



Adoption /Surrogacy Leave Policy

The University is fully committed to helping working parents balance the needs of work and family life, and appreciates the importance of providing greater choice for parents in how they arrange parental care during the first year of a child's life or following their adoption.

Scope: All eligible employees regardless of the gender of an employee's partner

Key principles:

1. All eligible staff are entitled to take up to a maximum of 52 weeks adoption leave, combining both paid and unpaid adoption leave, regardless of the number of hours they work or their length of service.
2. The University adoption pay provision, which is an enhanced provision and incorporates any entitlement to statutory adoption pay, is available to staff who meet specific eligibility criteria. Where these criteria are not met an individual may alternatively be able to meet the Statutory Adoption Pay (SAP) eligibility criteria.
3. The provisions under this policy will also be applicable to eligible intended parents of a child born through a surrogacy arrangement, who will be subject to Parental Order, for babies with an Expected Week of Childbirth (EWC) on or after 8th September 2013, (though 'equivalent' statutory payments will be made available as at present there is no statutory entitlement for such surrogacy arrangements).
4. All contractual benefits with the exception of pay will continue to accrue during the whole period of adoption leave.
5. Keeping in touch days are available to support continued communication during the adoption absence.
6. Annual leave can be used flexibly outside of the adoption absence; subject to departmental agreement/business needs to support effective planning.

How the University supports this policy:

In addition to the above, there are also a number of family friendly policies aimed at supporting staff achieve work/life balance and meet demands faced when caring for dependents e.g. flexible working, parental leave, the ability to purchase additional leave, the use of additional paternity/partner leave (to enable the sharing of the responsibilities for the care of the child during its first year), Parents@TUoS Network, and Women Academic Returners Programme etc.



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What to do next:

Full details explaining the provisions available in relation to adoption, eligibility requirements and notification processes are detailed within the adoption/surrogacy leave procedure. A notification form can be downloaded from the main Family Leave page.

Document control

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Adoption/Surrogacy Leave Procedure

1. Introduction

- 1.1 In addition to applying to those newly matched (individually or jointly as a couple) with a child for adoption, this procedure will also apply if the baby is being adopted by intended parents under a surrogacy arrangement, provided they fulfil the relevant eligibility criteria defined within this procedure.
- 1.2 This procedure will also apply to intended parents of a child, born through a surrogacy arrangement, who will be the subject of a Parental Order, though there is no statutory entitlement to either adoption leave or pay. In such circumstances, the University will provide the intended parent with the entitlements available under this procedure, including payments 'equivalent' to statutory pay, whilst they remain employed by the University. This will be subject to: the provision of a copy of the birth mothers MATB1 certificate prior to the birth of the baby; a copy of the 'Parental Order' within 6 months of the baby's birth; and the ability to fulfil the relevant eligibility/notification criteria defined below.
- 1.3 If adopting from overseas please speak with your Human Resources Team contact and refer to the FAQs within the Adoption Toolkit as the below provisions, and requirements relate to adoptions within the UK, and other criteria/requirements are applicable.
- 1.4 Having read the information below, any queries should be raised with the staff members Human Resources Team Contact or the Payroll Team.

2. Eligibility for Leave

- 2.1 All employees who are notified that they have been newly matched (individually or jointly as a couple (including same sex couples)) with a child for adoption, or those staff who are intended parents subject to a Parental Order as described above, are eligible to up to 52 weeks adoption leave regardless of length of service, subject to satisfying the notification requirements detailed in section 4. This will comprise of 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL).
- 2.2 The right to adoption leave is available to one member only of a couple jointly adopting, or one of the intended parents subject to a surrogacy Parental Order. It is up to the adoptive/intended parents to decide which of them takes this leave. (See section 5 for details of Additional Paternity/Partner Leave).
- 2.3 Only one period of leave will be available irrespective of whether more than one child is placed for adoption or subject to a Parental Order as part of the same arrangement.



- 2.4 An adoption leave period cannot be broken by any other leave and must be a continuous period.

3. Eligibility for pay

- 3.1 The different eligibility requirements and entitlements to adoption pay are as shown in the below table. Members of staff can identify which option(s) they are eligible for by reference to this table. Further advice can also be gained from the Payroll Team or their Human Resources Team contact.
- 3.2 Those not planning to return to work following their period of adoption leave, for a minimum period of 3 months, will not be eligible for the enhanced options A or B. However, subject to meeting the relevant statutory criteria and notification requirements the staff member may be eligible for the statutory adoption leave/pay (or equivalent) (Option C).



Type of leave/ scheme	Eligibility criteria/requirements		Adoption Entitlement/Pay (including for surrogacy arrangements that will be subject to a Parental Order)
<p>University Adoption Scheme</p>	<p>(a) At least 12 months continuous service with the University of Sheffield:</p> <ul style="list-style-type: none"> • leading into the week in which the staff member is notified of being newly matched with a child for adoption by an approved agency OR • by the expected week of childbirth (EWC) of the baby subject to a legal surrogacy arrangement, (which means the week starting on a Sunday) <p>(b) Provides a written undertaking to return to their post for a minimum of three months following the end of the adoption leave period (see paragraphs 15.2 + 15.3) via the notification form</p> <p>(c) Provides a written notification as defined in section 4 below</p> <p>(d) Provides a matching certificate for adoption. For those entering into a legal surrogacy arrangement subject to a Parental Order: a copy of MATB1 certificate from the surrogate birth mother + a Parental Order (the latter within 6 months of the child's birth))</p> <p>(e) Will have stopped working to take adoption leave.</p>	<p>Adoption Leave Up to 52 weeks</p>	<p>Staff who qualify for the University Adoption Scheme will be entitled to choose either option A or B (both of which are inclusive of any entitlement to Statutory Adoption Pay (SAP) – see Statutory Adoption Scheme below for SAP criteria/pay):</p> <p>Option A: 39 week paid leave option</p> <p>18 weeks at full pay; + 21 weeks at the appropriate rate of SAP (or 'equivalent' to SAP for surrogacy arrangements that will be subject to a Parental Order); + up to 13 weeks AAL unpaid</p> <p>OR</p> <p>Option B: 45 week paid leave option</p> <p>12 weeks full pay; + 12 weeks half pay; + 15 weeks at the appropriate rate of SAP; + 6 weeks' pay equivalent to SAP paid by the University, + up to 7 weeks AAL unpaid.</p> <p>(For Surrogacy arrangements subject to a Parental Order, the provision would be: 12 weeks full pay + 12 weeks half pay + 21 weeks 'equivalent' to SAP + up to 7 weeks AAL unpaid).</p>



Type of leave/ scheme	Eligibility criteria/requirements		Adoption Entitlement/Pay (including for surrogacy arrangements that will be subject to a Parental Order)
<p>Statutory Adoption Scheme</p> <p>(or equivalent for Surrogacy)</p>	<p>At least 26 weeks of continuous service ending:</p> <ul style="list-style-type: none"> with the week in which formal notification is given of having been newly matched with a child for adoption by an approved adoption agency <p>OR</p> <ul style="list-style-type: none"> by the expected week of childbirth (EWC) of the baby subject to a Parental Order, (which means the week starting on a Sunday) <p>Over the eight-week period: ending with the week in which notification is received of being matched with the child for adoption (or prior to the end of the qualifying week before the EWC), have average weekly earnings which are not less than the lower earnings limit for national insurance contributions purposes.</p> <p>(and points c-e in table above)</p>	<p>Adoption Leave Up to 52 weeks</p>	<p>Potential option if not eligible for the enhanced University provision:</p> <p>Option C: SAP Only</p> <p>A flat rate payment for 39 weeks, which is the lesser of:</p> <ul style="list-style-type: none"> the standard rate of SAP (paid at a rate set by the government for the relevant tax year, see GOV.UK for current values) (or 'equivalent' in surrogacy arrangements subject to a Parental Order) <p>OR</p> <ul style="list-style-type: none"> 90% of the member of staff's average weekly earnings; <p>+</p> <p>Up to 13 weeks AAL unpaid.</p>



- 3.3 Adoption leave and pay are not available in circumstances in which a child is not newly matched for adoption, for example, where a step-parent is adopting a partner's child.
- 3.4 If the individual adopting does not qualify for SAP, the Payroll Team will provide them with a SAP1 exclusion form within 28 days of the notification of the adoption matching date. Where not eligible for SAP (or 'equivalent' payments) the individual should still complete the University's notification form to provide details of their adoption leave period (see section 4). If a member of staff is not entitled to SAP they may be able to seek other financial support/benefits from the government, and further information should be sought from the Job Centre Plus.
- 3.5 Payments will be made via the University payroll and will be subject to tax, national insurance and pension contributions (if a member).
- 3.6 Payment of SAP (or equivalent) entitlements begin at the same time as any eligible enhanced University's adoption pay, and is an integral part of any adoption payment made by the University, with no combination of payments exceeding the normal full pay.

4. Notification of adoption leave

- 4.1 The notification requirements below are the same regardless of the scheme that the member of staff qualifies for.
- 4.2 It is important that the member of staff notifies their manager as soon as possible in relation to their plans to adopt or enter a formal surrogacy arrangement that will be subject to a Parental Order, so that the manager can begin planning for the anticipated absence.
- 4.3 A member of staff should complete and submit the notification form to the Payroll Team, including gaining their managers signature, within 7 days of being notified by their adoption agency that they have been newly matched with a child for adoption. Providing at least 28 days' notice of the date on which they have chosen the adoption pay period to start where reasonably practicable. It is recognised that this may not always be practicable, given that there may be a relatively short period of time between the individual receiving notification of being matched with a child for adoption and the child being placed with them. In the case of a surrogacy arrangement subject to a Parental Order, please submit by the end of the 15th week before the expected week of childbirth (EWC) (i.e. the 'Qualifying Week').
- 4.4 This form will require confirmation of various details including: the option the staff member plans to take, when the adopted child is expected to be placed with the individual, the EWC of the baby that will be the subject of a Parental Order following a surrogacy arrangement, and the start date of the leave.



- 4.5 Where the individual chooses to begin the leave/pay (if eligible) on the day on which the child is placed for adoption, if this date is not known at the time the notification form is completed, the staff member must notify the Payroll Team of this, as soon as is reasonably practicable.
- 4.6 Having been signed by the manager this form should be forwarded to the Payroll Team along with the relevant 'matching certificate' from the approved adoption agency, or a copy of the MATB1 certificate issued to the surrogate birth mother.
- 4.7 Where, as an alternative to adoption, the baby is born through a surrogacy arrangement and subject of a 'Parental Order', the University retains the right to reclaim all payments made in relation to the leave period, and cease the period of leave, if the member of staff fails to provide a copy of the Parental Order within 6 months of the baby's birth.
- 4.9 Following receipt of the fully completed notification form and relevant certificate, a letter will then be sent from the Payroll Team to acknowledge the notification and confirm the adoption leave arrangements as appropriate.

5. Transfer of leave (Additional/Partner Leave [APL])

- 5.1 Where a member of staff proposes to return to work early, without using the full 52 week entitlement to adoption leave, they may be eligible to transfer between 2 to 26 weeks of their outstanding adoption leave (and outstanding SAP) to their spouse/partner (including same sex partners). The outstanding leave would be taken by the partner as additional paternity/partner leave/pay, following the member of staff's return to work from adoption leave.
- 5.2 Though there is no statutory right to APL or Additional Statutory Paternity/Partner Pay (ASPP) at present for intended parents of a child born through a surrogacy arrangement subject to a Parental Order, University staff may seek to apply for APL and the 'equivalent' of ASPP under the University's Paternity/Partner Leave Policy, if not applying for the University's adoption leave provisions. This is subject to meeting various eligibility criteria/notification requirements as defined in the Paternity/Partner Leave Policy.
- 5.3 Should the partner not applying for adoption leave decide to apply for APL, the university staff member seeking adoption leave will still need to complete the adoption leave notification form.



6. Accrual and use of annual leave

- 6.1 Contractual annual leave (including bank holidays/closure days) will be accrued during the whole period of adoption leave. (Guidance in relation to calculating public holidays for part time staff is available at: www.shef.ac.uk/hr/guidance/leave/ptleave)
- 6.2 The member of staff will be responsible in conjunction with their manager, for planning and arranging their annual leave around their adoption period. Annual leave can be taken at any time (outside of the adoption leave period), including being tagged onto the beginning or end of an adoption leave period, subject to the agreement of their manager.
- 6.3 Annual leave cannot be taken during a period of adoption leave, and any period of annual leave taken following the commencement of such leave will be deemed to be a return to work i.e. the end of the adoption leave period.
- 6.4 Staff are expected to take their annual leave in the leave year it is accrued. However, the ability to carry over accrued annual leave into the following leave year may be feasible subject to appropriate departmental approval/business need. Such requests should be raised with the individual's manager as soon as practicably possible to support the department's consideration of this request, and if relevant plan their ability to accommodate this.
- 6.5 Where a member of staff leaves the University, and has taken more annual leave than they would have accrued prior to their end date, the University has the right to recover any overpayments, e.g. via deductions made from the staff member's salary, as appropriate.
- 6.6 Staff transferring to part time work on their return, should take their outstanding full-time annual leave allowance prior to returning/subject to the needs of their department.

7. Starting adoption leave

- 7.1 The staff member may start their adoption leave:
 - From the date of the child's placement or in the case of surrogacy subject to a Parental Order, the child's birth (whether this is earlier or later than expected); or
 - From a fixed date which can be up to 14 days before the expected date of placement or the child's due date.



- 7.2 If the placement is notified earlier than anticipated, and prior to the planned adoption leave period, the staff member should notify their manager and the Payroll Team of the revised commencement date of adoption leave as soon as possible, following which the Payroll Team, will amend the adoption leave dates and issue a revised letter.
- 7.3 The staff member may change their mind about when they want to start their adoption leave, so long as they notify their manager and the Payroll Team, in writing, of the revised start date at least 28 days before the new start date, or 28 days before the original proposed start date, whichever is sooner, or as soon as is reasonably practicable.
- 7.4 If after an individual has begun their adoption leave this is disrupted, the staff member's adoption leave period ends eight weeks after the end of the week in which the disruption takes place. Where the staff member's adoption leave is due to end within this eight week period, the individual's adoption leave will end on the scheduled end date. In such circumstance the staff member must inform their manager as to this, as soon as is practicable; who will in turn need to inform the Payroll Team to ensure the revised end date is acknowledged. Human Resources will be able to explain other potential support available.

8. Contact during leave

- 8.1 The staff member and their manager are encouraged to maintain reasonable contact during the adoption leave period. Shortly before a member of staff's adoption leave starts, the manager will discuss the arrangements for the staff member to keep in touch during the leave, including the type, frequency and method of contact. This should also include a discussion about 'keeping in touch' (KIT) days.
- 8.2 The University has the right to maintain reasonable contact with the member of staff from time to time during the adoption leave. This for example may be to discuss: the member of staff's plans for return to work, any special arrangements to be made or training to be given to ease their return to work or simply to provide an update on developments at work during the absence.

9. 'Keeping-in-touch' (KIT) days

- 9.1 A staff member can agree to work for the University (or to attend training) for up to 10 days during the adoption leave period, without that work bringing the period of the leave to an end and without loss of a week's statutory adoption pay (or equivalent statutory provision). These are known as 'keeping-in-touch' (KIT) days.
- 9.2 The type of work to be undertaken should be agreed between the member of staff and their manager, (see toolkit for further information).



- 9.3 Any work carried out on a day shall constitute a day's work for these purposes.
- 9.4 The University does not have the right to require a member of staff to carry out any work, and the member of staff has no right to undertake any work, during the adoption leave.
- 9.5 For any work undertaken, the member of staff will normally receive time off in lieu equivalent to one day, or exceptionally, payment for one day's work. This should be agreed in advance of the keeping-in touch day being undertaken.
- 9.6 Any KIT days worked do not extend the period of adoption leave. Once the KIT days have been used up, the member of staff will lose a week's SAP (or equivalent statutory provision) for any week in which they agree to work for the University.

10. Contractual entitlements

- 10.1 During the whole period of adoption leave the staff member is entitled to receive all their contractual benefits with the exception of terms relating to salary. This includes all non-cash benefits such as childcare vouchers that the employee is benefiting from prior to commencing adoption leave. For additional information please see: www.shef.ac.uk/hr/reward/mybenefits and FAQs.

11. Continuity of service

- 11.1 Where a member of staff returns to work following adoption leave, the period of absence due to this leave will not affect the individual's recognised continuous service for employment rights purposes e.g. redundancy, pensions etc.

12. Ill-Health

- 12.1 If a member of staff is unable to return to their post at the end of the adoption leave due to ill-health this will be managed in accordance with the University's Sickness Absence Management Policy. A medical certificate will be required for absence immediately following on from the date of the end of the adoption leave even if this subsequent absence is for 7 days or less.



13. Pension

- 13.1 During periods of adoption leave at full pay the contribution arrangement will remain as normal.
- 13.2 During periods of half pay and Statutory Adoption Pay (SAP) (or equivalent), pension contributions will be deducted as a percentage of the actual salary payment received (including SAP or equivalent where applicable). However, pensionable benefits will be based on the pay the staff member would have received had they not been on adoption leave (notional pay). If a period of SAP continues beyond the end of the staff member's contractual relationship with the University all pension contributions will cease on the contractual end date.
- 13.3 During periods of unpaid adoption leave a staff member's membership of their pension scheme will be suspended and pensionable service will not be earned. If a staff member wishes to continue with pension contributions over this period, they would have to cover the cost of both their own and the employer's contribution.
- 13.4 Members of staff are advised to contact the Pensions Team (pensions@shef.ac.uk) to discuss their pension position.

14. Returning to work after adoption leave

- 14.1 A member of staff will return to work following the end of their adoption leave period. However, where a period of annual leave has been agreed between the member of staff and their department, that is due to commence immediately following the end of the adoption leave period, a physical return to work is not required until the end of the approved annual leave period.
- 14.2 If the member of staff wishes to return to work earlier than the expected end date, s/he must give the University at least 8 weeks' notice of their date of early return, in writing to the Payroll Team. Failure to provide such notice would entitle the University to postpone the adoption leave end date to secure 8 weeks' notice, provided that this is not later than the expected end date and is no later than the end of 52 weeks adoption leave period.
- 14.3 Those who return to work within the paid leave period, will forfeit entitlement to any remaining adoption pay entitlements in these circumstances (with the exception of up to a maximum of 10 keeping in touch days, detailed in section 9).
- 14.4 It is imperative if the date of return changes that the staff member notifies both the Payroll Team and their manager, as soon as possible to ensure that the correct salary payments are made and an effective return to work can be planned.



- 14.5 Staff choosing to return to work at the end of the ordinary adoption leave (OAL) have the right to return to the same job they occupied before their adoption leave began, on the same terms and conditions of employment as if they had not been absent. Those who take additional adoption leave (AAL) also have this entitlement, however, where it is not reasonably practicable for the University to allow a to return to the same job, the University may offer the member of staff suitable alternative work, on terms and conditions that are no less favourable than would have applied if they had not been absent.
- 14.6 The member of staff should confirm to their manager as soon as convenient during the leave, the actual end date of the adoption leave (and return to work date if different due to the use of annual leave at the end of this period). The manager should confirm these dates with the Payroll Team.

15. Members of staff not returning to work

- 15.1 If a member of staff decides not to return to work after adoption leave, notice must be given of resignation as soon as possible and in accordance with their terms and conditions (see paragraph 15.3 below). If the notice period would expire after the adoption leave period has ended, the University may require the member of staff to return to work for the remainder of the notice period.
- 15.2 Staff on fixed-term contracts in receipt of the enhanced university adoption scheme provisions, will be expected to return to work for 3 months or to the end of the contract, whichever date is sooner. If the staff member's contract is due to expire during the period of adoption leave, and no new contract is available, no undertaking to return will be required. Those in receipt of the University's Adoption Scheme options will continue to receive any associated pay entitlements as applicable until the expiry of the fixed term contract. Statutory Adoption Pay will continue to be paid until the end of the statutory leave paid period, as long as they continue to meet the statutory eligibility criteria. Those under a surrogacy arrangement subject to a Parental Order, upon leaving the University's employ will not be entitled to continue to receive any 'equivalent' SAP.
- 15.3 Nothing within this policy/procedure shall prejudice the right of the University to reclaim the whole or part of the non-statutory element of adoption pay (and all of the payments made to intended parents of a child born through a surrogacy arrangement subject to a Parental Order), if having opted for the enhanced university scheme, the member of staff leaves within 3 months of their return (or fails to return) to work after adoption leave (except as defined in paragraph 15.2).



16. Flexible working arrangements

- 16.1 Full consideration will be given to requests from members of staff who wish to change their working commitment and/or arrangements upon returning from adoption leave. Staff members should submit requests as far in advance of the return date as reasonably practicable, to allow adequate time for the request to be fully considered and where appropriate, the necessary departmental arrangements to be put in place. For further details please refer to the University's policies and procedures on flexible working.

17. Review

- 17.1 This revised policy was implemented by Human Resources with effect from 5th August 2013, and will be reviewed on a regular basis to ensure compliance with relevant legislation.

Document control

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