

Adoption Supporting Documents

Principles

Appendix A – Definitions

Guidance for managers on adoption rights and procedures

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Principles

1. Because we value diversity and equality highly we have designed our procedures to be fair and inclusive. In putting our procedures into practice we expect all members of the University community to abide by the spirit and detail of the Equality Act 2010 and One Kingston, our policy and strategy for equality, diversity and inclusion.
2. The University aims to promote a consistent and supportive approach to our family friendly policies across the University and increase awareness about the provisions available for employees with or starting a family. The policies in place are as follows:
 - Maternity
 - Adoption
 - Shared Parental Leave
 - Paternity
 - Parental
 - Flexible Working
3. Our policies set out the occupational and statutory rights to which employees are entitled.
4. Queries regarding the application of these procedures should be directed to HR.

Appendix A - Definitions

Statutory Adoption Leave (SAL) / Statutory Maternity Leave (SML)

All employees will be entitled to take up to 52 weeks of SAL when they adopt a child and are the primary adopter. This is made up of 26 weeks of Ordinary Adoption Leave (OAL) and 26 weeks of Additional Adoption Leave (AAL).

If an employee is going on Maternity Leave this will be made up of 26 weeks Ordinary Maternity Leave (OML) followed by 26 weeks Additional Maternity Leave (AML).

Statutory Adoption Pay (SAP) / Statutory Maternity Pay (SMP)

An employee who has completed 26 weeks continuous service by the start of the Qualifying Week (QW) and meets earnings criteria will be entitled to receive either SAP or SMP which is payable for the first 39 weeks of SAL or SML on the following basis:

- 90% of the employee's average weekly earnings (before tax) for the first 6 weeks
- Current rate of SAP/SMP or 90% of the employee's average weekly earnings (whichever is the lowest) for the next 33 weeks.

Qualifying Week (QW)

For statutory adoption pay, this is normally the week in which the employee is notified they have been matched for adoption with a child.

Occupational Adoption Pay/ Occupational Maternity pay

An employee who has completed more than one years' service by the start of the adoption/maternity leave will be eligible to receive enhanced adoption/maternity pay for the first 20 weeks of the statutory adoption/maternity pay period. The enhancement will be in the form of a top-up to ensure the employee receives the equivalent of full pay.

Statutory Paternity Leave

An employee who meets certain qualifying criteria will be entitled to take up to two weeks of paternity leave. This must be taken in either one week or two consecutive weeks (not odd days). Leave must finish within 56 days of the birth (or due date if the baby is early). The end dates are different if the employee is adopting.

Occupational Paternity Pay

An employee who is eligible for statutory paternity leave and pay and complies with the notice provisions will be given a top-up to their salary during the period of paternity leave to ensure they receive their normal basic rate of pay.

Shared Parental Leave (SPL) – applies for children due to be born or adopted on or after 5 April 2015

An employee who meets the eligibility criteria may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available will be calculated by deducting from 52 the number of weeks of adoption or adoption leave taken by the mother/adopter.

Statutory Shared Parental Pay (ShPP)

An employee on SPL can get up to 37 weeks ShPP if one of the following applies:

- They qualify for Statutory Adoption Pay
- They qualify for Statutory Paternity Pay and have a partner who qualifies for Statutory Adoption Pay.

ShPP is paid at the current set rate of ShPP (you will need to check the most accurate rate with HR) or at 90% of an employee's average weekly earnings (whichever is lowest).

Ordinary Parental Leave

An employee who meets the statutory qualification and notification requirements is entitled to up to 18 weeks' unpaid leave for each child under 18 years of age. The limit on how much ordinary parental leave each parent can take in a year is 4 weeks for each child. If the child is adopted the entitlement is available up to the child's 18th birthday or fifth anniversary of their adoption, whichever comes first.

Guidance for managers on adoption rights and procedures

1. Introduction

- 1.1 All employees have the right to 52 weeks' adoption leave (26 weeks ordinary adoption leave and 26 weeks additional adoption leave). There is no minimum service required and this is a 'day one' right.

2. Prior to Adoption Leave

- 2.1. All employees who are the main adopter of a child are entitled to reasonable paid time off to attend up to 5 adoption appointments. A manager may request that the employee provides confirmation of the date and time of the appointment, that it has been arranged by the adoption agency and that it takes place before the child's placement.
- 2.2. If an employee is adopting jointly with another person only one person can take the time off as paid, the other person can take time off but this is unpaid and for up to 2 appointments.
- 2.3. When a line manager receives a request for adoption leave from a member of their team they should pass this request to HR who will check eligibility for pay and issue a confirmation letter to the employee.

3. During Adoption Leave

- 3.1. Managers may make reasonable contact with the employee (and vice versa) during the period of adoption leave, for example to discuss plans for return to work, or in order to ensure that the employee is kept up to date regarding important developments in the workplace. The amount, type and frequency of contact should be discussed and agreed before the Adoption Leave period starts.
- 3.2. While an employee is on Adoption Leave they may undertake up to 10 Keeping in Touch (KIT) Days, provided that both the employee and the line manager have agreed for this to happen, and what work is to be done. Full details are given in the Adoption Procedure. Requests for KIT day payments should be made via Unified.
- 3.3. During adoption leave, the employee accrues annual leave at the contractual rate. It may be possible for accrued annual leave to be added to the start or end of the adoption leave period. Any such arrangements should be discussed and agreed with the employee before they start their adoption leave.

4. Returning from Adoption Leave

- 4.1. An employee has the right to resume working in the same job if returning to work from Ordinary Adoption Leave. If the employee returns to work after a period of Additional Adoption Leave, the entitlement is to return either to the same job, or, if this is not reasonably practicable, to another suitable job which is on terms and conditions not less favourable.
- 4.2. An employee wishing to make a request to work more flexibly when they return to work following adoption leave should do so in accordance with the University's Flexible Working Procedure. Any requests should be submitted 12 weeks before the end of adoption leave.