



WARWICK

# Policy and procedure

## Adoption leave and pay



WARWICK

## In Summary

In line with UK legislation, employees are eligible for 52 weeks of adoption leave from the first day of their employment.

The policy applies to all employees and their partner regardless of the gender identity of the employee's partner.

Employees eligible for adoption leave have a right to up to five days of paid time off to attend adoption related appointments. Colleagues are requested to provide Heads of Department/manager with reasonable notice of the appointments. The other parent can elect to take unpaid time off to attend up to two adoption appointments.

There is an option to end adoption leave early and to convert the balance of this leave into shared parental leave with the other parent, or their partner.

Statutory and University enhanced payment during adoption leave are available, subject to a range of eligibility requirements relating to length of service and level of earnings.

Up to a maximum of ten Keeping in Touch days (KIT days) may be worked during adoption leave, in agreement with the manager/Head of Department. Employees will receive a normal day's full pay for working on a KIT day.

## Contents

1. Purpose
2. Scope
3. Entitlement to adoption leave
4. Notification/starting adoption leave (adoption from within the UK)
5. Notification/starting adoption leave (adoption from overseas)
6. Notification/starting adoption leave (surrogacy arrangement)
7. Eligibility
8. Shared parental leave
9. Contact during adoption leave
10. Pension membership
11. Holiday entitlement
12. Return to work
13. Expiry of fixed term contracts
14. Organisational changes



15. Responsibilities

16. Breaches of the policy/procedure

17. Confidentiality

18. Further information

## 1. Purpose

1.1. The University is fully committed to promoting equality of opportunity and to enabling working parents to balance work and family responsibilities.

1.2. In accordance with UK legislation employees have the option to take statutory adoption leave and to be paid statutory adoption pay if they have been matched with a child for adoption.

## 2. Scope

2.1. All employees are eligible for up to 52 weeks of adoption leave from the first day of their employment at the University.

## 3. Entitlement to adoption leave

3.1. The right to statutory adoption leave (26 weeks of ordinary adoption leave followed immediately by up to 26 weeks of additional adoption leave) is available to employees who:

- Have been notified by an approved adoption agency within the UK that they (alone or jointly) have been matched with a child for adoption
- Are adopting a child from overseas and who have received official notification from the relevant UK authority that they have been assessed and approved as being suitable adoptive parents
- Have a child placed with them by a local authority in a 'foster to adopt' arrangement
- Become the legal parents of a child as a result of a parental order where the child is born under a surrogacy arrangement after 5 April 2015.

3.2. The right to adoption leave is available to one member only of a couple. It is up to the adoptive parents to decide which of them takes the adoption leave. The policy applies to all employees and their partner regardless of the gender identity of the employee's partner.

3.3. The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to a period of paid paternity leave.

3.4. A couple who adopt a child may also be entitled to Shared Parental Leave of up to 50 weeks, to be shared between them during the first year of the adoption, if they meet the eligibility requirements (please see the Shared Parental Leave policy).

3.5. Any changes to the start date of adoption leave should be notified in writing, with at least 28 days' notice to the Head of Department/manager and the link HR Adviser.

3.6. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments. The other parent can elect to take unpaid time off to attend up to two adoption appointments.

3.7. The duration of adoption leave is not extended where more than one child is adopted as part of the same adoption arrangement. Where a child is adopted with a separate, subsequent matching certificate the employee may commence a second period of adoption leave.

3.8. If the adoption is disrupted and the child ceases to live with the primary adopter, the adoption leave and pay will continue until the end of the eighth week after the child ceases to live with the primary adopter.

## 4. Notification/starting adoption leave (adoption from within the UK)

4.1. Individuals adopting a child from within the UK must notify the University in writing of their intention to take adoption leave within seven days of being notified of being matched with a child for adoption. At the same time they must advise the date they wish the adoption leave to start, how much leave they wish to take and advise the following:

- The name and address of the agency
- The date on which the employee was notified that they had been matched with the child
- The date on which the agency expects to place the child with the employee
- Where relevant, notification from the relevant Local Authority of the child being placed as part of a 'foster to adopt' arrangement.

4.2. Adoption leave for a child adopted from within the UK may start up to 14 days prior to the child's placement date and must start at the latest on the first day of placement of the child.

4.3. Employees may bring forward their adoption leave start date, provided that they confirm in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. Employees may also postpone their adoption leave start date, provided that they give at least 28 days' written notice before the original proposed start date or, if that is not possible, as soon as reasonably practicable. Employees may also need to provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.

4.4. Within 28 days of receiving the employee's notice of intention to take adoption leave, HR will write to the employee confirming the latest date on which the employee must return to work after adoption leave.

## 5. Notification/starting adoption leave (adoption from overseas)

- 5.1. Employees adopting a child from overseas must notify the University in writing of their intention to take adoption leave no later than 28 days after the date of receipt of official notification of the adoption, or the date which the employee completes 26 weeks' continuous service at Warwick (whichever is later). The notification must include the date the official notification was received and the date the child is expected to enter the UK.
- 5.2. At least 28 days prior to the date chosen as the beginning of adoption leave the employee must give notice of the chosen start date.
- 5.3 Within 28 days of the child's entry into the UK the employee must inform their manager/Head of Department and link HR Adviser of the date the child arrived in the UK.
- 5.4. The employee may bring forward their adoption leave start date, provided that they advise the change in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone their adoption leave start date, provided that they advise at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.
- 5.5. Within 28 days of receiving the employee's notice of the date on which they intend to begin adoption leave, HR will write to the employee confirming the latest date on which the employee must return to work after adoption leave.
- 5.6. Adoption leave for a child adopted from overseas may start from the date of the child's entry into the UK or from a predetermined date up to 28 days after that date.

## 6. Notification/starting adoption leave (surrogacy arrangement)

- 6.1. Employees who will become a legal parent for a child under a surrogacy arrangement need to provide notification to their manager/Head of Department and their link HR Adviser that they wish to take adoption leave by the end of the 15<sup>th</sup> week before the week of childbirth.
- 6.2. Adoption leave will begin the day the child is born or the day after the birth.

## 7. Eligibility

### 7.1. Statutory adoption pay

7.1.1. To qualify for statutory adoption pay the primary adopter must have 26 weeks of continuous service by the week in which notification of matching was given by the adoption agency, and earn above the lower earnings limit (£118 per week).

7.1.2. A maximum of 39 weeks of statutory adoption pay is payable. For the first six weeks of adoption leave the payment is 90% of the individual's average weekly payment. For the next 33 weeks the payment will be £148.68 or 90% of average weekly earnings (whichever is lower).

7.1.3. Part weeks of employment count as full weeks in line with Her Majesty's Revenue and Customs guidelines.

### 7.2. University adoption pay

7.2.1. To qualify for University adoption pay the primary adopter must have completed one year's service with the University by the week they were notified of the match and earn above the lower earnings limit (£118 per week). The employee must for UK adoptions have been newly matched with a child by an adoption agency, or for overseas adoption have received official notification of the adoption. For surrogacy arrangements the employee must have completed 26 weeks' continuous service by the 15<sup>th</sup> week before the week the baby is due.

7.2.2. Colleagues<sup>1</sup> are required to return to work for at least three months after the end of adoption leave. If the employee does not return to work for this period the University will reclaim the non-statutory elements of adoption pay.

7.2.3. There are two options for University adoption pay:

#### **Option A**

Eight weeks of normal full pay followed by;

Sixteen weeks of normal half pay plus statutory adoption pay (where this does not exceed normal full pay) followed by;

Fifteen weeks of statutory adoption pay (£148.68) followed by;

Up to thirteen weeks of unpaid adoption leave.

#### **Option B**

Sixteen weeks of normal full pay followed by;

Twenty three weeks of statutory adoption pay (£148.68) followed by;

Up to thirteen weeks of unpaid adoption leave.

---

<sup>1</sup> The word 'colleague(s)' refers to employee(s).

7.2.4 If the employee adopts another child with a separate matching certificate provided they meet the eligibility requirements they will qualify for a second payment of statutory adoption pay. However, the maximum payment that an employee can receive at any time is the equivalent of their normal full pay (where they qualify for University adoption pay).

## 8. Shared parental leave

8.1. Primary adopters may give notice to end their adoption leave early and to book shared parental leave instead of adoption leave. Full information regarding shared parental leave can be found on the HR section of the intranet.

8.2 Parents are able to share up to 50 weeks of shared parental leave and may decide to be off work at the same time and/or to take it in turns to take leave to care for their child.

## 9. Contact during adoption leave

9.1. Primary adopters may be contacted during adoption leave by the University or department to ensure they are kept up to date with relevant information.

9.2. A maximum of ten Keeping in Touch days (KIT) may be worked during adoption leave, in agreement with the manager/Head of Department. These days provide a means for the employees to be further updated on relevant work/job related matters. There is, however, no requirement for staff to carry out KIT days, nor for departments to agree to them. The type of work undertaken will be agreed between individuals and their department.

9.3. Payment for KIT days will amount to a normal day's full pay inclusive of any current adoption payments. For example, during the period of adoption leave if the individual is receiving full pay, no further payment would be due. If an employee works their KIT day(s) during a period of statutory adoption pay, their statutory pay will be enhanced to full pay, and if work takes place during a period of unpaid adoption leave, they should be paid the equivalent of their normal daily rate. Any number of hours worked in a day constitutes one KIT day.

## 10. Pension membership

10.1. Members remain in their existing pension scheme during adoption leave. Subject to scheme rules for USS, NHS or UPS contributions will be as follows:

- During any normal full pay period contributions will be deducted and made as usual
- During any periods of reduced pay or adoption pay, employee contributions will be deducted based on the level of actual pay or adoption pay. The University will make up normal member contributions and pay employer's contributions as if the employee was being paid normal full pay.

- In some circumstances during any periods of unpaid leave, pension membership can be suspended.

10.2. Colleagues participating in salary sacrifice for their pension immediately prior to adoption leave should contact the Pensions team for guidance on any potential impact.

10.3. Further enquiries on the implications of adoption leave on pension membership, including whether it would be possible to make good any periods of suspended pension scheme membership should be directed to the Pensions team.

10.4. You are strongly advised to contact the Pensions team ([HR.Pensions@warwick.ac.uk](mailto:HR.Pensions@warwick.ac.uk)) prior to your adoption leave commencing, in order to understand any specific pension implications relating to your individual circumstances.

## 11. Holiday entitlement

11.1. Individuals will accrue normal contractual annual leave during the full period of adoption leave. Statutory and customary days which fall during the period of adoption leave are accrued at the normal entitlement. In accordance with University policy leave for the year to 30 September will be lost if not taken by 31 March in the calendar year following the leave year. However, if adoption leave prevents an individual from taking the accrued annual leave before 31 March the leave owing may be carried over into the new leave year.

11.2. Annual leave may only be taken before or after a period of adoption leave.

11.3. Academic colleagues usually take annual leave during vacation so that teaching commitments can be met. If, however, the majority of adoption leave falls across a vacation and it is not possible to take annual leave out of term time, consideration will be given to allowing annual leave in term time. As much notice as possible should be given in this situation so that departments have the chance to accommodate requests.

## 12. Return to work

12.1. Individuals taking no more than 26 weeks in total of adoption leave are entitled to return to the same job. If the total absence period is more than 26 weeks then individuals are entitled to return to the same job, or if that is not practicable, to return to a suitable alternative job on no less favourable terms and conditions.

12.2. Individuals may return to work earlier or later than previously notified provided eight weeks' written notice has been given.

12.3. Return from adoption leave should be confirmed to Payroll on [payroll@warwick.ac.uk](mailto:payroll@warwick.ac.uk) as soon as possible by the manager/Head of Department.

12.4. Individuals who do not wish to return to work following adoption leave should inform their manager/Head of Department of this in writing, giving the notice required in their contract.

## 13. Expiry of fixed term contracts

13.1. If the contract of employment expires during adoption leave, or within 52 weeks of the start of adoption leave, individuals should talk to their manager/Head of Department and the link HR Adviser.

## 14. Organisational changes

14.1. If a post becomes at risk of redundancy whilst an employee is on adoption leave they will be contacted and consulted about the situation which will be dealt with in accordance with the relevant University procedure. This will include the opportunity to attend a meeting or, depending on circumstances, the opportunity to discuss via telephone, or to present written questions.

14.2. In line with the University's redeployment guidelines employees will be considered for any vacancies which arise in the Department and the wider University where relevant.

14.3. If an employee wishes to be considered for redeployment, they will normally need to provide a CV and a completed redeployment requirement form, which will facilitate the identification of whether a vacancy would be suitable alternative employment. If an employee identifies a potential redeployment opportunity or considers that they meet the essential criteria of a post they must notify the relevant HR Adviser at the earliest opportunity with confirmation of the closing date for the post, so that this can be considered in line with the University's Redeployment guidelines.

14.4. An employee on adoption leave whose post is made redundant has the right to be offered suitable alternative employment (as defined in the University's redeployment guidelines) in preference to other employees, who may also be at risk. The post offered must be on terms and conditions which are not substantially less favourable than the original post.

## 15. Responsibilities

### 15.1. Manager/Head of Department

15.1.1. Managers/Heads of Departments are responsible for ensuring colleagues are aware of the policy and procedures, and that any requests submitted are in line with the notice and information requirements detailed in this policy.

15.1.2. Managers/Heads of Departments are responsible for ensuring that HR receive adequate notice of any leave periods and return to work dates so that colleagues receive the correct pay.

## 15.2. Human Resources

15.2.1. HR Advisers will work with individuals and departments to provide guidance as required.

## 15.3. Employees

15.3.1. Individuals are responsible for ensuring that they are familiar with the policy and procedures, and that they submit any requests for adoption leave in line with the notice and information requirements detailed in this guidance.

## 16. Breaches of the policy/procedure

16.1. All individuals are responsible for ensuring that University policies and procedures are adhered to and implemented in a consistent and fair way. Where queries or issues arise, the link HR Adviser should be contacted for guidance.

## 17. Confidentiality

17.1. Information shared for the purposes of adoption leave will be classed as confidential information.

## 18. Further information

18.1. Increments and/or cost of living increases will continue during leave and will be taken into account for the calculation of pay and adoption pay.

18.2. If individuals are on adoption leave they will be contacted as appropriate about any merit pay or senior staff review schemes in operation during their adoption leave.

18.3. Eligibility for study leave will continue to accrue during adoption leave.

18.4. The eligibility criteria are the same for term time only employees, although the calculations are more complex. Further information is available from link HR Advisers.

18.5. Payslips will continue to be sent to departments during leave and individuals should make arrangements with their manager ahead of adoption leave as to where payslips should be sent.



18.6. Employees on a career break will not be eligible for University adoption pay. Eligibility for statutory adoption pay may be affected during a career break and advice should be sought from the link HR Adviser.

18.7. Further information is available from HR Advisers, Payroll and from Jobcentre Plus.