

# Adoption Leave Policy

A guide to your adoption leave entitlement

**1 July 2017**

Become what you want to be

## Purpose and Principles and Values

Adopting or having a child through a surrogacy arrangement is an exciting and important time for you and your family. At LSBU we want to provide you with as much support as possible during your matching process or surrogacy, through your adoption leave and when you return to work.

This policy explains everything you need to know about your entitlement to adoption leave, pay, planning your time off and the support that's available.

This policy does not form part of your contract of employment. It may be reviewed and changed from time to time at the discretion of LSBU.

## Equality, Diversity and Inclusion

The University is committed to creating a workplace where there are no barriers to inclusion. We view the differences between people as a source of strength. We will ensure that employees growing their family receive no less favourable treatment on the grounds of their age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief (or no belief); sex; or sexual orientation.

## Who does this policy apply to?

This policy applies to LSBU employees who are newly matched with a child for adoption by an approved UK or overseas adoption agency with an adoption date or birth by surrogate on or after **1 July 2017**.

If you are adopting jointly with your partner, you will need to choose which of you will be the primary carer and should receive Adoption Leave and Pay. The other partner including those of the same sex will be eligible for Paternity Leave subject to meeting relevant criteria. Both you and your partner are also eligible for Parental Leave. If you are the primary adopter

and you wish to end your adoption leave before exhausting your statutory entitlement to leave/pay your partner may be able to take Shared Parental Leave for the remainder of the 52 week period. Please see the Shared Parental Leave policy for more information.

The policy does not apply to agency workers, anyone working for a third party supplier, external consultants or employees of University subsidiary companies or similar organisations associated with LSBU.

There are a few situations where adoption leave would not be applicable such as adopting a family member or stepchild or adopting without permission from a UK authority or adoption agency. Please contact HR through the HR Service Desk for further advice.

## Before your adoption leave

### Letting us know

You should let HR know about your plans to adopt or to have a baby through surrogacy, as soon as you feel comfortable, so that we can support and guide you through planning your adoption leave. You can speak to a member of the HR team by contacting the HR Service Desk.

### Planning for your leave

It is also important for you to discuss your plans with your manager early on so that you can discuss and agree:

- When your adoption leave is likely to start
- How you will manage your leave
- Arrangements for managing your work while you are away
- Any concerns you might have about your adoption leave

## Formal notification

**Adopting in the UK:** You will need to provide a 'Matching Certificate' if adopting in the UK. This is issued by the adoption agency.

If adopting in the UK you must notify us within 7 days of finding out that you have been matched with a child and let us know:

- That you have been newly matched with a child for adoption
- The date you expect the child to be placed with you
- How much leave you want and the date you intend your adoption leave to start

**Overseas Adoptions:** You will need to provide an 'Official Notification' if adopting from overseas, which is issued by or on behalf of the relevant UK authority. If you are adopting with your partner you will need to choose which one of you will take adoption leave and which will take paternity leave. If you wish to take adoption leave you must fill in the SC6 declaration form which confirms that you are not taking paternity leave or pay.

If adopting from overseas you must notify us of:

- The date of your 'official notification' and the expected date the child arrives in the UK – within 28 days of getting the notification
- The actual date the child arrives in the UK – within 28 days of this date
- How much leave you want and the date you intend adoption leave to start

**Surrogacy:** You will need to provide a 'Parental Order' or let us know that you intend to become the child's legal parent, if you are becoming a parent through surrogacy.

If in a surrogate arrangement you must notify us by the 15<sup>th</sup> week before the expected week of childbirth or as soon as reasonably practicable of:

- The expected week of childbirth
- How much leave you want and the date you intend your adoption leave to start

HR will write to confirm your entitlement to adoption leave and pay and the latest date on which you need to return to work.

## Time off for Adoption appointments

You are entitled to take reasonable paid time off for your adoption appointments during working hours.

Please try to arrange these appointments near the start or end of the day if you can. You should give your manager as much notice as possible and provide an appointment letter if your manager requests this.

## Adoption Leave

Irrespective of your length of service, you are entitled to take up to 52 weeks adoption leave and to come back to work afterwards, as long as you follow the correct notification procedures. Your adoption leave entitlement is made up of:

- 26 weeks of Ordinary Adoption Leave (OAL)
- Plus 26 weeks of Additional Adoption Leave (AAL)

## Adoption Pay

How much pay you receive during your adoption leave period will depend whether you meet the criteria at the week in which you are notified of the adoption match.

**A. If you have less than 26 weeks' continuous service you are entitled to:**

- Unpaid leave for up to 52 weeks
- You may be entitled to receive adoption allowance

**B. If you have more than 26 weeks' continuous service** and your average earnings are not less than the lower earnings limit for National Insurance contributions, you are entitled to LSBU enhanced adoption pay as follows:

- 20 weeks full pay (this includes your entitlement to 6 weeks SAP at the 90% rate)
- 19 weeks standard rate Statutory Adoption Pay<sup>1</sup> (or 90% of your average weekly earnings whichever is lower)
- 13 weeks unpaid leave

## Adoption Allowance

If you are not entitled to statutory adoption pay you may be entitled to claim adoption allowance directly from the government. LSBU will provide you with an SAP1 form to allow you to make a claim for adoption allowance.

## Timing your adoption leave

You can choose to start your adoption leave:

- On the date the child starts living with you or up to 14 days before the expected placement
- When you have been matched with a child to be placed with you by a UK adoption agency
- When the child arrives in the UK or within 28 days of this date (overseas adoptions)

- The day the child is born or the day after (parents in surrogacy arrangements)

If you change your mind about the date on which you want to start your adoption leave, you must give us at least 28 days written notice – or as much notice as is reasonably practical – of the new date.

We will write to you to confirm the new adoption leave start and end dates.

## Benefits during adoption leave

During ordinary adoption leave and additional adoption leave, you will continue to receive all contractual entitlements except your normal pay. Your salary will be replaced by statutory adoption pay if you are eligible for it.

You will continue to accrue contractual holiday entitlement and LSBU will continue to make employer pension contributions during your paid adoption leave if you are a member of the scheme. Pension arrangements during any period of unpaid leave will be dependent upon the rules of your pension scheme. Further advice is available from the Pensions Administrator, in the Payroll Team.

## Maintaining Contact

While you are away on adoption leave you need to remember to let us know if you plan to return to work before your statutory adoption leave period of 52 weeks. Please give your manager at least eight weeks' written notice of the date you intend to return. It's important that you are able to stay up-to-date with developments and changes at LSBU during

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<sup>1</sup> Government every April reviews statutory maternity rates and any increase is made in line with the consumer price index. The current rates are published on OurLSBU.

your adoption leave. You may find it helpful to agree with your line manager the type and level of contact you would like to maintain before you start your adoption leave.

## **Keeping-in-touch days (KIT days)**

You may, with the agreement of your manager, choose to come into work for up to ten days during your adoption leave period, without this bringing your adoption leave to an end. These are known as “keeping-in touch days” or KIT days.

KIT days can be used for keeping in touch with your team, attending training or key meetings and can help you to adjust to being back at work before your official return date. KIT days must be used during your adoption leave period; they cannot be used to extend your adoption leave. KIT days are paid at your normal rate of pay, less any adoption pay you are receiving.

## **Can I return sooner?**

If you decide to return to work before the end of your 52 week adoption leave period, you must give us at least eight week’s return notice in writing of the new return date.

## **Can I return later than planned?**

You cannot take more than 52 weeks adoption leave from the date on which your leave started. You can, with your manager’s agreement, take

any accrued holiday after your adoption leave, or take a period of unpaid parental leave.

If you do not return to work on your agreed date, and fail to notify us of the reason, this will be treated as unauthorised absence, for which you will not be paid and which may be considered under LSBU’s disciplinary procedure.

## **What period of time will my adoption pay be calculated on?**

Your adoption pay will be calculated on basic pay at the last payday before the end of the week you were advised of being matched with a child for UK adoptions, or receive the ‘Official notification’ for overseas adoptions (known as the ‘matching week’). In cases of surrogacy your pay will be calculated on the amount paid in the qualifying week<sup>2</sup>.

## **Illness and sickness during adoption leave**

If you are ill or injured during your adoption leave you should notify your line manager. You may choose to end your adoption leave and move to sick leave. Please contact HR for further advice on your options.

If at the end of your adoption leave you are unwell and unable to return to work then LSBU’s Sickness Absence Policy and Sick Pay Provisions will apply.

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<sup>2</sup> "Qualifying week" means the 15<sup>th</sup> week before the expected week of childbirth.

## Return from adoption leave

We appreciate that some staff may feel apprehensive about returning to work having been away for a period of time. This section explains the support we can offer to help you adjust and the options available to you.

Unless you tell us otherwise, we will assume that you will return to work after 52 weeks' adoption leave. If this is the case you don't need to notify us of your return date.

You have the right to return to the same job, unless:

- You have taken a period of Additional Adoption Leave and it is not practical for you to return to the same role, in which case you will be able to return to a similar job with the same or better status and terms and condition
- A redundancy situation arises during your adoption leave. If this happens we will contact you to consult with you about the potential redundancy situation and any suitable alternative roles

## Flexible working

LSBU supports flexible working arrangements wherever they can be accommodated. If you wish to return on a flexible basis, you should make a request as far in advance as possible and preferably three months before you expect to return. This will give your line manager time to consider whether your request can be accommodated. Details of how to apply for flexible working are available on OurLSBU or from the HR Service Desk.

Once you have submitted your request your line manager will meet with you to discuss it. HR may also be involved to provide guidance on the process. Whilst LSBU is not obliged to agree your request wherever possible our aim is to accommodate your request. If we are unable to

achieve this we may suggest alternative arrangements or we will support you to search for an alternative role.

## Resigning at the end of adoption leave

If you decide not to return to work after your adoption leave you should submit your resignation in writing to your line manager, giving the notice required by your contract.

## Other Sources of Support

If you need help, guidance or information during your maternity leave here are some sources of support available to staff at any time:

- HR Service Desk
- Your trade union representative
- Employee Assistance Programme – which offers free confidential counselling, information and advice 24 hours a day

**Phone:** 0800 882 4102

**Website:** [www.pamassist.co.uk](http://www.pamassist.co.uk)

**Username:** LSBUEAP

**Password:** LSBU1

- Occupational Health (through the HR Service Desk)
- Safety@lsbu.ac.uk
- LSBU Dignity at Work Advisers
- Equality and Diversity Team

## Notes

1. Entitlement to 20 weeks full pay includes any entitlement to statutory adoption pay.
2. If your conditions of service have been preserved following a TUPE transfer, you should contact the HR Service Desk for details of your adoption pay entitlement.



HR Service Desk:  
[hrsd@lsbu.ac.uk](mailto:hrsd@lsbu.ac.uk)