



Adoption/Surrogacy Leave and Pay Policy

Introduction

We recognise that many colleagues have family responsibilities, and that these can span a wide range of life stages and we are fully committed to equality of opportunity in employment for all our colleagues and to developing working practices and employment policies that support a positive work life balance.

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1. Purpose

This policy outlines the University's adoption and surrogacy leave and pay provisions and explains your entitlements.

2. Scope

This policy applies to all colleagues who are adopting a child or having a child through a surrogacy arrangement. Both parents may work at the University, or one might work elsewhere. If you're part of a couple, you should decide who'll be the primary adopter and who'll be the secondary adopter, as entitlements are different.

3. Eligibility

To be eligible for adoption leave you must meet the following criteria:

- Be newly matched with a child for adoption by an adoption agency and have agreed to take the child;
- Are, or expect to be, the parents of a child in a surrogacy arrangement;
- Are an approved prospective adopter who looks after a child as part of a "fostering to adopt" arrangement, where they have been notified of a child's placement;


To be entitled to adoption pay, you must:

- Have continuous service with the University for 26 weeks ending with the week in which you are notified of being matched with a child for adoption
- In the case of surrogacy, you must have worked continuously for the University for at least 26 weeks by the 15th week before the child is due (all other conditions for pay and leave eligibility are the same as adoptive parents)

Only the primary adopter can receive adoption leave and pay. The secondary adopter may be entitled to paternity leave and pay.

You will not qualify for adoption leave and pay in the following circumstances:

- You arrange a private adoption

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- You become a special guardian or kinship carer
 - You adopt a stepchild or other family member

4. Time Off for Appointments

The primary adopter will be entitled to up to six days paid leave before placement to attend adoption/surrogacy related appointments.

The secondary adopter will be entitled up to three days paid leave to attend adoption/surrogacy appointments, subject to the operational requirements of the School/Service.

5. Notification

You must notify your manager and the People Team within seven days of being matched with a child for adoption, unless this is not reasonably practicable. The notification must include:

- The expected placement date
- The intended start date of adoption leave
- The amount of leave to be taken

You are required to provide the People Team with a copy of the Matching Certificate. The Matching Certificate should confirm the primary carer and provide basic information on matching and the expected placement date.

For overseas adoptions, you are required to provide the People Team the following:

- The UK authority's official notification confirming permission to adopt
- The estimated date of arrival in the UK, within 28 days of the notification
- Evidence of the actual date of arrival
- Confirmation of the start date and length of adoption leave, with 28 days' notice

For surrogacy, notification in writing must be provided at least 15 weeks before the expected week of birth.

If you are requesting adoption leave for surrogacy, you will be asked to provide a written statement "statutory declaration" to confirm that you have applied for or will apply for a parental order within the first six months of the child's birth. This must be witnessed by a legal professional.



6. Leave Entitlement

If, as primary adopter, you're adopting a child, or having a child through a surrogacy arrangement, you're entitled to 52 weeks' adoption leave, if you meet the eligibility criteria.

For UK based adoptions, you can choose to begin your adoption leave either on the date on which your child is placed with you for adoption or no earlier than 14 days before the expected date of placement.

For UK based surrogacy, your adoption leave must begin from the date of your child's birth (or the following day if you're at work on the date of your child's birth).

For overseas adoption, you can choose to begin your adoption leave from the date that your child enters the UK, or on a fixed date no later than 28 days after your child enters the UK.

For overseas surrogacy, you can take your adoption leave from the date of your child's birth (or the following day if you're at work on the date of your child's birth) even if your child has not yet entered the UK.

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If the child's placement ends during the adoption leave period, you can continue adoption leave for up to 8 weeks after the end of the placement.


If you wish to change the start date of adoption leave, at least 28 days' notice must be given, where possible, to your Manager and the People Team.

The University will confirm the revised end date in writing.

As primary adopter, you may also be thinking about sharing some of your adoption leave with your partner. If so, you should also refer to our Shared Parental Leave and Pay Policy to find out more information.

7. Pay Entitlement

You may receive University Adoption Pay (UAP) or Statutory Adoption Pay (SAP), depending on length of continuous service.



Adoption pay may start up to 14 days before the expected date of placement and no later than the date of placement. Pay and leave can start on any pre-determined date between these two dates.

7.1. University Adoption Pay (UAP)

If you have at least one year's continuous service by the date your child is matched or in cases of surrogacy the date your baby is born, you are entitled to receive UAP. This will be:

- 18 weeks' leave at full pay, less appropriate statutory deductions
- a further 21 weeks' paid leave at the Flat Rate of SAP, or 90% of their average weekly earnings whichever is the lesser. The flat rate is subject to review every April
- a further period of unpaid leave for 13 weeks.

Payment of University adoption pay is conditional upon you returning to work for a minimum period of three months.

Any pay awards which take effect during the period of adoption leave will be applied as normal.

7.2. Statutory Adoption Pay (SAP)

If you have less than one year, but more than 26 weeks' continuous service ending with the week in which you are notified of having been matched with the child or in cases of surrogacy the date your baby is born, you are entitled to receive SAP. This will be:

- 90% of your average weekly earnings for the first six weeks,
- the lower of 90% your average weekly earnings or the statutory adoption pay rate for 33 weeks,
- unpaid leave for the remaining 13 weeks.

If you do not meet the eligibility criteria for SAP, you can still take unpaid adoption leave. You may be entitled to income support while on leave.

Further information regarding the current flat rate and other details about SAP or income support can be found at:

http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Expectingorbringingupchildren/DG_10018736



8. Keeping-In-Touch Days

As primary adopter, you're encouraged to stay in touch with your manager during your adoption leave. This is so that they can keep you updated of any changes or information you need to know while you're off.

You can also work up to 10 Keeping in Touch (KIT) days during your leave if your manager agrees. You'll need to discuss what this work will involve and when you'll do it in advance with your manager. There's no obligation to work a KIT day.

If you use a KIT day you will receive normal days' pay for each KIT Day even if only part of your normal working hours is completed. Your manager must complete a KIT notification form for the People Team which states you attended a KIT day so that you can be paid accordingly.

9. Annual Leave

Whilst on adoption leave you will continue to accrue annual leave.

It is not possible for you to take annual leave at the same time as adoption leave. It will, though, usually be possible for you to use any untaken annual leave either before you start your adoption leave, or once your adoption leave has finished. Although it should be remembered, that if the child is matched earlier or in cases of surrogacy the baby is born earlier, the adoption leave must start from that point.


You and your manager should incorporate annual leave arrangements into your planning where it is possible to do so.

10. Returning to Work After Adoption Leave

You don't have to notify the University again of your intention to return to work following the end of your full adoption leave. This date will already have been confirmed in writing by the University on acknowledgement of your original notification.

10.1 Returning to Work Early

If you want to return to work before the end of your full adoption leave period, you must give your manager and the People Team at least eight weeks' notice of the date on which you want to return.



If you do not give at least eight weeks' notice the University may postpone your return until the eight weeks correct notice period has been given. However, this cannot be later than the end of your adoption leave period.

10.2 Returning to Work Later than Previously Notified

If you have notified the University that you wish to return to work before the end of your adoption leave you are entitled to change your mind. However, in these circumstances you should give the University notice of this new, later date of return at least eight weeks before the earlier previously notified date.

10.3 Rights When Returning to Work

You are normally entitled to return to work to the same position you held before commencing leave and on the same terms of employment.

However, from time to time there are situations that make this not reasonably practicable in which case we may seek to give you another suitable and appropriate job, where one is available, on terms and conditions that are not less favourable.

If you wish to vary your working hours on your return from adoption leave, you have the right to make such a request under the University's Flexible Working policy. Details can be found on the intranet.


10.4 Resignation Following Adoption Leave

If you do not intend to return to work following your adoption leave, you must give your notice in writing as required by your contract of employment.

You will be required to pay back any University Adoption Pay over and above the statutory adoption pay provisions which you may have received during your adoption leave period.

11 Contractual Benefits

During your adoption leave, you are entitled to the benefits of all your normal terms and conditions except for salary. Information concerning pension scheme contributions during adoption leave is available from the relevant pension website. See the pensions intranet page for more information.



Adoption leave counts towards your period of continuous employment for the purposes of entitlement to other statutory employment rights that would normally apply.

12 Other Relevant Policies

- Flexible Working Policy
- Maternity Policy
- Paternity Policy
- Shared Parental Leave Policy
- Unpaid Parental Leave Policy

Document detail

Document Name	Adoption Leave Policy
Author/Owner	People Team
Version Number	2
Equality Analysis/Decision	
Approval Date	
Approved By	
Date Commencement	
Date of Next Review	May 2028
Date of Last Review	May 2026