



LEEDS
BECKETT
UNIVERSITY

Adoption Leave Policy and Procedure

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V0424

Policy Statement

Purpose and Core Principles

Our University's Adoption Leave policy aims to ensure fair and consistent treatment of employees who are adopting children. The policy sets out statutory adoption rights and additional contractual benefits offered by our University. The accompanying procedure provides clear guidance on the application of the policy and outlines the administrative processes to be followed by employees wishing to request time off under the provisions.

Scope

This policy and procedure addresses both statutory and occupational adoption entitlements for adoptions within the United Kingdom and for adoptions from overseas. It is applicable to all employees.

The provisions only apply where a child is newly placed for adoption and so do not apply to those employees formally adopting a child of a partner or to adoptions by a child's existing foster carers.

Responsibility

Human Resources has responsibility for ensuring that this policy and procedure is adhered to and will provide advice and guidance to managers and employees on its application.

Managers are also responsible for ensuring that this policy and procedure is adhered to.

Review

This policy and procedure will be monitored on an annual basis and reviewed a minimum of every three years or sooner, in light of legislative changes and organisational requirements as appropriate.

Procedure

1. Eligibility and Entitlement for Adoption Leave

- 1.1 All employees regardless of length of service are entitled to 52 weeks Statutory Adoption Leave (SAL); made up of 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL).
- 1.2 For adoptions within the United Kingdom (UK), the earliest that adoption leave can commence is 14 days before the expected date of placement of the child up until the placement itself. For overseas adoptions, the earliest date that adoption leave can commence is the date the child enters the UK, up until 28 days after the child's entry into the UK.
- 1.3 Only one period of adoption leave will be available to employees irrespective of whether more than one child is placed for adoption as part of the same arrangement.
- 1.4 All employees regardless of length of service are also entitled to up to a maximum of five half days with pay to attend pre-adoption interviews, visits, court appearances and child care clinics. Employees should inform their managers as soon as possible about any appointments so that absences can be planned for.
- 1.5 Where an employee is adopting jointly with their partner, only one of the couple will be eligible to take adoption leave. The other, regardless of gender, may be eligible take paternity/partner leave. For further information, please refer to our Paternity/Partner Leave policy and procedure.
- 1.6 An employee, who is an approved prospective adopter and who is fostering a child as part of a 'fostering to adopt' arrangement may be eligible to take adoption leave.
- 1.7 An employee, who is together with their partner having a child via a surrogacy arrangement may also be eligible to take adoption leave.

2. Eligibility and Entitlement for Adoption Pay

- 2.1 Employees with less than 26 weeks' service by the end of the week in which they are notified of being matched with a child (the 'qualifying week') will not be entitled to receive adoption pay.
- 2.2 Employees with more than 26 weeks' service by the end of the week in which they are notified of being matched with a child (the 'qualifying week') will be entitled to Statutory Adoption Pay (SAP) and Occupational Adoption Pay (OAP), subject to meeting the qualifying criteria outlined in Sections 2.3 and 2.4.

2.3 Statutory Adoption Pay (SAP)

2.3.1 In order to qualify for SAP, employees must meet the following conditions:

- Have worked for our University continuously for at least 26 weeks by the end of the qualifying week;
- Have average weekly earnings at or above the lower earnings limit for National Insurance contributions; and
- Have submitted an 'Adoption Leave Application Form' and official notification of adoption, within 7 days of being matched with a child. For overseas adoptions, the 'Adoption Leave Application Form' and official notification of adoption must be submitted within 28 days of being matched with a child.

2.3.2 If employees do not qualify for SAP, HR Services will issue a SAP1 form, which explains why our University cannot pay SAP.

2.3.3 Eligible employees are entitled to receive SAP for 39 weeks.

2.3.4 Where employees are employed on a fixed-term contract and their contract is due to expire during their adoption leave, SAP (if applicable) will continue to be paid through our University for 39 weeks.

2.3.5 SAP is paid at the following rate:

Weeks 1 – 6	90% of average weekly earnings
Weeks 7 – 39	Statutory weekly rate or a rate equivalent to 90% of average weekly earnings, whichever rate is the lower

2.3.6 It should be noted that payments of SAP will stop if any of the following apply to employees during the adoption pay period:

- Employee returns to work in any capacity during the adoption pay period (this does not apply to 'Keeping in Touch Days'); or
- Employee is arrested at any time during the adoption pay period; or
- Employee works for any other employer during the adoption pay period (except where the employee was already employed by the other employer during the qualifying week).

2.4 Occupational Adoption Pay (OAP)

2.4.1 In order to qualify for OAP, employees must meet the following conditions:

- Have worked for our University continuously for at least 26 weeks by the end of the qualifying week; and
- Return to work for at least 3 full working months following adoption leave. Employees on fixed-term contracts will be expected to return to work for at least 3 full working months following adoption leave or to the end of their contract, whichever date is sooner. (Except paragraph 2.4.3 below)

2.4.2 It should be noted that the return to work period begins from the point employees return to the workplace and commence work after adoption leave. Periods of paid or unpaid

absence prior to a return to work, immediately following adoption leave or in the initial return to work period e.g. annual leave or sickness absence, do not count towards the 3 month qualifying period.

2.4.3 Employees who are eligible for OAP and whose contract ends during their adoption leave will not be required to return to work. OAP will be paid until the end of their contract and thereafter SAP (if applicable) will continue to be paid through our University for 39 weeks.

2.4.4 The breakdown of OAP that eligible employees will receive is outlined below:

Weeks 1 – 10	90% of average weekly earnings minus SAP
Weeks 11 – 30	50% of average weekly earnings, plus SAP (up to a maximum of 90% average weekly earnings).

2.4.5 Variable Hours Contracts

In the case of employees on variable hours contracts, for example part-time lecturers, average weekly earnings for OAP will be based on the pay received in the current role in the 12 full months immediately prior to the expected date of placement. If the employee has less than 12 months service in the role, the calculation will be made from the employee's start date in the role.

2.4.6 Employees can choose to be paid OAP during their adoption leave, or they can opt to postpone the payments until they have returned to work and completed 3 full working months qualifying service, in which case only SAP (if applicable), would be paid during the adoption leave period. Employees will only be paid OAP during their adoption leave if they provide written confirmation stating that they would be prepared to re-pay any overpayments in full.

2.4.7 Upon failure to return to work, or complete the required length of service following adoption leave, OAP (outlined in Section 2.4.4) will be fully recoverable. OAP will also be fully recoverable where employees employed on a fixed-term contract are offered, and subsequently decline, an extension to their contract which would allow for a return to work for 3 full working months following adoption leave. HR Services will calculate the amount of OAP to be re-paid and make arrangements with the employee for re-payment.

2.4.8 A summary of statutory and occupational adoption payments is provided in Appendix 1. HR Services will issue all employees with an individual summary of their adoption pay, once written notification of adoption leave has been received.

2.4.9 Payments made to employees on adoption leave will be made in the same way as other earnings and will also, be subject to tax, national insurance and pension contributions, where applicable. Where employees are members of salary sacrifice schemes, advice can be sought from HR Services regarding the terms and conditions of such schemes during adoption leave.

3. Notification for Adoption Leave

- 3.1 Employees are encouraged to give early notification, to their manager, of their intention to take adoption leave for planning purposes.
- 3.2 Employees must complete the relevant Adoption Leave Application Form (Appendix 2) and submit this to HR Services within 7 days of being matched with a child. A copy of the official notification of the adoption, received from the adoption agency, should also be enclosed. For overseas adoptions, the Adoption Leave Application Form and official notification of the adoption must be submitted within 28 days of being matched with a child.
- 3.3 HR Services will confirm the dates of adoption leave and pay (if applicable), in writing, within 28 days of receipt of the completed application form.
- 3.4 If employees wish to change the start date of their adoption leave, at least 28 days' notice before the original date or the new date they wish their adoption leave to start from, whichever is sooner, must be provided in writing to their manager and HR Services.

4. Sharing of Leave and Pay between Partners (Shared Parental Leave)

- 4.1 Eligible employees can choose to end their adoption leave and/or pay early and with their partner opt into shared parental leave and pay. Shared parental leave cannot commence until two weeks after the placement of the child and up to a maximum of 50 weeks of leave and 37 weeks' pay can be shared in the first year following the adoption. Shared parental leave can be taken by each parent separately or at the same time. For further information on shared parental leave, please refer to our Shared Parental Leave Policy and Procedure.

5. Employment Terms & Conditions during Adoption Leave

- 5.1 If employees take a period of adoption leave, this counts as continuous service and their continuous service rights are not affected.
- 5.2 Employees are entitled to receive any increments and/or cost of living increases, which they would have been due, had they not been on adoption leave.
- 5.3 Employees will accrue annual leave, including bank holidays whilst on adoption leave. As this annual leave cannot be taken whilst employees are on adoption leave, employees are encouraged to discuss and agree the arrangements for taking leave with their manager at an early stage (and should plan to take annual leave within the usual annual leave year where it is practical to do so). There is no entitlement to be paid for any undertaken annual leave.
- 5.4 Where adoption leave crosses two annual leave years, annual leave may be carried forward to the next leave year following discussion and agreement with the manager. Such leave must be added to the end of the adoption leave period and taken before the employee returns to work (or taken as part of a short term flexible working agreement).

5.5 Variable Hours Contracts

Employees on variable hours contracts accrue annual leave whilst on adoption leave and will receive this accrued leave as holiday pay with their adoption pay.

6. **Pension Contributions during Adoption Leave**

6.1 During adoption leave, employee pension contributions will be based on the actual pay received and not salary payments prior to taking adoption leave.

6.2 Employer pension contributions will be calculated on the same basis as applicable prior to taking adoption leave.

6.3 Once adoption pay ceases, no further pension contributions will be payable until a return to work has occurred. This period of leave will not be included as pensionable service. For any period of unpaid adoption leave, it may be possible for an employee to make arrangements to pay back contributions, depending upon the rules of the occupational pension scheme. Further information on the implications of adoption leave on pension contributions is available from HR Services.

6.4 Occupational pension scheme members will continue to be covered for death in service benefits during the entire period of adoption leave.

7. **Contact during Adoption Leave**

7.1 During adoption leave, employees and managers may make reasonable contact with one another. The frequency and nature of any contact will depend on a number of factors, such as, the nature of the work and the post; any mutual agreement reached before adoption leave commenced; and whether there is a need to communicate important information, for example, changes in the workplace that might affect the return to work of the employee.

7.2 The contact between employees and their managers can be made in a range of ways, for example, by telephone, email, letter, or a meeting.

8. **Keeping in Touch Days during Adoption Leave**

8.1 Employees may, by agreement with their manager, undertake up to a maximum of 10 days' paid work, known as 'Keeping in Touch' (KIT) days, during the adoption leave period without it affecting their rights to adoption leave or pay.

8.2 The type of work that can be undertaken on KIT days is a matter for agreement between employees and their managers. The days may be used for any activity ordinarily classed as work under the employee's contract and could be particularly useful in enabling for example, attendance at a conference, undertaking a training activity or attending a team meeting.

8.3 Any amount of work undertaken on a KIT day, will count as one keeping in touch day for the purposes of the 10 maximum.

8.4 KIT days are paid at normal daily rate (based on 1/365 of annual salary) and will be paid in either full or half days only. If an employee is receiving SAP, it will continue to be paid for the week in which any KIT days are undertaken. Payment will be made through payroll and subject to tax, national insurance and pension contributions in the normal way. A claim form must be completed (Appendix 3) in order to claim payment for work

undertaken on a KIT day.

- 8.5 Our University is not legally obliged to provide KIT days, nor are employees legally obliged to work them.

9. Returning to Work from Adoption Leave

- 9.1 Unless notified otherwise, it will be presumed that employees will take the full adoption leave entitlement of 52 weeks. Whether or not employees intend to take the full entitlement, it is helpful for planning purposes if regular contact is maintained with managers throughout the period of adoption leave.

- 9.2 However, if employees wish to return to work earlier or later than agreed during their adoption leave, at least 8 weeks' notice must be given, in writing, to their manager and HR Services. Failure to give the correct notice of an early return, our University may delay the return to work, to allow for the 8 week notice period.

- 9.3 Employees who take adoption leave are entitled to return to the same job on the same employment terms and conditions as if they had not been on adoption leave. Employees who are on adoption leave will be consulted at an early stage where their post is subject to our University's Management of Change process and/or at potential risk of redundancy. For further information, about redundancy protection during adoption leave and during the 18 month period following the child's placement for adoption please refer to our 'Management of Change Guidelines'.

9.4 Returning to Work on Reduced or Altered Hours

- 9.4.1 Employees who wish to return to work on reduced or altered hours should discuss this with their manager. The request will be given full consideration in accordance with our University's Flexible Working Principles and Formal Flexible Working Request Policy, however, please be aware that there is no automatic right to change. Your manager will arrange a meeting with you to discuss the request. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise stated. More information about making a request is available in the Employee Guidance on Flexible Working Requests.

- 9.5 A summary of key timeframes linked to our University's Adoption Leave policy is provided in Appendix 4.

10. Related Policies and Documentation

Flexible Working Principles

Formal Flexible Working Request Policy

Flexible Working Employee Guidance

Parental Leave Policy

Paternity/Partner Leave Policy

Shared Parental Leave Policy

Time off for Public Duties and Special Leave Policy

GLOSSARY OF TERMS

AAL	Additional Adoption Leave
'KIT' Day	'Keeping in Touch' Day
OAL	Ordinary Adoption Leave
OAP	Occupational Adoption Pay
SAL	Statutory Adoption Leave
SAP	Statutory Adoption Pay
SAP1	The reference number of a form provided by HR Services which explains why our University cannot pay SAP.

APPENDIX 1 – SUMMARY OF ADOPTION PAY

WEEK	STATUTORY ADOPTION PAY (SAP)	OCCUPATIONAL ADOPTION PAY (OAP)	TOTAL ADOPTION PAY
1	90% of average weekly earnings	N/A	90% of average weekly earnings
2			
3			
4			
5			
6			
7	Statutory weekly rate or a rate equivalent to 90% of average weekly earnings, whichever rate is the lower	90% of average weekly earnings minus SAP	90% of average weekly earnings
8			
9			
10			
11	Statutory weekly rate or a rate equivalent to 90% of average weekly earnings, whichever rate is the lower	50% of average weekly earnings	50% of average weekly earnings plus SAP
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31	Statutory weekly rate or a rate equivalent to 90% of average weekly earnings, whichever rate is the lower	N/A	SAP only
32			
33			
34			
35			
36			
37			
38			
39			
40 - 52	N/A	N/A	Unpaid

APPENDIX 2 – ADOPTION LEAVE APPLICATION FORM (UK ADOPTIONS)

PERSONAL DETAILS	
Surname:	
First name(s):	
Pay Number:	

YOUR DATES FOR ADOPTION LEAVE	
<p>The earliest that adoption leave can commence is 14 days before the expected date of placement. You may work up until the date that the child is due to be placed and your adoption leave may commence on any day of the week.</p>	
I enclose my official notification of adoption which confirms that the date of the child's placement is:	
I would like my adoption leave to start on:	

YOUR DECLARATION	
<p>If you are eligible for occupational adoption pay, you will be allowed 39 weeks with pay provided that you return to work for at least 3 full working months following your adoption leave. The breakdown of adoption pay is as follows:</p> <ul style="list-style-type: none"> i) Weeks 1 – 10 90% of average weekly earnings (including SAP) ii) Weeks 11 – 30 50% of average weekly earnings plus SAP iii) Weeks 31 – 39 SAP only <p>If you do not return to work for at least 3 full working months following your adoption leave, you are only entitled to the SAP elements (if applicable) of payments i) and ii) outlined above.</p>	
<p>I would like to be paid payments i) and ii) in full during my adoption leave and I confirm that I would be prepared to re-pay any overpayment in full.</p>	
Signature:	
Date:	
OR	
<p>I would like to postpone payments i) and ii) until I have returned to work and completed 3 full working months qualifying service, in which case only SAP (if applicable) will be paid during my adoption leave.</p>	
Signature:	
Date:	

Please return your completed form to HR Services
HRServicesteam@leedsbeckett.ac.uk (copied to your manager).

(word version of form available on the [HR and Payroll forms webpage](#))

APPENDIX 2 – ADOPTION LEAVE APPLICATION FORM (OVERSEAS ADOPTIONS)

PERSONAL DETAILS	
Surname:	
First name(s):	
Pay Number:	

YOUR DATES FOR ADOPTION LEAVE	
<p>The earliest that adoption leave can commence is the date the child enters the UK up until 28 days after the child's entry into the UK. Adoption leave may commence on any day of the week.</p>	
<p>I enclose my official notification of adoption which confirms that the date of the child's placement is:</p>	
<p>The child is due to enter the UK on / The child entered the UK on:</p>	
<p>I would like my adoption leave to start on:</p>	

YOUR DECLARATION	
<p>If you are eligible for occupational adoption pay, you will be allowed 39 weeks with pay provided that you return to work for at least 3 full working months following your adoption leave. The breakdown of adoption pay is as follows:</p> <ul style="list-style-type: none"> i) Weeks 1 – 10 90% of average weekly earnings (including SAP) ii) Weeks 11 – 30 50% of average weekly earnings plus SAP iii) Weeks 31 – 39 SAP only <p>If you do not return to work for at least 3 full working months following your adoption leave, you are only entitled to the SAP elements (if applicable) of payments i) and ii) outlined above.</p>	
<p>I would like to be paid payments i) and ii) in full during my adoption leave and I confirm that I would be prepared to re-pay any overpayment in full.</p>	
Signature:	
Date:	
OR	
<p>I would like to postpone payments i) and ii) until I have returned to work and completed 3 full working months qualifying service, in which case only SAP (if applicable) will be paid during my adoption leave.</p>	
Signature:	
Date:	

Please return your completed form to HR Services
HRServicesteam@leedsbeckett.ac.uk (copied to your manager)

(word version of form available on the [HR and Payroll forms webpage](#))

APPENDIX 3 – ‘KEEPING IN TOUCH’ (KIT) DAYS CLAIM FORM

By agreement with your manager, up to a maximum of 10 KIT days may be undertaken.

KIT days are paid at your normal daily rate (based on 1/365 of annual salary) and will be paid in either full or half days only. Any amount of work undertaken on a KIT day will count as one KIT day.

PERSONAL DETAILS	
Surname:	
First name(s):	
Pay Number:	

‘KEEPING IN TOUCH’ (KIT) DAYS RECORD	
I am currently on:	
Maternity Leave <input type="checkbox"/>	Adoption Leave <input type="checkbox"/>
DATE	NUMBER OF HOURS WORKED

DECLARATION			
Signed by Employee:		Date:	
Signed by Manager:		Date:	
Manager’s Name:			

Please complete all sections and forward to Payroll, Payroll@leedsbeckett.ac.uk

(word version of form available on the [HR and Payroll forms webpage](#))

APPENDIX 4 – ADOPTION TIMETABLE

Within 28 days of being matched with a child (Overseas Adoptions)	This is the latest date which you can submit your Adoption Leave Application Form to HR Services. You should also provide a copy of the official notification of the adoption, received from the adoption agency.
Within 7 days of being matched with a child (UK Adoptions)	This is the latest date which you can submit your Adoption Leave Application Form to HR Services. You should also provide a copy of the official notification of the adoption, received from the adoption agency.
14 days before the expected date of placement (UK Adoptions)	This is the earliest date that adoption leave can commence.
Date of placement (UK Adoptions)	Adoption leave will automatically begin the day of the date of placement, if it has not already done so.
Date of entry to the UK (Overseas Adoptions)	This is the earliest date that adoption leave can commence, up until 28 days after the child's entry to the UK.
52 weeks after adoption leave has commenced	This is the latest date that you can return to work from adoption leave.
At least 8 weeks before you intend to return to work	You must give at least 8 weeks written notice, to your manager and HR Services, of your intention to return to work.
At least 2 months before you intend to return to work (initial discussions could start prior to your adoption leave)	If you wish to return to work on reduced/altered hours, you must discuss this with your manager. It could take up to 2 months to consider a flexible working request so if you wish your new working pattern to commence on your return to work you should ensure you submit your request well in advance.