during, and after adoption leave.

**1.1.2** The supporting procedure, which can be found at Annex A, provides practical guidance regarding notifying the University of adoption leave plans (and how to amend arrangements), and the required documentation that must be provided.

#### **1.2 Scope**

**1.2.1** This policy, and supporting procedure, applies to all members of University staff who are adopting a child/children.

**1.2.2** Adoption leave enables employees who adopt to take time off during the first year of their child's adoption. Only one person in a couple can take adoption leave. The couple will be able to elect which partner takes adoption leave whilst the other partner may be entitled to paternity/partner leave (regardless of gender or biological sex), or alternatively the couple may consider using Shared Parental Leave instead.

**1.2.3** Providing eligibility requirements are met, adoption leave and pay can be taken by:

- a) Employees who have been approved to adopt from the UK or overseas and have been matched with a child/children.
- b) Dual approved prospective adopters who have a child placed with them under Section 22C of the Children Act 1989 with a view to them adopting that child (sometimes referred to as 'fostering for adoption').
- c) The intended parents in a surrogacy arrangement where they are eligible for and intend to apply for a Parental Order making them the legal parents of the child that they are having with the help of the surrogate (sometimes referred to as 'Parental Order Parents').

**1.2.4** You do not qualify for Statutory Adoption Leave or Pay if you:

- a) arrange a private adoption
- b) become a special guardian or kinship carer
- c) adopt a stepchild

d) adopt a family member

**1.2.5** Adoption leave is not available in circumstances where a child is not newly matched for adoption (e.g. when a stepparent is adopting a spouse's or partner's child(ren) or where a foster parent adopts a child they have previously fostered), or for a private adoption.

## **2. POLICY**

### **2.1 Entitlement to Time off Work to Attend Appointments**

**2.1.1** The primary adopter has the right to reasonable paid time off to attend appointments arranged by, or at the request of, the adoption agency for the purpose of having contact with the child or for any other purpose connected with the adoption. Your manager may request evidence of your appointments.

**2.1.2** As with other appointments, these appointments should, wherever possible be arranged in consultation with your manager to minimise disruption to work. You may take time off to attend up to 5 appointments and each of these may last up to 6.5 hours. You will not be unreasonably refused time-off during your working hours to attend appointments.

**2.1.3** In addition, the primary adopter's partner (regardless of biological sex or gender) is eligible to take unpaid time off to accompany the primary adopter at up to 2 appointments for the purpose of meeting the child or for any other purpose connected with the adoption.

**2.1.4** In the case of an adoption from overseas there is no further statutory entitlement to time off for appointments, however, individuals should discuss their additional needs with their line manager.

**2.1.5** In the case of surrogacy, as the intended parent, you can have unpaid time off to attend 2 antenatal appointments with the person giving birth. If you're in a couple, only one of you can accompany the person giving birth to the antenatal appointments and you should decide between yourselves who that will be. If you choose to take time off during working hours, you have the right to take up to 6.5 hours per appointment. You will not be asked for proof of the appointment, however you will be asked to provide a written declaration, which you must sign, to confirm that you're taking time off to attend an antenatal appointment with the person giving birth.

### **2.2 Starting Adoption Leave**

**2.2.1** Adoption from within the UK: You can choose to start your adoption leave from the date of the child's placement (whether it is earlier or later than expected), or from a fixed date which can be up to 14 days before the expected date of placement.

**2.2.2** Adoption from Overseas: You can choose to commence adoption leave from the day the child enters the United Kingdom or within the 28 days following their arrival.

**2.2.3** Surrogacy: You can choose to commence adoption leave the day the child is born or the day after.

**2.2.4** After placement of the child has taken place, you should inform, as soon as reasonably practicable, the Operations Team (People and Organisational Development), in writing, of the date the actual placement of the child took place.

## **2.3. Statutory Entitlements: Adoption Leave & Pay**

### **2.3.1 Adoption Leave**

**2.3.1.1** The primary adopter is entitled to take up to 52 weeks adoption leave, regardless of length of service.

**2.3.1.2** Adoption leave is a single continuous period made up of:

- 26 weeks **Ordinary Adoption Leave** (OAL) and
- 26 weeks **Additional Adoption Leave** (AAL)

AAL follows OAL and there must be no gap between the two.

**2.3.1.3** Your contract of employment continues throughout your adoption leave, unless either you or the University expressly ends it, or it expires.

**2.3.1.4** During adoption leave, you will continue to benefit from the terms and conditions of employment (except for pay) which would have applied had you been at work. You are entitled to benefit from any general improvements to the rate of pay, or other terms and conditions, which may have been introduced for your grade while you are on adoption leave, as if you had not been away. You will accrue annual leave during adoption leave.

**2.3.1.5** Unless you give notice to return to work before the end of your full entitlement of 52 weeks of adoption leave, the University must assume that you will take the full entitlement. You can choose to return earlier by giving at least 8 weeks written notice of the date you wish to return.

**2.3.1.6** Your adoption leave will end 8 weeks after the placement ended if:

- a) you've started your adoption leave and the agency tells you the placement cannot happen
- b) the child dies during adoption leave
- c) the child is returned to the adoption agency

**2.3.1.7** If you return to work immediately after the end of your OAL, you have the right to return to the same job, on the same terms and conditions of employment as if

you had not been absent, unless a redundancy situation has arisen, in which case you are entitled to be offered a suitable alternative vacancy.

**2.3.1.8** If you return to work after some or all of your AAL, you will normally be entitled to return to the same job on the same terms and conditions as if you had not been absent, unless a redundancy has arisen. However, if there is a reason, other than redundancy, which means it is not reasonably practicable for the University to take you back to the same job, you will be offered suitable alternative work on terms and conditions which are no less favourable than your original job.

### **2.3.2. Statutory Adoption Pay (SAP)**

**2.3.2.1** SAP is a state benefit paid via the University payroll on normal pay dates. You may be entitled to receive up to 39 weeks' SAP subject to the following qualifying conditions which vary depending on the type of adoption.

a) continuous service requirement

- i. **If you're adopting a child from the UK** you must have been continuously employed by the University for at least 26 weeks by the end of the week in which you (or your spouse or partner) were formally notified by an approved adoption agency of being matched with a child for adoption (this is known as the 'relevant week');
- ii. **If you're adopting a child from overseas** you must have been continuously employed by the University for at least 26 weeks when you start getting adoption pay. You must also sign form SC6 (available from [www.gov.uk](http://www.gov.uk)) if you're adopting from overseas with a partner. This confirms you're not taking paternity leave or pay.
- iii. **If you're in a surrogacy arrangement** you must have been continuously employed by the University for at least 26 weeks by the 15<sup>th</sup> week before the baby is due. You must also intend to apply for a parental order and expect the order to be granted (for example, because you do not have any convictions involving children, and the birth parent agrees to the arrangement). If you're genetically related to the child (the egg or sperm donor), you can choose to get paternity leave and pay instead. You cannot get both.
- iv. **If you're fostering for adoption** and you're eligible for adoption pay and leave, you'll receive them from when the child comes to live with you.

b) have average weekly earnings above the lower earnings limit for the payment of National Insurance Contributions, normally calculated for a period of 8 weeks ending with the relevant week (the two pay dates prior to the end of the relevant week are used to calculate your average earnings);

c) have provided evidence, in the form of a Matching Certificate from the adoption agency (or Notification documentation from the relevant Domestic Authority for adoptions from overseas), of the adoption within 7 days (if from UK) or 28 days

(if from overseas) of receiving formal notification or as soon as is reasonably practicable (if that is later);

d) have stopped working due to the forthcoming adoption.

**2.3.2.2** SAP is payable whether or not you intend to return to work for the University, so once entitlement to SAP is established it will be paid even if you leave employment before SAP starts or during the Adoption Pay Period.

**2.3.2.3** If you participate in salary sacrifice arrangements (e.g. the staff nursery, or childcare voucher schemes etc) you may wish to consider the financial impact should you continue in the scheme, as the sacrificed pay does not count towards calculation of SAP entitlement.

**2.3.2.4** SAP is paid as follows:

- a) Weeks 1-6: 90% of average weekly earnings
- b) Weeks 7-39: The lesser of the flat rate<sup>2</sup> of SAP or 90% of your average weekly earnings
- c) Weeks 40-52: No pay

**2.3.2.5** If a pay rise has been awarded during adoption leave, and, but for your absence you would have received it, the University will recalculate your SAP.

**2.3.2.6** There are some situations/events which may disentitle you to SAP. The University will need to be informed as soon as possible of any of the following:

- a) you commence employment with another employer after the Relevant Week;
- b) you are placed in legal custody or sentenced to imprisonment;
- c) your death.

**2.3.2.7** If you work for more than one employer, you should contact the payroll and pensions team so that you can be fully informed as to any possible impact on your eligibility for SAP. You may be eligible for SAP from both employers.

**2.3.2.8** If you are not entitled to SAP, you will be given an SAP1 Form by the University, to explain why the University is unable to pay Statutory Adoption Pay. You should contact your adoption agency for advice regarding eligibility for other benefits.

## **2.4 Occupational Adoption Scheme**

The occupational scheme incorporates all relevant legislation and statutory entitlement with regard to adoption leave and pay. Where adoption leave is given with normal pay, this includes any entitlement to SAP. Adoption leave entitlement under the occupational scheme is the same as the statutory provisions.

## **2.4.1 Eligibility Criteria**

**2.4.1.1** To be entitled to the benefits of the Occupational Adoption Scheme you must:

- a) have at least 52 weeks' continuous service with the University at the week in which notification of the match is given by the adoption agency, or for surrogacy at the 15<sup>th</sup> week before the baby is due.
- b) follow the notification requirements detailed in the supporting procedure (Annex A).
- c) provide a written undertaking to return to work for a minimum period of three months following the end of your adoption leave (see section 2.4.3). If you are employed on a fixed-term contract, should the expiry of that contract prevent you from returning to work for three months, you will not be expected to return for this period, unless you have been offered another contract (refer to Annex C for further details).

**2.4.1.2** If you are not sure that you can give the undertaking to return to work for the required period, you are advised to apply for the statutory scheme only. Should you then decide to return to work for the required period, the University will pay you the adoption pay you would have received under the Occupational scheme (i.e. the difference between any adoption pay you received under the statutory scheme and your entitlement under the Occupational scheme).

## **2.4.2 Occupational Adoption Pay (OAP)**

**2.4.2.1** Provided you meet the eligibility criteria in 2.4.1.1 you will receive OAP. Your OAP incorporates any entitlement you may have to SAP.

**2.4.2.2** OAP is paid as follows:

- a) Weeks 1-18: Normal pay
- b) Weeks 19-39: SAP (if entitled)
- c) Weeks 40-52: No pay

**2.4.2.3** If you are not eligible for SAP but are eligible for other benefits, you should send the University a copy of the notification so that the University can calculate the amount of OAP payable. This will be the difference between the amount of the benefit received and your normal pay for the OAP period. If you are not eligible to receive other benefits, once this notification is received by the University you will receive 18 weeks normal pay from the University. The University cannot make any OAP payments until this notification has been received.

**2.4.2.4** Normal pay is defined as the salary/wage that would have been received had you not been absent on adoption leave. It includes non-superannuable allowances but excludes pay in relation to voluntary overtime. OAP includes any entitlement to SAP. If SAP is greater than OAP, you will receive SAP.

### **2.4.3 Requirement to Return to Work for Three Months**

**2.4.3.1** The occupational scheme requires you to return to work following adoption leave for at least three months. This period is extended, proportionately, if you return to work on a reduced hours basis.

**2.4.3.2** If you do not return to work for the required period, having received the benefits of the occupational scheme, then the University has the right to reclaim the amount by which the OAP exceeded the SAP you were entitled to receive. If you were not entitled to receive SAP, you will have to repay the full amount of OAP received. This requirement applies regardless of the reason for you leaving the University's employment, and therefore includes dismissal.

**2.4.3.3** If you are employed on a fixed-term contract, please refer to Annex C for further details on how the requirement to return to work applies to your circumstances.

**2.4.3.4** The minimum three month period of service on return from adoption leave is calculated on the basis of actual attendance at work. If other types of leave are taken during this period (e.g. annual leave, sick leave, parental leave, a further period of adoption leave, etc), the minimum period of return will be extended by an equivalent amount. People and Organisational Development will assist in determining the required minimum period of return.

## **2.5. Keeping in Touch**

### **2.5.1 Keeping in Touch Days (KIT Days)**

**2.5.1.1** At its discretion, the University may offer you the opportunity to work up to 10 KIT days during your adoption leave. These may be as separate days or as a single block. If you are offered this work, you will not be under any obligation to accept it and will not lose entitlement to either SAP or OAP if you decide to work. Working a KIT day will not bring your adoption leave to an end.

**2.5.1.2** Any KIT days worked do not extend the period of adoption leave.

**2.5.1.3** Once the 10 KIT days have been used up, if you work any further days during your paid adoption leave period, you would lose a week's SAP for any week in which you agree to work for the University.

**2.5.1.4** Whilst ordinarily payment will be made for working a KIT day, except during periods of occupational leave/pay, you may prefer to bank the equivalent time off in lieu. If this is your preference, you should discuss this with your manager who will consider your request in line with University's KIT days guidance. If your manager agrees to your request, the lieu time will be taken following your return from adoption leave at a time to be agreed with your manager.

**2.5.1.5** Where payment is made for working the KIT day whilst you are in receipt of adoption pay (SAP or OAP), the University can offset the adoption pay against pay due for the time worked as follows:

- i. If you are in receipt of OAP you will not receive any further pay for KIT days worked
- ii. If you are in receipt of SAP, you may receive payment for the agreed hours worked at your hourly rate plus SAP for that week. Alternatively, providing it does not take you below the National Minimum Wage, the accrual of time off in lieu can be considered instead of receiving payment for the hours worked during KIT days. Please refer to the University's KIT days guidance for full details.

**2.5.1.6** If you are in receipt of any other benefits, you must send a copy of the notification of your benefits to the University so that your entitlement to pay for a KIT day can be calculated.

**2.5.1.7** If you are not in receipt of any adoption pay you will receive pay for the hours you have worked.

**2.5.1.8** Working for part of a day during adoption leave will count as a whole KIT day, although payment will only be made, or time off in lieu credited, for the actual number of hours worked.

**2.5.1.9** For further details, frequently asked questions, and a worked example, please refer to the University's KIT days guidance for full details.

## **2.5.2 Vacancies**

All job vacancies can be viewed via your Keele People self-service.

## **2.5.3. Reasonable Contact**

The University may make reasonable contact with you during your adoption leave. This may, for example, be to discuss your plans for returning to work, any special arrangements to be made, or training to be given to ease your return to work, or to update you on developments at work during your absence.

## **2.6 Termination of Employment Whilst in Receipt of Adoption Pay**

**2.6.1** If you are in receipt of SAP and your employment is terminated, by you or the University, the University will continue to make payment of SAP as appropriate. It is your responsibility to ensure that the University is notified in writing if you obtain employment elsewhere.

**2.6.2** OAP ceases to be payable once your contract of employment is terminated by either party.

## **2.7 Returning to Work After Adoption Leave**

The University will assume that you will take your full entitlement of 52 weeks adoption leave unless otherwise notified by you. If your adoption leave is followed by annual leave that you have agreed with your manager, you will return from adoption leave but will be deemed to be absent on annual leave.

### **2.7.1 Returning to Work Early**

If you wish to return to work before the end of your full entitlement of leave, you are required to give at least 8 weeks (or 56 days) written notice. If you attempt to return to work without giving proper notice, then the University may postpone your return to a date that secures 8 weeks notice of your return. The University cannot, however, postpone your return to a date that falls after the expiry of your full adoption leave entitlement.

### **2.7.2 Changing Your Mind About Your Return Date**

If you have notified the University that you wish to return to work before the end of your adoption leave you may give 8 weeks written notice of an alternative return date.

### **2.7.3 If Parental Leave is Taken Immediately After Adoption Leave**

A period of Parental Leave of 4 weeks or less has no impact on your right of return from adoption leave. If you take a period of parental leave of more than 4 weeks straight after the end of either Ordinary Adoption Leave or Additional Adoption Leave, it is treated as though you were returning to work after Additional Adoption Leave (see section 2.7). Parental Leave is a separate entitlement, the University's Parental Leave policy can be found [here](#).

### **2.7.4 If Shared Parental Leave is Taken Following Adoption Leave**

Should you decide to take a period of Shared Parental Leave, you will be required to notify the University of the end of your period of Adoption Leave, or give advance notice to curtail it. This advanced notice means that your partner could begin to take Shared Parental Leave whilst you are still on Adoption Leave. More information on Shared Parental Leave can be found [here](#).

### **2.7.5 Supporting Your Return to Work**

The University recognises that returning to work after adoption leave can be challenging, especially during the first few weeks. The University aims to provide appropriate support and encourages you to seek advice and support if you are in need of it. Such advice and support can be obtained by contacting, your line manager, a member the People and Organisational Development team and/or Occupational Health.

## **2.7.6 Flexible Working Arrangements**

**2.7.6.1** The University has a Flexible Working Policy and Procedure, under which staff are able to request temporary and ongoing flexible working arrangements, including a reduction in working hours. Should you wish to make such a request please do so under this [Flexible Working and Special Leave Policy](#).

**2.7.6.2** Should a temporary or permanent request to reduce hours following adoption leave be agreed, there will be no adverse effect on your entitlement to SAP or OAP. However, if you have received OAP then the minimum amount of time you will need to return to work in order to retain those benefits will be extended beyond the three months on a pro rata basis. People and Organisational Development will provide further advice where necessary.

## **2.8 Ill-Health/Sickness Absence**

### **2.8.1 During Adoption Leave**

Adoption leave cannot be broken by other types of absence, therefore if you become ill during your adoption leave, this will be treated as part of your adoption leave.

### **2.8.2 After the End of Adoption Leave**

If you are unable to attend work after the end of your adoption leave due to sickness, the normal rules for sickness absence will apply and you should notify the University in the normal way in accordance with the sickness reporting arrangements.

## **2.9 Annual Leave**

**2.9.1** During your adoption leave you retain your entitlement to accrue annual leave, including public holidays and Christmas leave days.

**2.9.2** It is not possible for you to take annual leave at the same time as adoption leave. However, it will usually be possible for you to use any untaken annual leave either before you start your adoption leave, or once your adoption leave has finished.

**2.9.3** You are advised to consider when you will take your annual leave and incorporate this into your leave planning. This is particularly important if you plan to take a whole year's adoption leave, or where a new annual leave year starts whilst you are on adoption leave. Legislation requires the 'basic' statutory leave entitlement<sup>1</sup> to be taken in the leave year in which it is accrued.

**2.9.4** Where annual leave cannot be taken in the correct leave year due to adoption leave absence, you may carry forward your annual leave to the following leave year, provided that accrued annual leave from the previous year is taken immediately

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<sup>1</sup> Basic statutory paid leave entitlement: 5.6 weeks (capped at 28 days)

following your adoption leave (note that this is an exception to the normal University rules relating to annual leave).

## **2.10 Pension**

**2.10.1** Pension rights and contributions shall be managed in accordance with the provisions of the relevant superannuation scheme, providing that these provisions do not conflict with any statutory requirements that may apply at the time.

**2.10.2** If you are a member of a University pension scheme, the University will continue to deduct employee contributions (at the appropriate %) based on the adoption pay you receive. The University will undertake to pay both employer and employee contributions (excluding Additional Voluntary Contributions) in respect of the difference between any adoption pay received and what would have been your normal pay for the entire adoption leave period, including any periods of unpaid adoption leave.

**2.10.3** The salary exchange for those staff who participate in **Payflex+** will continue whilst you are in receipt of sufficient occupational adoption pay, but will cease for staff on SAP only. The University will maintain the same level of contributions and pension benefits for the whole adoption leave period. Further information on **Payflex+** can be found on the University website or by contacting the Payroll and Pensions team.

**2.10.4** You are advised to contact the Payroll and Pensions team for details of how adoption leave absence will affect your pension, particularly if you make Additional Voluntary Contributions.

## **2.11 Adoption Leave and Salary Sacrifice Schemes**

**2.11.1** If you participate in salary sacrifice arrangements (e.g. the staff nursery and/or childcare voucher schemes) you may wish to consider the financial impact of continuing in the scheme whilst you are on adoption leave.

**2.11.2** You should be aware that sacrificed pay does not count towards the calculation of SAP.

**2.11.3** Your options will depend upon the specific salary sacrifice scheme arrangements, but it may be possible for you to come out of the scheme to ensure no impact on your SAP or because you will no longer require the benefit.

**2.11.4** Should you continue in a salary sacrifice scheme during your adoption leave, the salary sacrifice will continue whilst you are in receipt of sufficient occupational adoption pay but will cease when you are receiving SAP only. The University will continue to provide the non-cash benefit throughout the whole of your adoption leave period, in effect meeting the cost of the benefit in full.

### **3. ROLES AND RESPONSIBILITIES**

**3.1** For the avoidance of doubt, where a role title, department, faculty or professional service area is named and it is no longer in existence, it should be read as the equivalent role or department, faculty or professional service area. Should individuals remain uncertain, clarification can be sought from a senior member of staff within the management line.

#### **3.2 Employee**

- a) To ensure that appropriate and timely notification is given, and all relevant forms are completed/submitted.

#### **3.3 Line Manager**

- a) To provide support to members of their team who are adopting a child/children or on adoption leave.

#### **3.4 People and Organisational Development**

- a) To provide further guidance on the application of this Policy when required.

### **4. RELATED POLICIES AND PROCEDURES**

- a) Paternity/Partner Leave and Pay Policy
- b) Parental Leave and Pay Policy
- c) Shared Parental Leave and Pay Policy
- d) Flexible Working Policy
- e) University KIT days Guidance

### **5. REVIEW, APPROVAL & PUBLICATION**

**5.1** As a general principle, the policy will be reviewed by People and Organisational Development, in consultation with recognised Trade Unions after three years or where operational and/or legislative requirements change. Any revisions will be approved in accordance with UEC and Council procedures, where applicable.

**5.2** This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawal.

**5.3** This policy will be published on the University policy zone web page and will also be accessible via the People and Organisational Development web pages.

**5.4** Equality issues have been taken into account during the development of this policy and all protected characteristics have been considered as part of the Equality Analysis undertaken.

## 6. ANNEXES

**Annex A:** Procedure for a member of staff to follow when they intend to take Adoption Leave

**Annex B:** Glossary of Terms

**Annex C:** Further Information for Fixed-Term staff

## 7. DOCUMENT CONTROL INFORMATION

<b>Document Name</b>	Adoption Leave and Pay Policy & Procedure
<b>Owner</b>	Chief People Officer, People and Organisational Development
<b>Version Number</b>	1.1
<b>Equality Analysis Form Submission Date</b>	9 February 2023
<b>Approval Date</b>	19 December 2025
<b>Approved By</b>	Chief People Officer
<b>Date of Commencement</b>	19 December 2025
<b>Date of Last Review</b>	19 December 2025
<b>Date for Next Review</b>	19 January 2029
<b>Related University Policy Documents</b>	a) Paternity/Partner Leave and Pay Policy b) Parental Leave and Pay Policy c) Shared Parental Leave and Pay Policy d) Neonatal care leave policy e) Flexible Working Policy f) University KIT days Guidance
<i>For Office Use – Keywords for search function</i>	

## **Annex A: Procedure for a member of staff to follow when they intend to take Adoption Leave**

**Please note, there are two schemes in operation:**

**a) The Statutory Adoption Scheme:** based on legislation and is available to all members of staff, although some entitlements are subject to eligibility criteria.

**b) The University Occupational Adoption Scheme:** offers enhanced provisions and is available to members of staff with more than one year's service, at the relevant week (the week in which you (or your spouse or partner) were formally notified by an approved adoption agency of being matched with a child for adoption, or for surrogacy at the 15<sup>th</sup> week before the baby is due).

You are advised to contact a member of the relevant Operations Team (People and Organisational Development) at the earliest opportunity to establish your rights and options. All enquiries are dealt with in the strictest confidence. You should also inform your manager as you are likely to require time off to attend adoption appointments.

### **A1. Starting Adoption Leave**

**A1.1** You should decide when you would like to start your adoption leave. You can choose to start your adoption leave from the date of the child's placement (whether it is earlier or later than expected), or from a fixed date which can be up to 14 days before the expected date of placement. Where you are an intended parent in a surrogacy arrangement you can choose to commence adoption leave the day the child is born or the day after.

**A1.2** You may wish to take annual leave immediately prior to, or following, adoption leave, which should be agreed with your manager (see below).

### **A2. Notification**

**A2.1** To exercise the right to adoption leave you are required to do the following:

#### **A2.1.1 Adoption within the UK**

- a) Inform the University, in writing on the Adoption Leave Request form in TopDesk, of your intention to take adoption leave (including your leave start date and how much leave you would like to take) within 7 days of having been notified that you (and/or your partner) have been matched with a child for adoption;
- b) Provide documentary evidence in the form of a certificate provided by the adoption agency.

### **A2.1.2 Fostering to Adopt**

- a) Inform the University, in writing on the Adoption Leave Request form in TopDesk, of your intention to take adoption leave (including your leave start date and how much leave you would like to take) within 7 days of having been notified that you (and/or your partner) have been matched with a child for adoption;
- b) Provide documentary evidence of your adoption placement being confirmed (for example, a letter from the adoption agency).

### **A2.1.3 Adoption from Overseas**

- a) Inform the University, in writing on the Adoption Leave Request form in TopDesk, of your intention to take adoption leave (including your leave start date and how much leave you would like to take) within 28 days of receiving an official notification from the relevant domestic authority;
- b) Notify the University of the date on which the official notification was received and give the University a copy of the notification;
- c) Inform the University of the date on which the child is expected to enter Britain;
- d) Once the child enters Britain, you must provide the University, within 28 days of their arrival, evidence (e.g. a plane ticket receipt) confirming the child's arrival.
- e) You must also sign form SC6 (available from [www.gov.uk](http://www.gov.uk)) if you're adopting from overseas with a partner. This confirms you're not taking paternity/partner leave or pay.

### **A2.1.4 Adoption (Surrogacy)**

- a) If you use a surrogate to have a baby, you must tell the University the due date and when you want to start your leave at least 15 weeks before the expected week of birth.
- b) The University may also ask for a written statement ('statutory declaration') to confirm you've applied or will apply for a parental order in the 6 months after the child's birth.

**A2.2** You should complete and submit the Adoption Leave Request Form in TopDest to the Operations Team (People and Organisational Development) -

- a) within 7 days of receiving notification if the adoption is from within the UK
- b) within 28 days of receiving notification if the adoption is from overseas.
- c) at least 15 weeks before the due date if the adoption is via surrogacy.

**A2.3** The form should be accompanied by the relevant documentation confirming the adoption -

- a) your matching certificate from the adoption agency for adoptions from within the UK or

- b) notification documentation from the relevant Domestic Authority for adoptions from overseas or
- c) statutory declaration or parental order for adoptions via surrogacy or
- d) letter from adoption agency if you are fostering to adopt.

**A2.4** The University will acknowledge your adoption leave plans within 28 days of receipt of the form and notification certificate to confirm your adoption leave plans. You will receive a separate notification regarding your eligibility to receive Statutory Adoption Pay from the Payroll team. Your notification certificate will be returned to you.

**A2.5** If you are not entitled to SAP, you will be given an SAP1 Form by the University, to explain why the University is unable to pay Statutory Adoption Pay. You should contact your adoption agency for advice regarding eligibility for other benefits.

### **A3. Changing Adoption Leave Start Date**

**A3.1** If you wish to change the date on which you intend your adoption leave to start, you must notify People and Organisational Development in writing and give at least 28 days' notice (unless this is not reasonably practicable).

**A3.2** If a placement is delayed and you have already begun Adoption Leave you cannot stop the leave and commence it again at a later date.

**A3.3** You must tell your employer within 28 days if the date of placement (or UK arrival date for overseas adoptions) changes.

### **A4. Adoption Leave Duration**

**A4.1** The University will assume that you will take your full entitlement to 52 weeks adoption leave, unless you give People and Organisation Development at least 8 weeks written notice that you wish to end your adoption leave earlier. If you know the date you wish to return at the outset you have the option of giving the appropriate notice on Adoption Leave Request Form in TopDesk; otherwise you can complete the Return from Adoption Leave Form and submit it later.

**A4.2** If you have notified the University that you wish to return to work before the end of your adoption leave, you may give 8 weeks written notice of an alternative return date on the Return from Adoption Leave form in TopDesk.

### **A5. Flexible Working Requests**

**A5.1** If you are hoping to return to work on reduced hours or on a different arrangement following your adoption leave, you should discuss this with your manager, ideally before your leave commences. You may wish to make a formal application under the University's Flexible Working Policy and Procedure, available from the People and Organisational Development web pages.

## **A6. Annual Leave**

**A6.1** You are advised to consider when you will take your annual leave and incorporate this into your leave planning. This is particularly important if you plan to take a whole year's adoption leave, or where a new annual leave year starts whilst you are on adoption leave. Legislation requires the 'basic' statutory leave entitlement<sup>2</sup> to be taken in the leave year in which it is accrued.

**A6.2** If you have carried forward any accrued annual leave from one leave year to the next because of your adoption leave, you should contact your manager to book the carried- over annual leave to be taken immediately following your adoption leave. In this case your adoption leave will have ended on the date you have given, and you will be absent on approved annual leave.

## **A7. Reasonable contact and KIT days**

**A7.1** The University may make reasonable contact with you during your adoption leave. In addition, the University may offer you the opportunity to work up to 10 Keeping in Touch (KIT) days during your adoption leave. These are entirely optional – the University does not have to offer any and, once offered, you do not have to agree to work. Please refer to the University's KIT days guidance for full details.

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<sup>2</sup> Basic statutory paid leave entitlement: 5.6 weeks (capped at 28 days)

## Annex B: Glossary of Terms

**Additional Adoption Leave (AAL):** Regardless of length of service, you are entitled to 26 weeks' Additional Adoption Leave (AAL) which immediately follows your 26 weeks Ordinary Adoption Leave (OAL) Period.

**Adoption Pay Period:** The Adoption Pay Period is the period during which Statutory Adoption Pay (SAP) is payable to an eligible employee. SAP is payable to an eligible employee for 39 consecutive weeks.

**ALF1:** The University's Adoption Leave Request form should be completed and submitted in TopDesk within 7 days of having been notified that they have been matched with a child for adoption if the adoption is within the UK or within 28 days of receiving notification from the relevant domestic authority if the adoption is from overseas.

**ALF2:** The University's Return from Adoption Leave form should be completed and submitted in TopDesk if you wish to return to work before the end of your full entitlement to 52 weeks adoption leave. The form must be submitted at least 8 weeks prior to the return date. You can also use this form if you wish to change the date you wish to return to work having previously notified the University of a return date.

**Average Weekly Earnings:** For SAP purposes, weekly earnings are calculated in most cases from the average of 8 weeks' gross earnings (including overtime, etc) immediately prior to the end of the 'relevant week'. If you are paid monthly, the two pay dates prior to the end of the relevant week are used to calculate average earnings.

**Keele University Occupational Adoption Scheme:** Open to qualifying employees. Enhances certain statutory adoption provisions.

**Keeping In Touch (KIT) Days:** The University may offer you the opportunity to work up to 10 Keeping in Touch (KIT) days during your adoption leave. These are entirely optional – the University does not have to offer any and, once offered, you do not have to agree to work. You will not lose your right to receive Statutory or Occupational Adoption Pay if you work a KIT day.

**Notified Date:** The date you nominate as the start of your adoption leave on your form.

**Ordinary Adoption Leave (OAL):** The first 26 weeks of your adoption leave.

**Relevant Week:** the week in which you (or your spouse or partner) were formally notified by an approved adoption agency of being matched with a child for adoption.

**Return to Work:** After the end of your adoption leave period, you will be deemed to have returned to work, even though you may be absent from work due to another

type of authorised absence (e.g. annual leave; parental leave; sick leave, etc.). The return to work date is therefore important and should not be confused with actual attendance at work following other forms of authorised absence.

**Statutory Adoption Pay (SAP):** Weekly payment made by the employer. Payable for maximum of 39 weeks to qualifying employees. Payable at two rates: higher rate for the first 6 weeks (90% of earnings) and the flat rate for the following 33 weeks.

## Annex C: Further Information for Fixed-Term staff

**C1.** It is the University's policy to treat staff employed on fixed-term contracts in the same manner with respect to their entitlement to adoption leave and pay as those on indefinite contracts.

**C2.** Members of staff who are employed on fixed-term contracts and who have at least 52 weeks' continuous service with the University at the week in which notification of the match is given are entitled to receive the benefits of the University Occupational Adoption Scheme.

**C3.** Regardless of when your contract expires, provided you qualify for SAP, you will be eligible to receive SAP for the full 39 week Adoption Pay Period from the University. However, if when you leave University employment after the end of your contract, you then commence employment with a new employer during the 39 week Adoption Pay Period, you will lose your entitlement to SAP.

**C4.** The following guidelines are designed to give a detailed explanation of how, under the terms of the University Occupational Adoption Scheme, the requirement for staff to return to work for a minimum period of three months applies to staff employed on fixed-term contracts. There are three basic scenarios detailed below and a description of how the rule is applied in each circumstance:

I. Your contract is due to expire more than three months after the end of your adoption leave. You will be expected to return to work for at least three months following the end of your adoption leave. If you do not return, you will be required to repay the difference between SAP and OAP.

II. Your contract is due to expire after the end of the 18 week OAP period, but before the end of the three month period

i. If you are not offered a further contract, you will be expected to return to work after the end of your adoption leave to the end of your contract. If your contract ends whilst you are on unpaid adoption leave, you will not be expected to return to work and will not be required to repay the difference between SAP and OAP. If your contract ends whilst you are receiving SAP, you will not be expected to return to work and will continue to receive SAP from the University (unless you commence employment with a new employer) and will not be required to repay the difference between SAP and OAP.

ii. If you are offered a further contract, either as an extension or if suitable alternative employment is offered, you will be expected to return to work at the end of your adoption leave for at least three months (or less if the contract ends sooner and you are not offered a further contract extension). If you do not return you will be required to repay the difference between SAP and OAP. This will apply even if the

offer of further work occurs after adoption leave had commenced, however, the University cannot require you to finish your adoption leave early in order to return to work.

III. Your contract expires during the 18 week OAP period

i. If you are not offered a further contract, you will only receive normal pay under the Occupational Adoption Scheme until the end date of your contract. Thereafter, if you qualify for SAP, you will receive SAP until your entitlement expires, even though you will no longer be an employee of the University. You would not be required to repay the difference between SAP and OAP.

ii. If you are offered a further contract, either as an extension or if suitable alternative employment is offered, you will be expected to return to work at the end of your adoption leave for at least three months (or less if the contract ends sooner and you are not offered a further contract). If you do not return you will be required to repay the difference between SAP and OAP. This will apply even if the offer of further work occurs after adoption leave had commenced, however, the University cannot require you to finish your adoption leave early in order to return to work.