

Adoption Procedure

Eligibility

Pay

Notification requirements

Starting Adoption Leave

Contractual benefits

Sharing leave/Returning to work

Leaving the University

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Introduction

This procedure sets out the University's rules on Adoption Leave and Pay.

Kingston University is committed to promoting equality of opportunity and to enabling employees who are working parents to balance work and family responsibilities.

1. Eligibility

- 1.1. In accordance with UK legislation, all 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.
- 1.2. Employees will be entitled to 26 weeks' Statutory Ordinary Adoption Leave followed immediately by 26 weeks' Statutory Additional Adoption Leave for:
 - Employees who 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.

For a list of definitions, please refer to Appendix A.

- 1.3. The eligibility and notification requirements for UK and Overseas Adoptions differ and are highlighted below.
- 1.4. The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to Paternity Leave and Pay. To qualify for Adoption Leave an employee must:
 - Be matched with a child for adoption via an approved adoption agency within the UK
 - Notify the agency that they agree that the child should be placed with them and agreed a date for this placement

- Give the correct notice to their line manager
- Provide required evidence (where appropriate).

- 1.5. A couple who adopt a child may also be entitled to Shared Parental Leave (SPL) 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).
- 1.6. If you qualify for Adoption Leave you will also qualify for Statutory Adoption Pay (SAP), provided:
 - Your average weekly earnings are not less than the lower earnings limit for the payment of National Insurance contributions
 - You have worked for the University continuously for at least 26 weeks by the week in which you are notified you have been matched for adoption.
- 1.7. If eligible, Statutory Adoption Pay is payable for 39 weeks. For full information on SAP, including rates payable please go to www.gov.uk
- 1.8. Adopters whose average weekly earnings are below the lower earnings limit for National Insurance contributions may be able to claim state benefits.
- 1.9. Average weekly earnings are calculated as follows:

a) UK adoption

The average of the eight weeks' gross earnings ending with the week in which you are notified that you have been 'matched' with the child for the purposes of adoption.

b) Overseas adoption

The average of the eight weeks' gross earnings, ending with the week you received Official Notification, or the week you completed 26 weeks' continuous service, if this is later.

- 1.10. Adoption leave and pay is not available if you:
 - Arrange a private adoption
 - Become a special guardian or kinship carer
 - Adopt a stepchild
 - Adopt a family member or stepchild

2. Occupational Adoption Pay

Length of service at date of match	Leave	Pay
More than 52 weeks	52 weeks	20 weeks full pay, then 19 weeks of Statutory Adoption Pay (SAP) or 90% pay (whichever is less), then up to 13 weeks unpaid
26 – 52 weeks	52 weeks	6 weeks at 90% pay, then 33 weeks of SAP, then up to 13 weeks unpaid
Less than 26 weeks	52 weeks	Potential to claim up to 39 weeks Allowance from Job Centre Plus/ DWP Office.

2.2. To calculate ‘full pay’ for employees, whose earnings are very intermittent, an average of 52 weeks’ earnings will be taken.

2.3. An employee with less than 26 weeks’ continuous service at the start of Adoption Leave should contact the Job Centre Plus/DWP Office for further details regarding any statutory entitlements they may have.

3. Starting Adoption Leave

3.1. An employee can start their adoption leave from up to 2 weeks before the child is placed with them for adoption and leave may start on any day of the week.

3.2. Only one period of leave will be available irrespective of whether more than one child is placed for adoption at one time.

3.3. If the placement breaks down during the Adoption Leave period, the adopter will be able to continue adoption leave for up to eight weeks after the end of the placement.

4. Notification requirements

4.1. The notification periods for UK and overseas adoption differ and are detailed below. In both cases the employee will be required to provide proof of adoption with the notification. The proof must show:

- The employee’s name and address
- The name and address of the adoption agency
- The date on which the employee was informed that the child would be placed for adoption with them
- The date that the child will be placed with the family (e.g. copy of a letter from the adoption agency).

a) UK adoption

Within 7 days of being matched with a child by an approved adoption agency, you must tell your line manager:

- **How much leave you want and your start date - giving your line manager 28 days’ notice**
- **The ‘date of placement’ - the date the child is placed with you**

Shorter notice can be given by the employee where 28 days’ notice of the start date is not reasonably practicable.

b) Overseas adoption

Within 28 days of receiving your ‘official notification’ you must tell your line manager:

- The date of the official notification
- The estimated date the child arrives in the UK
- The actual date the child arrives in the UK - within 28 days of this date
- How much leave you want and your start date - giving your line manager 28 days’ notice.

If you’re adopting a child with your partner you will also need to sign HMRC Form SC6 to confirm you’re not taking paternity leave or pay.

The official notification is permission from a relevant UK authority that you can adopt from abroad.

5. Time off for adoption appointments

- 5.1. The main adopter will be able to take reasonable paid time off for up to five adoption appointments. The secondary adopter will be entitled to take reasonable unpaid time off for up to two appointments.

6. Contractual benefits during Adoption Leave

- 6.1. All employees are entitled to benefit from all contractual terms and conditions - except wages or salary - throughout the entire 52 week period of Adoption Leave.

7. Annual leave

- 7.1. During Adoption Leave, you will continue to accrue annual leave, at your contractual rate. It may be possible for accrued annual leave to be added to the start or end of the Adoption Leave period. Such arrangements should be agreed between you and your line manager before the Adoption Leave period starts.

8. Pension and national insurance contributions

- 8.1. Whilst the employee is being paid by the University, e.g. if the employee is a member of a pension scheme recognised by the University, the employee will continue to pay pension and national insurance contributions.
- 8.2. During any unpaid period, pension and national insurance contributions will not be paid.
- 8.3. Members of the LGPS and USS can buy back missed contributions up to 3 years after returning from Adoption Leave. In these circumstances, the employer will also pay employer contributions for this period. There is no mechanism for buying back missed contributions in the TPS.

9. Salary progression

- 9.1. On return to work, an employee's salary will automatically take account of any increase to their salary which would have occurred had they not been on Adoption Leave.

10. Contact during Adoption Leave

- 10.1. During the Adoption Leave period, the University may make reasonable contact with the employee, for example to discuss plans for the return to work or in order to ensure that they are kept up to date with any important developments at work. The amount and type of contact should be discussed and agreed before the Adoption Leave period starts.
- 10.2. An employee can agree with their manager to work for Kingston University for up to 10 Keeping in Touch (KIT) days which can also be used to attend training, conferences, meetings, or other work related activity. The days can be worked individually or in a block and there is no obligation for a line manager to offer, neither for an employee to undertake a KIT day. KIT days cannot be taken during the two weeks immediately following the birth.
- 10.3. Any KIT days worked will be paid for the number of hours worked (or attended) at the normal rate of pay in force at that date (and normally paid in arrears). Please note if less than a full day is worked, this still counts as using up one KIT day. Payment for KIT days will not interrupt Adoption Leave or the payment of Statutory or OAP. Requests for KIT payments should be made via Unified.
- 10.4. Please note payment for KIT days will not exceed full pay. If a KIT day occurs during a period of OAP, paid at full pay, then no additional payment will be made. If a KIT day occurs during a period of Statutory Adoption Pay, this will be "topped up" so that the employee receives full pay for the appropriate number of hours.

11. Staff on fixed term contracts

- 11.1. Employees on fixed term contracts whose contract is

due to expire during their period of Adoption Leave, or within three months of their return to work should contact their line manager to discuss the possibility of the contract being extended.

12. Transfer of Adoption Leave

- 12.1.** If an employee decides to return to work before the end of the 52 week Adoption Leave period by giving proper notification, their spouse, civil partner or partner may be eligible to take Additional Paternity Leave (and Additional Statutory Paternity Pay) once the employee has returned to work.
- 12.2.** The earliest that Additional Paternity Leave may commence is 20 weeks after the date on which the child is adopted and it must end no later than 12 months after the date of adoption. The minimum period of Additional Paternity Leave is 2 consecutive weeks and the maximum period is 26 weeks.
- 12.3.** The Kingston employee should obtain further details from their spouse's/partner's employer. The Kingston employee will be required to submit a signed declaration form to that employer, who may also request additional information from HR at Kingston University to verify its employee's entitlement to Additional Paternity Leave and Pay.

Please refer to the Paternity Leave and Pay Procedure

13. Sharing Adoption Leave

- 13.1.** If an employee decides to return to work before the end of the 52 week Adoption Leave period by giving proper notification, they may be able to share any remaining leave and pay as Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) with their spouse, civil partner or partner.

Please refer to the Shared Parental Leave and Pay Procedure.

14. Returning to work

- 14.1.** If the employee intends to return to work at the end of the 52 weeks' Adoption Leave as set out in the letter

from HR, there is no need for them to give notice of their return.

- 14.2.** An employee has the right to resume working in the same job if returning to work from Ordinary Adoption Leave.
- 14.3.** If the employee returns to work after a period of Additional Adoption Leave, their 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.
- 14.4.** If the employee wishes to return to work sooner, they may do so, providing they give their manager and HR eight weeks' written notice of their return.
- 14.5.** If the employee fails to give the employer eight weeks' notice of their early return to work then the employer may postpone their return to work to such a date that will ensure the employer has eight weeks' notice of return but this cannot be to a date beyond the end of the relevant Adoption Leave period.
- 14.6.** 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.
- 14.7.** Please note that if a Flexible Working request is not yet finalised on return to work, the employee will be required to return to work on their current terms and conditions until such time that the request is concluded.

15. Leaving the University

- 15.1.** If employment ends for any reason (including the termination of a fixed-term contract) before the start of Adoption Leave, there will normally be no entitlement to OAP (although there may still be entitlement to SAP, subject to the Statutory Adoption Pay rules).
- 15.2.** Similarly, if employment ends during Adoption leave, there will normally be no further entitlement to OAP from the date of the termination of employment (although there may be entitlement to SAP, subject to the Statutory Adoption Pay rules).

15.3. If the employee decides during Adoption Leave that they do not wish to return to work, they should give written notice of resignation to the organisation as soon as possible and in accordance with the terms/ notice period of their contract.