

Adoption Leave and Pay Policy

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Adoption Leave and Pay Policy

1 Policy Statement

The University of Strathclyde is committed to supporting colleagues throughout the adoption, fostering for adoption and surrogacy processes process and return to work. In addition to statutory benefits the University also offers enhanced benefits to those who meet the relevant qualifying criteria.

2 Purpose of Policy

This purpose of this policy is to:

- Outline the statutory entitlements in respect of adoption leave and pay.
- Outline the enhanced benefits under the University Adoption Leave and Pay Scheme along with details of the qualifying criteria.
- Ensure that managers are aware of their responsibilities to employees who are covered by the policy.
- Ensure that employees are clear on their rights and responsibilities prior to, during and after their period of adoption leave.

Further guidance and support can be found by accessing the [Employee Guidance and Checklist document](#) along with [Guidance for Managers](#) available on the on the University's online [Maternity Toolkit](#). These documents will be helpful in supporting discussions between employees and managers in relation to periods of leave as a result of adoption or surrogacy.

3 Eligibility

To qualify for adoption leave, an employee must:

- Be newly matched with a child for adoption by an adoption agency or be approved by a local authority for fostering with the expectation of adopting (this will be referred to as adoption in the rest of this policy) or be eligible and intend to apply for Surrogacy under a Parental Order.
- Be the only partner taking adoption leave (See Section 5.4 for links to Maternity Support Leave and Pay)

4 Notification Procedures

4.1 Notification of Adoption

Early notification of the intention to adopt or become a surrogate is encouraged to allow the University to appropriately plan for the absence of the member of staff and to support the employee before and during their return from leave. An employee may also wish to meet with a member of their Human Resources Team to discuss their entitlement under this policy or other issues relating to adoption leave. A contact list for HR can be found [here](#).

Although early notification of adoption is encouraged as above, the minimum statutory notification requirements are summarised below.

4.1.1 UK Based Adoptions

The employee must notify the University in writing that they intend to take adoption leave within seven days of being notified by the adoption agency (where reasonably practicable) that they have been matched with a child stating:

- The date on which the child is expected to be placed with them and
- The date they want the adoption leave to start

4.1.2 Overseas Adoptions

The employee must notify the University in three stages for overseas adoptions:

- **Stage 1:** Confirmation of the date on which they received the notification of adoption and the date the child is expected to enter the UK. This should be received within 28 days of receiving official notification.
- **Stage 2:** 28 days' notice of the actual date that they want the SAL to start. If this is available at Stage 1 the details can be provided then.
- **Stage 3:** Confirmation of the actual date that the child entered the UK. This should be received within 28 days of the date of entry.

4.1.3 Surrogacy

The employee must notify the University in writing that they intend to take adoption leave by the 15th week before the expected week of childbirth (EWC) or as soon as reasonably practicable stating:

- The Expected Week of Childbirth
- The date adoption leave will start

This notification can be in the form of providing a statutory declaration that the employee has obtained/has applied for/intends to apply for a Parental Order.

If childbirth occurs earlier than the employee intended adoption leave to start, it will be deemed to have automatically begun from the day after childbirth. In these circumstances the employee should contact the University as soon as is reasonably practical to advise of this.

If both parents are eligible for adoption pay/leave the employee and their partner must decide who will take adoption leave/pay and who will take paternity leave/pay.

5 Adoption Leave and Pay

5.1 Statutory Adoption Leave (SAL)

To qualify for Statutory Adoption Leave (SAL), the employee must:

- Be newly matched with a child for adoption via a UK adoption agency or local authority or have received notification from the relevant UK adoption agency or local authority or have received notification from the relevant UK authority of their eligibility to adopt a child from abroad.

OR

- For surrogacy, have obtained a Parental Order for the child or who have, on the day of the child's birth, applied for or intend to apply for, a Parental Order for the child.
- Be the only partner taking adoption leave

The SAL period total of 52 weeks is made up of 26 weeks "ordinary adoption leave" (OAL) and 26 weeks "additional adoption leave" (AAL).

If an employee wishes to take a further period of unpaid leave they can make an application via their Head of Department (or equivalent) and it will be given full consideration.

5.1.1 UK Based Adoptions

Adoption

The employee may choose to begin their SAL either on the date on which the child is placed with them for adoption or no earlier than 14 days before the expected date of placement.

If the date of placement changes this should be discussed with the line manager and HR as soon as possible.

Surrogacy

Adoption Leave must commence from the date of the child's birth (or the day after if the parent is at work on that date).

5.1.2 Overseas Adoptions

The employee may choose to begin their SAL from the date that the child enters the UK or a fixed date no later than 28 days after the child enters the UK.

Surrogacy

Parents who are eligible for and intend to apply for surrogacy in respect of a child who is born overseas, adoption leave and pay can be taken from the date of the child's birth (or the day after if the parent is at work on that date) even if the child has not yet entered the UK.

5.2 University Adoption Leave and Pay

Employees are entitled to University Adoption Leave and Pay provided the following conditions are met:

- In relation to University Adoption Pay, they have been continuously employed by the University for 26 weeks leading to the week in which they are notified of being matched with a child for adoption.

If employed on fixed term contracts, breaks between contracts of one calendar month or less will be discounted for the purposes of calculating entitlement to adoption leave and pay.

As with statutory adoption leave individuals who qualify for University Adoption Leave and Pay have the right to take 52 weeks adoption leave. If an employee wishes to take a further period of unpaid leave they can make an application via their Head of Department (or equivalent) and it will be given full consideration.

An employee who meets the criteria for University Adoption Leave and Pay will be given the choice of claiming either:

Option 1	<ul style="list-style-type: none"> • 4 months at full pay, which will include any relevant statutory adoption pay (SAP). • SAP will continue beyond the full pay period until a maximum total of 39 weeks is paid • This will be followed by up to 13 weeks unpaid adoption leave.
Option 2	<ul style="list-style-type: none"> • 2 months at full pay which will include any relevant SAP payment followed by 4 months at half pay. • SAP will continue beyond the full pay period until a maximum total of 39 weeks • This will be followed by up to 13 weeks unpaid adoption leave. <p>(note: In both options SAP is paid in addition to half pay subject to the total pay not exceeding the normal full pay)</p>

Please note that from 1 June 2020 there is no longer an obligation for staff members to return to work for three months following a period of adoption leave in order to satisfy eligibility requirements for University Adoption Pay. Similarly, the University will no longer reclaim the non-statutory element of adoption pay from any member of staff that does not return to work following their maternity leave.

5.3 Statutory Adoption Pay

Statutory Adoption Pay (SAP) is paid to employees alongside University Adoption Pay for a period of 39 weeks as follows:

Weeks 1 to 6	The higher of the current flat rate or 90% of average weekly earnings.
Weeks 7 to 39	The lower of the current flat rate or 90% of the employee's average weekly earnings

They must also have average earnings on or above the Lower Earning Limit for National Insurance Contributions. In addition there are separate criteria for eligibility for UK and overseas adoptions.

5.3.1 UK Based Adoptions

- Provision of at least 28 days' notice (or as much as is reasonably practical) of the date they want their SAP to begin.
- Provision of documentary evidence indicating that a child is being adopted via an adoption agency and showing: the name and address of the adoption agency and the employee, the date that the child is expected to be (or was) placed for adoption and the date that the adopter was told by the adoption agency that they had been matched with a child.

5.3.2 Overseas Adoptions

- Provision of at least 28 days' notice (or as much as is reasonably practical) of the date they want SAP to begin.
- Provision of the official notification of adoption, a declaration that they are claiming SAP and not Statutory Paternity Pay
- Evidence of the child's date of entry into the UK e.g. plane ticket or entry clearance document

5.4 Maternity Support Leave and Pay

Employees may be eligible for [Maternity Support Leave and Pay](#) where they are not taking Adoption Leave and Pay.

5.5 Shared Parental Leave

Eligible employees also have the option to take [Shared Parental Leave \(SPL\) and Pay](#) with their partner at any time after the first two weeks of Adoption Leave. Adoption Leave must be curtailed for SPL to commence.

5.6 Ordinary Paternal Leave

If the employee requires additional time off to look after their child they may be able to take a further statutory unpaid period under the University's [Ordinary Parental Leave Policy](#).

Any queries related to any of the family-friendly policies referred to above can be directed to a member of the HR Team.

6 Rights during Adoption Leave

6.1 Continuity of Employment

Continuity of employment is maintained during adoption leave which means there is no break in service during the employee's absence from work.

Individuals shall normally return to the job in which they were employed under the original contract of employment and on terms applicable to them if they had not been absent.

6.2 Annual Leave and Public Holidays

Throughout the paid and unpaid adoption leave period the individual accrues contractual annual leave and public holiday entitlement. This leave can be taken as agreed with the line manager. It is recommended that the individuals add this entitlement onto the beginning or end of the adoption leave period where possible.

6.3 Pension Benefit

Pension benefits will be preserved during the period of paid leave. The employee has the option to agree to pay the contribution for the unpaid leave on their return to work and, provided that this occurs, the University will also pay employer contributions for the unpaid period of leave.

Further information on specific provision under respective pension schemes can be provided by the [Pensions Office](#).

6.4 Keeping in Touch

The University will make reasonable contact with the employee during the period of adoption leave to keep them up to date with developments at work and discuss arrangements for a return to work. The University has introduced a [Buddy System](#) to support employees during a period of adoption leave. A buddy will be identified and agreed within the Department/School to provide appropriate updated as required and support individuals on their return to work.

The employee may also work up to 10 days' (Keeping in Touch days) during their adoption leave as long as they and their line manager have agreed to this and what work will be undertaken. Please note that for the purposes of Keeping in Touch days a part day counts as a full days' entitlement.

Payment for Keeping in Touch days will vary dependent on the hours worked and at which point in the adoption pay cycle the employee is at however generally the payment amount will not be greater than what the employee would ordinarily have received had they been at work (i.e. you will receive additional pay for Keeping in Touch days which are undertaken whilst you are on half pay or nil pay; but you cannot receive additional pay for Keeping in Touch days which are undertaken whilst you are on full pay).

Further guidance can be provided by the [Payroll Team](#), Finance Office.

7 Notification of return to Work

An employee who is returning to work following maternity leave should give as much written notice to the University (i.e. line manager and HR team) as is reasonably practicable, usually a minimum of 8 weeks.

8 Policy Review

This policy will be reviewed and updated at periodical intervals to ensure continuing suitability for organisational needs and compliance with relevant legislation.