



Adoption/surrogacy leave policy

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1. Introduction

All employees are entitled to a period of 52 weeks adoption leave regardless of the length of continuous service.

They can choose to stay on adoption leave for the 52 week leave entitlement or end it early and share the remaining weeks leave with their partner by opting in to Shared Parental

Leave. Further information about our Shared Parental Leave policy can currently be found at <http://hr.leeds.ac.uk/spl>.

This policy sets out the adoption provisions and rights for employees who are:

- newly matched with a child for adoption;
- intended parents of a child born through a surrogacy arrangement, who will be subject to a Parental Order;
- prospective adopters who are fostering a child under the ‘Fostering for Adoption’ scheme.

It incorporates the Adoption Leave and Pay provisions contained in the Employment Act 2002 and in the Paternity and Adoption Leave Regulations 2014.

If you are a couple adopting, you can decide who will take the paid adoption leave. The other partner may be eligible to take paid paternity/partner leave under the University’s Paternity/Partner Leave and Pay Policy http://hr.leeds.ac.uk/pat_leave.

2. Entitlements and options

The amount of adoption pay you will be paid depends on how long you have been employed by the University. The entitlement and options are shown below.

| Type of Leave | Option | Service ¹ | Leave entitlement | Payment |
|---|-----------------|---|-------------------|--|
| Statutory adoption leave – basic right | Option A | Less than 52 weeks continuous service at the week in which notice of the match is given | 52 weeks | In most cases entitled to 39 weeks Statutory Adoption Pay (SAP).* + 13 weeks unpaid |
| University adoption leave | Option B | 52 weeks or more continuous service at the week in which notification of the match is given | 52 weeks | 8 weeks full pay (which include 8 weeks (SAP))* + 16 weeks half pay plus SAP* + 15 weeks SAP* + 13 weeks unpaid |
| University adoption leave | Option C | 52 weeks or more continuous service at the week in which notification of the match is given | 52 weeks | 16 weeks full pay (which include 16 weeks SAP)* + 23 weeks SAP* + 13 weeks unpaid |
| Resignation | Option D | Intends not to return to work | | 39 weeks SAP* (if entitled) |

¹ In the case of a surrogacy arrangement, the qualifying service is the week before the expected week of childbirth

If you would like advice on the above options, please contact your Faculty/Service HR Manager.

Adoption leave is available only in circumstances where a child is not known to the adoptive parents (therefore, if there is an established relationship with a child such as a step child or fostering², you will not be eligible for adoption leave).

*SAP:

- SAP is payable at the rate of 90% of full pay for 6 weeks, followed by 33 weeks at the lower rate.
- To access a useful summary of your statutory entitlement and the current rates for SAP, you can use the on-line calculator available at <https://www.gov.uk/employers-adoption-pay-leave/entitlement>.

Please note: SAP is payable from the first day of leave and paid for complete weeks. For example, if leave begins on a Tuesday it will finish on a Monday. If you are receiving SAP and leave is not taken in complete weeks, your SAP payments may be affected as payment cannot be made for part weeks,

3. Official meetings prior to the adoption

Up to 5 days paid leave will be available for the purpose of attending official meetings or conducting visits prior to the official date of the adoption. You should provide your Head of School/Service (or nominee) with as much notice as possible and you may need to provide evidence of meetings, appointments, visits etc.

4. Notification of adoption/surrogacy leave

You should notify your Faculty/Service HR Manager and Head of School/Service (or nominee) of your intention to adopt within seven days³ of the match being confirmed together with the expected date of placement and the date you wish leave to commence, which should be no later than the date of the placement.

This date can be changed due to changing circumstances regarding the adoption. Any request given at short notice will be treated as sympathetically as possible given the exigencies of the service.

5. Applying for adoption/surrogacy leave

To apply for adoption/surrogacy leave you should complete the adoption/surrogacy leave application form currently available at <http://hr.leeds.ac.uk/forms>. The completed form should be returned to your Faculty/Service HR Manager together with the following documentation. A copy of the form should also be passed to your Head of School/Service (or nominee).

² Except intended parents fostering a child under the 'Fostering for Adoption' scheme.

³ Overseas adoptions: within 28 days of the date you wish your leave to begin, or as soon as reasonably practicable / Surrogacy arrangement: By the 15th week before the expected week of childbirth

| UK Adoptions | Surrogacy Arrangement | Overseas Adoptions |
|---|--|--|
| Letter from the appropriate agency confirming that adoption is being sought | The birth mother's MATB1 form | A copy of the 'Official Notification' issued by the relevant UK Authority as proof of the eligibility to adopt a child from overseas |
| The 'matching certificate' to confirm a child is being placed - issued by the adoption agency | Parental Order within 6 months of the child's birth ⁴ | Completed Form SC6 (available from www.hmrc.gov.uk/forms/sc6.pdf giving the date the child is expected to enter the UK and to declare that Statutory Paternity Pay is not being claimed |
| Confirmation letter from the adoption agency that a child has been placed with them | | A copy of the evidence that the adoptive child has entered the UK such as a plane ticket or copies of entry clearance documents ⁵ |

A letter will be sent from HR confirming your leave and pay arrangements.

6. Starting adoption/surrogacy leave

The earliest adoption leave can start is 14 days prior to the expected date of placement. The latest date leave can start is the date of placement itself. If you plan to start your adoption leave before the actual placement date, you must be sure that the placement will be going ahead on the date agreed, as it is not possible to stop and start leave again at a later date if the placement is delayed.

In the case of a surrogacy arrangement, leave can only start from the date of the birth.

7. Disruption to the placement

In the event of a disruption to the placement in the following circumstances:

- adoption leave began prior to the expected date of placement and you are then informed that the placement will not be made or;
- during adoption leave the child returns to the adoption agency or;
- during adoption leave, the child dies.

Adoption leave will normally finish eight weeks after the end of the week in which the disruption took place. Payment of SAP continues for eight weeks after the end of the week in which the disruption took place or until the end of the adopter's 39 week SAP period if that is sooner. You must give eight weeks' notice if you are returning to work earlier than expected because of the disruption.

8. Terms of employment

Except where varied in this policy, all conditions of employment will continue to apply as though you had not been absent.

⁴ The University reserves the right to reclaim any payment made, and to be compensated for leave taken, if you fail to provide a copy of the 'Parental Order' within 6 months of leave and pay starting.

⁵ Evidence should be submitted within 28 days after the child's entry into the UK

9. Pension arrangements

Pension contributions will continue to be deducted as normal while you are in receipt of adoption pay. Further information about pension arrangements during leave can be found at http://hr.leeds.ac.uk/download/downloads/id/405/family_leave-pension_arrangements.

10. Probation

If you are on probation at the start of your maternity leave, the probationary period will be extended by the period of your maternity leave.

11. Research excellence framework (REF)

If you are eligible to be included in the REF, and as a result of your absence your research productivity is significantly affected, the number of outputs required for submission for REF may be reduced. In determining the number of outputs you will be required to submit, this will be based on the published REF Panel Criteria and working methods in place at the time of the relevant exercise. Information about the latest REF exercise can currently be found at <http://www.ref.ac.uk/>. Your Head of School/Service (or nominee) will discuss any implications with you.

12. Sickness absence

If you fall ill during your leave, you will need to notify your Head of School/Service (or nominee) as soon as possible and follow the normal procedures set out in our sickness absence policy. In such circumstances your SAP will be replaced by sick pay.

13. Fixed-term and open ended, fixed funded contracts

If you are employed on a fixed-term or open ended, fixed funded contract and this contract expires or the funding ceases during your adoption leave period, your contract/funding will be extended until the end of your statutory adoption pay period. The extension will be solely in order to facilitate the continuing payment of your adoption leave pay. As a result, you will be unable to return to work unless further funding is obtained to extend your contract/funding or you obtain another post with us.

Consultation about the expiry of your fixed-term/fixed funded contract will be in accordance with the University's Procedure to Support the Employment Security of Staff on Fixed Funding or Fixed Term Contract which can currently be found at http://hr.leeds.ac.uk/FF-FTC_emp_security.

14. Salary deductions

Car parking permits and payment⁶ may be suspended during adoption/surrogacy leave. Other salary deductions e.g. trade union subscriptions etc will continue to be deducted during your paid absence, but will be suspended during unpaid periods. You may wish to check the implications with the provider during suspended periods.

15. Annual leave

You will continue to accrue 25 days (pro-rata) holiday during your adoption/surrogacy leave. However, under the Working Time Regulations the minimum entitlement is 28 days,

⁶ Please contact the car parking helpdesk for further information.

including bank holidays and closure days in each holiday year. If your total holiday entitlement falls below 28 days (pro-rata) in any holiday year, excluding bank holiday and closure days that fall during your leave, an upward adjustment to the holiday entitlement will be made.

Annual leave accrued up to the date of commencement of adoption/surrogacy leave should be taken before starting leave. Annual leave accrued during leave should, where reasonably practical, be taken in the holiday year in which the return to work falls.⁷ Dates of annual leave should be agreed with the Head of School/Service (or nominee).

If you are employed on a fixed term or open ended, fixed funded contract, you will receive payment for any outstanding annual leave on the expiry of your fixed-term /fixed funding contract.

16. Contact with colleagues

It is good practice for you and your Head of School/Service (or nominee) to maintain reasonable contact during your leave. This will help to ensure that you are kept up-to-date on changes within your school/service for example; staffing changes, job opportunities, and personal circumstances that will help ease your return to work.

Keeping in touch will also help the Head of School/Service (or nominee) to be kept informed about your plans to return to work so that an effective return to work can be planned.

You are encouraged to discuss with your Head of School/Service (or nominee) and colleagues how you wish contact to be maintained e.g. by email, phone calls, newsletters etc. and how your availability or otherwise should be maintained.

17. Work during adoption/surrogacy leave - Keeping in touch days

With the agreement of the Head of School/Service (or nominee), you may do up to ten day's work, 'keeping in touch days'. These days are different to having reasonable contact during adoption/surrogacy leave as described under section 14. The types of activity that may be covered will depend on your role, but may include attending a training session, a conference or team update.

There is no obligation on the Head of School/Service (or nominee) to offer keeping in touch days, nor is there any obligation on you to work such days. You are unable to work during the 2 week compulsory leave period. Work carried out on any day will constitute a day's work.

If you undertake work in addition to the ten 'keeping in touch days', it will be deemed that you have returned to work from the date the work commenced, and adoption payments will stop.

Payment for keeping in touch days

Keeping in touch days will be paid at your normal daily rate of pay. If you are receiving full pay, no additional payment will be made. If you are receiving half pay, no pay or SAP only, you will be paid the difference between what you are receiving under your adoption pay and your normal rate of pay. Where a full day is not worked, you will receive payment for the

⁷ Employees may use part of their annual leave accrued during adoption leave as an equivalent amount of unpaid leave before the return to work.

hours worked based on your normal hourly rate. The total payment will not exceed your normal daily rate.

Payment of keeping in touch days

To request payment, form 'payment for keeping in touch days' should be completed by the Head of School/Service (or nominee) and returned to the Payroll office who will arrange for payment to be made with your next salary payment, depending on payroll deadlines. The form can currently be found at http://hr.leeds.ac.uk/mat_leave.

18. Work for another employer

SAP and University adoption pay will be shortened if, whilst receiving payment from the University, you start work with another employer, who was not employing you during the 15th week before the match/birth of a child.

19. Returning to work

In accordance with legislation, you are obliged to take a minimum of two weeks adoption/surrogacy leave, which can start up to 14 days before the child is placed for adoption or immediately following the birth in the case of a surrogacy arrangement.

If you are returning to work at the end of your adoption leave you are not obliged to provide formal notification of your return. However, to make sure that arrangements are made for your salary payments to be made in good time, it would be helpful if you could confirm this in writing to your Faculty/Service HR Manager and Head of School/Service (or nominee) at the earliest opportunity.

If you wish to return before the end of your adoption leave, you will have to give eight weeks' notice in writing to your Faculty/Service HR Manager and Head of School/Service (or nominee). However, this notice period may be varied, by agreement with their Head of School/Service (or nominee).

If you are employed on a fixed-term or open ended, fixed funded contract, which has been extended solely to facilitate your statutory adoption pay, you will be unable to return to work unless further funding is obtained to extend your contract/funding or you obtain another post with us.

On return to work your Head of School/Service (or nominee) will arrange a return to work induction. Its purpose is to update you on any changes that have taken place in the school/service during your absence, to discuss work priorities and to look at what support mechanisms can be put in place to help you settle back in to work.

20. Right to return to work to the same post

On returning to work after adoption leave, you will have the right to return to the same post if your total absence amounts to 26 weeks or less. If your total leave is more than 26 weeks you will have the right to return to the same post unless the post is redundant. In such cases, you will return to a suitable alternative post where one is available.

21. Returning to work on a part time basis

If you are considering returning to work on a part-time basis or changing your working pattern either short-term to help ease yourself back into work, settle your child in to nursery etc. or longer term, you are encouraged to discuss your plans with your Head of School/Service (or nominee) at the earliest opportunity.

Although there is no automatic right to return to work on a part time basis, your Head of School/Service (or nominee) will actively consider your proposals. Alternatively, you may wish to consider using our parental leave and/or flexible working policies or using part of your annual leave. Information about these policies can currently be found at

Parental leave: http://hr.leeds.ac.uk/parental_leave

Flexible working: http://hr.leeds.ac.uk/flexible_working

22. Not returning to work

If you are receiving University adoption pay and decide not to return to work for at least 3 months, you will have to repay the non-statutory part of your UAP.

If you are employed on a **fixed term or open ended, fixed funded contract** that comes to an end at the end of your adoption leave period and it has not been possible to find appropriate redeployment, you would not be expected to repay the non-statutory part of your UAP. However, if you are offered an extension or renewal of your current contract/funding and/or another post is available at the University, but choose not to accept it, we will claim back the non-statutory part of your UAP if you reject or do not pursue such options.

You will need to repay the UAP in full within 3 months of your leaving date.

If you are still entitled to SAP at the time of leaving, you will receive the remaining payment on a monthly basis through the University payroll.

23. Shared parental leave

If you are considering taking Shared Parental Leave, you can find further information in our Shared Parental Leave policy currently available at <http://hr.leeds.ac.uk/spl> and from your Faculty/Service HR Manager.

24. Further information

Further information about this policy can be obtained in the first instance from your Faculty/Service Human Resources Manager.

If you require this document in an alternative format (for example braille, large print or e-text) please contact Human Resources at hr@leeds.ac.uk.