

## **Adoption Leave Policy**

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## **1 Scope**

- 1.1. This policy only applies to employees of the University, including those on fixed term contracts, regardless of the employee or their partner's gender identity. It does not apply to workers or self-employed contractors.
- 1.2. This policy does not form part of an employee's contract of employment.

## **2 The Public Sector Equality Duty**

- 2.1. The Equality Act (2010) requires public bodies such as the University of Greenwich to consider how their decisions and policies affect people with different protected characteristics.
- 2.2. The university is committed to promoting equality of access and outcome for all, celebrating diversity, and providing an inclusive learning and work environment for all students, staff, and visitors. The university will ensure they pay 'due regard' to the need to eliminate discrimination, harassment, and victimisation; advance equality of opportunity; and to foster good relations, irrespective of their age, disability, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief and sexual orientation'.

## **3 Aims**

- 3.1. The policy sets out the arrangements for adoption leave and pay for employees who are:
  - 3.1.1. adopting a child through a UK or overseas adoption agency
  - 3.1.2. fostering a child with a view to adoption
  - 3.1.3. adoption of a child born through a surrogate mother
- 3.2. The policy outlines neonatal care (leave and pay) provisions for employee's (see Neonatal Care Leave and Pay).
- 3.3. The policy builds on the University's commitment to good employment practice and equality and diversity in the workplace.

## **4 Policy**

- 4.1. A maximum of 52 weeks' adoption leave is available to staff, irrespective of length of service or hours worked, made up as follows, subject to the notification requirements set out below under section 5, Procedure below:
  - 4.1.1. 26 weeks' ordinary adoption leave; followed immediately by
  - 4.1.2. 26 weeks' additional adoption leave
- 4.2. The University will pay enhanced adoption pay to qualifying staff who have at least 26 weeks' continuous service, as set out under section 9 below.

## **5 Procedure**

### **5.1. Eligibility for leave – UK adoptions**

5.1.1. The following conditions must be met:

5.1.1.1. the employee must be adopting a child through a UK adoption agency, or

5.1.1.2. must be a local authority foster parent who has been approved as a prospective adopter; and

5.1.1.3. the adoption agency or local authority has given written notice that it has matched the employee with a child for adoption, or

5.1.1.4. that it will be placing a child with the employee under a fostering for adoption arrangement, and

5.1.1.5. has told the employee of the date the child is expected to be placed into their care (Expected Placement Date); and

5.1.1.6. the employee has notified the agency that they agree to the child being placed with them on the Expected Placement Date.

5.1.2. If an employee is adopting a child from overseas, the requirements set out in this policy are varied as follows:

5.1.2.1. The employee must have received notification that the adoption has been approved by the relevant UK authority (Official Notification).

5.1.2.2. The employee must give the University notice in writing of their intention to take adoption leave, within 28 days of the date they received Official Notification, and the date the child is expected to arrive in the UK. This date should be given to the University within 28 days of the date the child arrives in the UK.

5.1.3. If an employee is adopting a child born through a surrogacy arrangement, they are entitled to adoption leave if all the following conditions are met:

5.1.3.1. A surrogate mother gives birth to a child who is biologically the employee's child, and the child of their spouse or partner, or the child of both the employee and their spouse or partner.

5.1.3.2. The employee expects to be given parental responsibility for the child under a parental order from the court. The child must live with the employee who must apply for the Parental Order within six months of the child's birth.

### **5.2. Eligibility for pay**

5.2.1. The member of staff must have worked for the University continuously for at least 26 weeks at the Qualifying Week (beginning on a Sunday) and still be employed by the University during the week in which:

5.2.1.1. they are notified of being matched within the UK for adoption; or

5.2.1.2. official notification was received of a child from overseas for adoption.

5.2.2. Only one parent can take adoption leave. If the spouse or partner takes adoption leave with their employer, the other employee will not be entitled to adoption leave but they may be entitled to paternity leave and/or shared parental leave.

5.2.3. Average earnings must be above the lower earnings limit for National Insurance contributions purposes during the 8 week period in which the employee was notified of being matched with a child for adoption.

5.2.4. The employee must have followed the procedures set out below.

### 5.3. Notification of taking adoption leave

5.3.1. Employees are asked to keep their manager informed about their plans to adopt. Employees wishing to take adoption leave must notify the University in writing; form AL1 should be used. The employee should return this form to the People Directorate as soon as is reasonably practical before the start of the adoption leave and **no later than 7 days from being notified** by the adoption agency that they have been matched. The form should attach the matching certificate provided by the adoption agency.

5.3.2. Where the adoption is from overseas, form AL1 notification should be provided within 28 days of receiving official notification.

5.3.3. Where the adoption is through a surrogacy arrangement the employee must complete form AL1. In addition, the employee must tell the University of their intention to take adoption leave and give the Expected Week of Childbirth (EWC). This information must be given to the University by the end of the 15th week before the EWC, or if that is not reasonably practicable, as soon as it is reasonably practicable. The employee must also tell the University the child's date of birth when the child is born.

5.3.4. Following receipt of form AL1, the People Directorate will write (normally within 28 days) to confirm entitlement to adoption leave, any conditions which apply and to inform the employee of the date they would be due to return to work assuming they take their full entitlement to adoption leave.

### 5.4. Beginning Adoption leave

5.4.1. Providing the qualification and notification requirements are met, for adoptions within the UK, adoption leave can be taken either:

5.4.1.1. from the date of placement, or

5.4.1.2. no more than 14 days prior to the date of placement

5.4.2. Providing the qualification and notification requirements are met, for adoptions from overseas, adoption leave can be taken either:

5.4.2.1. from the date the child enters the UK, or

5.4.2.2. no more than 28 days after the child has entered the UK.

## 5.5. Support for employees

- 5.5.1. Employees who are considering adoption may at any time make arrangements to meet with a member of the People Directorate in confidence, to discuss their entitlement and receive advice on planning their adoption leave.

## 6 Time off prior to adoption

- 6.1. The main adopter is eligible to request **paid** leave for up to five adoption appointments where these are at the request of the adoption agency. Paid time off for adoption appointments cannot be taken in addition to paid paternity leave.
- 6.2. If the employee is the main adopter's partner, they are eligible to request **unpaid** time off for two such appointments. Partner means spouse or civil partner who is in a long-term relationship with the main adopter. Time is capped at six hours thirty minutes (including travel and waiting times) for each appointment.
- 6.3. The employee must produce documentation or evidence via mobile device giving details of the date and time of the appointment.

## 7 Sickness

- 7.1. During adoption leave employees are not entitled to receive sick pay and cannot be classed as "off sick".

## 8 Annual Leave

- 8.1. During adoption leave, holiday entitlement, including public holidays, will accrue at the rate provided under the employee's contract of employment.
- 8.2. Significant amounts of annual leave entitlement can build up during an employee's absence on adoption leave. Before commencing adoption leave, individuals are advised to discuss and agree in writing with their Pro Vice-Chancellor, Director or other appropriate manager, how any accrued leave allowance will be taken.
- 8.3. Annual leave will accrue:
  - 8.3.1. during the leave year in which the employee's adoption leave is due to begin. All of this entitlement should be taken prior to the commencement of adoption leave. Employees are reminded that holiday should be taken in the leave year in which it is earned. Any unused entitlement can only be carried forward with prior written permission from the University. If prior written permission is provided then this leave should be taken immediately before returning to work at the end of the adoption leave period;
  - 8.3.2. during the leave year which commences *after* the adoption leave period has begun. Holidays accrued during this leave year will be honoured by the University and available to the employee following return from adoption leave. The employee should ensure that they plan and agree with their Pro Vice Chancellor, Director or other appropriate manager, when this accrued leave will be taken following their return to work, having regard to the needs and resources of the University.
  - 8.3.3. during the leave year which commences *following* the employee's return from adoption leave. Again, these holidays will of course be honoured and must be

included in the planning of, and agreement about, when holidays should be taken (see 8.3.2 above).

## **9 Enhanced Adoption Pay - Employees with at least 26 weeks' continuous service**

9.1. Staff with 26 or more weeks' service at the Qualifying Week set out at 5.2.1, are entitled to the following:

9.1.1. the first 20 weeks of adoption leave paid at normal pay rate, which includes Statutory Adoption Pay (SAP)

9.1.2. the following 19 weeks paid at the **lower** of Statutory Adoption Pay (SAP) or 90% of weekly earnings

9.1.3. 13 weeks' unpaid leave.

9.2. The rate of SAP is available [here](#).

## **10 Exclusions from Adoption Pay (statutory and enhanced)**

10.1. The circumstances under which the employee is not entitled to receive adoption pay are as follows:

10.1.1. they have less than 26 weeks' continuous service at the qualifying date

10.1.2. their average earnings are below the [National Insurance Lower Earnings Limit](#)

10.1.3. they go to work for another employer

10.1.4. they undertake any work (other than KIT referred to below) during the adoption pay period

10.1.5. they do not provide form AL1 or fail to give sufficient notice of their adoption leave.

## **11 Disrupted Adoption leave**

11.1. Adoption leave is brought to an end early in certain circumstances i.e., when

11.1.1. the adopter is notified the placement will not take place.

11.1.2. the child is returned to the adoption agency after placement.

11.1.3. the child dies after placement.

11.2. In a surrogacy case, adoption leave is disrupted when

11.2.1. the adopter fails to apply for a Parental Order within the relevant time.

11.2.2. the Court does not grant a Parental Order and the time limit for appeal or further application has expired.

11.2.3. the child dies.

11.3. In the event of disruption, entitlement to adoption leave and pay (if applicable) continues for a further eight weeks from the end of the week in which disruption occurred, unless entitlement to leave or pay would have ended earlier in the normal course of events.

## 12 Pension Implications

12.1. The University continues to pay the appropriate employer pension contributions during the paid period of adoption leave. The employee contributions will be based on the actual amount of pay received.

12.2. When the employee is on unpaid leave on zero pay, they will not be building up any pension benefits, i.e. any **unpaid** period does not count towards service for pension purposes.

12.3. The employee may wish to contact their pension provider to explore whether they may buy back lost service (make up for missed contributions) for example through an additional pension contribution option. Whether this is possible depends on the particular pension scheme. Contact details for University pension providers are given at the end of this policy.

## 13 Keeping in Touch (KIT) Days

13.1. Employees on adoption leave can, with the agreement of their line manager, work up to 10 days during their adoption leave without bringing their adoption leave to an end or losing Statutory Adoption Pay. These are called KIT days.

13.2. KIT days enable the employee to keep in touch during SPL and help facilitate a smooth return to work, if they wish to. SPLIT days do not have to be consecutive and can be used to keep up to date with work, attend a work-related activity or training session, conferences or meetings. The line manager must keep a record of the employee's SPLIT days and notify payroll.

13.3. KIT days can be taken at any time during adoption leave

13.4. Employees may visit colleagues with their new baby; however, babies must not be brought into the office on any days that will be considered as KIT days. Employees are responsible for meeting childcare costs on KIT days.

13.5. If a KIT day occurs during a period of full adoption pay the employee will receive full pay for the half day or full day they have worked with no additional pay. If a KIT day occurs during a period of statutory adoption pay only, this will be topped up, so the employee receives full pay for the half day or full day they have worked. Pay for a KIT day during an unpaid period of SPL will be paid at the employee's normal hourly rate of pay for the half day or full day they have worked.

13.6. Working for part of a day during the adoption leave period (even a half day) will count as a full KIT day.

13.7. KIT days are optional and any work during adoption leave must be by agreement. Neither the employee nor the university can insist on taking them. KIT days will not



extend the adoption leave period. Where KIT days are not taken, they will be lost i.e. they cannot be carried forward. They are not additional to annual leave.

## **14 Maintaining Reasonable Contact**

- 14.1. Reasonable contact during a period of adoption leave is encouraged. This contact may be used for example to discuss arrangements for the employee's return to work or to inform the employee of important workplace developments.
- 14.2. The manager should also ensure the employee is able to access details of any promotion opportunities or vacancies which arise during adoption leave. The manager must ensure the employee is consulted when organisational restructures are being contemplated.
- 14.3. Prior to the commencement of adoption leave, the employee and their manager should discuss the extent to which the employee wishes the University to maintain contact with them and the preferred arrangements for keeping in touch.

## **15 Not Returning to Work**

- 15.1. If the employee does not intend to return to work from adoption leave, or is unsure, they should discuss this with their line manager as early as possible. If the employee decides they will not return, they must give the appropriate notice of their resignation in accordance with their contract, during their adoption leave.

## **16 Returning to Work**

- 16.1. The People Directorate will advise the employee of the latest date on which they are expected to return to work following adoption leave.
- 16.2. The employee has the right to return to work at any time before the latest date notified to them, provided they give 8 weeks' notice in writing.
- 16.3. Adopters who return to work after the period of ordinary adoption leave have the right to return to work in the same post, on the same terms and conditions which applied before adoption leave. That right is unaffected even if the employee takes up to four weeks' parental leave immediately after the period of ordinary adoption leave.
- 16.4. If the adopter returns after the period of additional adoption leave, they also have a right to return to the same post on the same terms and conditions, or if it is not reasonably practical to permit them to do so, they have a right to return to a suitable alternative post, on terms and conditions that are not less favourable to those which applied before their adoption leave. This also applies where an employee takes four weeks' parental leave immediately after the ordinary adoption leave, or a period of additional adoption leave followed by a period of shared parental leave or up to four weeks' parental leave. Managers must seek advice from the People Directorate in circumstances where they are contemplating offering an alternative post.
- 16.5. If an employee is on a fixed-term contract, they will not be entitled to work beyond the expiry of their fixed term contract. They will however be consulted about the renewal or non-renewal of the fixed-term contract. People Directorate guidance must be sought in such cases, particularly where the employee has two years' service or more.

16.6. The manager should discuss with the employee on or before their return to work, regarding any particular arrangements to apply on their return to work.

## **17 Neonatal Care Leave**

17.1. Neonatal care leave provides parents with additional time off with their newborn baby when they require medical care, without using their adoption leave.

17.2. Employees will be eligible for neonatal care leave when their newborn baby is admitted to hospital up to 28 days after birth, for an uninterrupted hospital stay of seven days or more. Eligible employees will be entitled to take a minimum of one week and up to a maximum of twelve weeks of neonatal care leave, regardless of the number of times the baby is admitted to hospital. Neonatal leave must be taken in complete weeks which can be taken consecutively or non-consecutively. A complete week of leave is defined as the same number of hours that an employee normally works in a week.

17.3. Neonatal leave is applicable to each individually affected employee, whether they are the main adopter or partner (partner means spouse or civil partner who is in a long-term relationship with the main adopter).

17.4. Eligible employees have the right to neonatal care leave from the first day of employment.

17.5. Where the employee is eligible for adoption leave, neonatal care leave must be taken at the end of adoption leave or after the employee has returned to work. Where the employee is not eligible for adoption leave, neonatal care leave can begin at any time after the baby's date of birth. All neonatal care leave must be taken within 68 weeks of the birth.

17.6. Eligible employees must notify their line manager of their intention to take neonatal care leave as soon as is reasonably practicable.

17.7. Neonatal leave does not need to be approved by the line manager as it is a statutory entitlement providing the employee meets the eligibility requirements. However, the line manager must notify the People Directorate to ensure the leave is recorded correctly on Horizon.

17.8. With the employee's agreement, and considering the potential sensitivity of the situation, the line manager should maintain an appropriate level of contact with the employee during neonatal care leave. The line manager should also ensure the employee is aware of the Employee Assistance Programme provided by the university and how to access it. Further information can be found on the university staff portal

17.9. Employees should refer to the provisions elsewhere in this policy regarding Keeping in Touch (KIT) days and their return to work following neonatal care leave.

17.10. During neonatal care leave, the employee's holiday entitlement, including public holidays, will accrue at the rate provided under their contract of employment.

17.11. Where there is an increase in pay during neonatal care leave, the employee's normal pay rate will be recalculated to reflect any increment or pay award applied during that period.

17.12. The university continues to pay the appropriate employer's pension contributions during neonatal care leave.

17.13. If the employee does not intend to return to work from neonatal care leave, or is unsure about returning, they should discuss this with their line manager as early as possible. If the employee decides they will not return, they must give the appropriate

notice period of their resignation during their neonatal care leave, in accordance with their contract.

## 18 Neonatal Care Pay

18.1. Employees are entitled to a maximum of 12 weeks of neonatal leave at their normal pay rate (this includes Statutory Neonatal Care Pay (SNCP) entitlement).

## 19 Shared Parental Leave

19.1. Shared parental leave (SPL) is a statutory right that enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. An employee who has given birth to a child may reduce their maternity leave entitlement and then they and/or their partner may opt in to the SPL arrangements and take any remaining weeks as SPL up until their child's first birthday. See the Shared Parental Leave Policy for further details.

## 20 Other Relevant Policies and Guidance

All of the following policies and guidance can be found by searching the university staff portal.

20.1. **Paternity/Partner's Leave and Pay Policy**

20.2. **Parental Leave policy.**

20.3. **Shared Parental Leave Policy and Procedure.**

20.4. **Sickness Absence Policy and Procedure.**

20.5. **Special Leave**

Special Leave sets out staff eligibility for discretionary leave for purposes such as a bereavement, or a funeral, Time off to care for family and dependents in an emergency and Carer's Leave. Special Leave guidance can be found on the university staff portal.

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Version No.	Purpose/Change	Author	Approved By	Date
1.0			Staffing Committee	2008 and Jan 2015
			VCG	April 2019
			JNC	February 2020
2.0	Updated to use gender-neutral language		N/A	4 October 2021
3.0	Updated to include Neonatal Care (Leave and Pay)	Vanessa Roots Senior Workforce Policy Officer	VCE	22 July 2024

*This policy will be reviewed regularly.*