

## Statutory Adoption Leave

**Note:** This scheme applies to those members of staff who have less than one year's continuous service with the Institute before the expected date of the child's placement.

If you would like to apply for adoption leave, or if you just wish to have an initial discussion, please contact your Faculty Human Resources Manager/Human Resources Administrator. She/he will be happy to talk with you about it and answer any questions you may have, including clarifying the relevant dates and any action you need to take.

There are two periods of Statutory Adoption Leave: Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL).

Please note that where a child is not adopted from within the UK, some of the details contained in this document will, for practical reasons, have to be varied.

Definitions	1	<b>Matched/Matching:</b> When an adoption agency decides that the member of staff would be a suitable adoptive parent for the child, either individually or with another person.
	2	<b>Notification of Matching:</b> When the member of staff receives notification of the adoption agency's decision that she/he, either individually or with another person, has been matched with a child for adoption.
	3	<b>Placement:</b> A child is placed for adoption when the child goes to live with the adopter or adopters with a view to being adopted by them in the future.

Who can Apply for Adoption Leave?	1	Individuals who adopt.
	2	One member of a couple where a couple adopt jointly (the couple may choose which partner takes adoption leave).
	3	Note: The partner of an individual who adopts, or the other member of a couple adopting jointly, may be entitled to paternity leave and pay.
Qualifying Conditions	1	The member of staff must: <ul style="list-style-type: none"> <li>• have been matched with a child to be placed with her/him by a UK adoption agency;</li> <li>• have notified the agency that she/he agrees that the child should be placed with her/him; and</li> <li>• agreed the date of placement.</li> </ul>
	2	Continuous service for at least 26 weeks ending with the week in which the member of staff is notified of having been matched with the child, the week in question starting on a Sunday and ending on a Saturday.
Entitlement	1	Up to 52 weeks in total, comprising: <ul style="list-style-type: none"> <li>• up to 26 weeks OAL; and</li> <li>• up to 26 weeks AAL.</li> </ul> AAL will start immediately after OAL.
	2	Only one period of adoption leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.
	3	If the adoption is disrupted, the adoption leave will end eight weeks after the end of the week in which: <ul style="list-style-type: none"> <li>• the adopter is notified that the placement will not be made;</li> <li>• the child dies; or</li> <li>• the child is returned.</li> </ul>
Start Date	1	The earliest start date is fourteen days before the expected date of placement of the child.
	2	The latest start date is on the date of the placement itself.

Notice of Leave	1	Notice must be given in writing no more than seven days after the member of staff is notified of having been matched with the child or, if this is not reasonably practicable, as soon as is reasonably practicable. Such notice must be addressed to your Faculty Human Resources Manager/Head of Support Department. But please note that for Statutory Adoption Pay purposes notice must be given at least 28 days' notice before the commencement of the leave, or as soon as is reasonably practicable.
	2	The written notice, which should be given using the Application for Adoption Leave form, must specify: <ul style="list-style-type: none"> <li>• that the member of staff intends to take adoption leave;</li> <li>• the date on which the child is expected to be placed for adoption;</li> <li>• the date on which the member of staff intends to start adoption leave; and</li> <li>• if appropriate, the date on which she/he would like Statutory Adoption Pay (SAP) to begin and confirmation that the member of staff has chosen to receive SAP rather than Statutory Paternity Pay; and must enclose documentary evidence from the adoption agency, giving: <ul style="list-style-type: none"> <li>• the name and address of the adoption agency;</li> <li>• the date the member of staff was notified of having been matched with a child; and</li> <li>• the date on which the child is expected to be placed for adoption or, if it has already happened, the actual date of placement.</li> </ul> </li> </ul>
	3	The member of staff may change her/his mind about the start date of adoption leave provided she/he informs her/his Faculty Human Resources Manager/Head of Support Department in writing either <ul style="list-style-type: none"> <li>• at least 28 days before the original date; or</li> <li>• at least 28 days before the new date she/he wants to start adoption leave, whichever is the later.</li> </ul>

	4	If the date of placement changes before the member of staff begins adoption leave, she/he should discuss the situation with her/his Faculty Human Resources Manager/Head of Support Department as soon as possible and give the appropriate notice to change the start date (see above).
	5	If the member of staff has correctly notified the date on which she/he intends to begin adoption leave, Human Resources will write within 28 days of receipt of the notification, confirming the date on which her/his AAL will end (52 weeks after the start of the adoption leave).
Notice of Return	1	No notice is required if the member of staff wishes to return to work on the first working day after the date on which her/his AAL ends.
	2	At least eight weeks' written notice is required if the member of staff wishes to return to work before the end of the AAL period. Such notice must be addressed to the Faculty Human Resources Manager/Head of Support Department.
	3	If less than eight weeks' notice is given, the Institute may delay the return until eight weeks have elapsed from the time notice was given (or the date on which the member of staff attempted to return if no notice was given) or until the date on which the member of staff is otherwise due to return, whichever occurs sooner.
	4	If, having been notified of this postponement in writing, a member of staff returns to work before that date, the Institute will be under no contractual obligation to pay her/him until the date to which her/his return is postponed.
	5	A member of staff can change her/his mind about the return date provided she/he gives at least eight weeks' notice before whichever is earlier of the date on which she/he now intends to return or the date on which she/he had intended to return.
Notice of Non-return		This will be in accordance with the contractual notice requirements.
Work during the Adoption Leave Period	1	A member of staff may carry out up to ten days' work for the Institute during adoption leave without bringing her/his adoption leave to an end. The purpose of this provision is to allow the member of staff to 'keep in touch' with the workplace.

	2	Work includes any work done under the contract of employment and may include training or any activity aimed at keeping in touch.
	3	Any work carried out on a day constitutes one day's work for the purposes of this provision (eg if the member of staff comes in for a one-hour team meeting, this will count as one of the ten days available).
	4	Payment at the appropriate hourly rate (based on the member of staff's normal pay) will be made for hours worked during a keeping in touch day, provided that the total day's pay, including any SAP due, does not exceed the sum that normally would have been paid for a full day's work.
	5	Reasonable contact from time to time during adoption leave, which the member of staff and the Institute are both entitled to make, for example to discuss the member of staff's return to work, does not count as one of the ten days.
	6	There is no obligation for a member of staff on adoption leave to take part in keeping-in-touch days, nor is there any obligation on the Institute to provide them.
Pay	1	The member of staff may be entitled to Statutory Adoption Pay (SAP) for up to 39 weeks.
	2	Where applicable, any pay awards and annual increments awarded while the member of staff is on unpaid adoption leave will be implemented on her/his return.
	3	If a backdated pay award is implemented after the member of staff begins adoption leave, arrears due will be paid at the same time as for other members of staff.
Occupational Pension (USS or SAUL)	1	If the member of staff is entitled to SAP, pension contributions will be paid while she/he is receiving SAP, as follows: <ul style="list-style-type: none"> <li>the employer's contributions will be based on the member of staff's normal pay; and</li> <li>the member of staff's contributions will be based on her/his actual pensionable pay.</li> </ul>
	2	If the member of staff is entitled to SAP, pension rights will continue to accrue during the first 39 weeks of adoption leave (the SAP period). Otherwise, pension rights will continue to accrue during OAL only.

Annual Leave	1	Annual leave will continue to accrue during the full 52 weeks of adoption leave (OAL and AAL).
	2	Where adoption leave is spread over two leave years, a separate calculation will be made for each leave year.
	3	Annual leave can be taken immediately before or immediately after, but not during, adoption leave (whether OAL or AAL). This is, of course, subject to the normal procedures within the Faculty/Support Department for approval of annual leave.
	4	Annual leave due but not taken in the leave year in which adoption leave begins can be carried over to the subsequent leave year.
Opportunities to apply for promotion and for vacancies		The member of staff will be asked if she/he wishes to be kept informed about vacancies in the Institute and/or about promotion exercises and, if so, will be sent such information during her/his absence on adoption leave.
Rights during leave		During adoption leave (OAL and AAL), a member of staff is entitled to the benefit of all the terms and conditions of employment that would have applied but for her absence (save for her right to be paid her normal wages or salary) and is bound by any obligations arising under those terms and conditions.
Right to Return to What - After OAL	1	A member of staff returning from OAL has the right to return to the job she/he occupied immediately before the start of adoption leave.
	2	That right prevails even if the member of staff takes up to four weeks' parental leave immediately after her/his OAL.
	3	If a member of staff takes more than four weeks' parental leave immediately after her/his OAL, she/he also retains her/his right to return to work in her/his original job, unless it is not practicable for her/him to do so, in which case she/he has the right to be offered suitable alternative employment on terms no less favourable than the terms and conditions she/he enjoyed in her original job.

Right to Return to What - After AAL	1	A member of staff returning from AAL has the right to return to the same job in which she/he was employed before her/his absence began (with her/his seniority, pension and other rights intact) or, if that is not reasonably practicable, to another job which is both suitable and appropriate for her/him to do in the circumstances. The terms and conditions will be no less favourable than those that would have prevailed but for her/his absence from work on adoption leave.
	2	A member of staff who takes parental leave for a period of four weeks or less immediately after her/his AAL, is entitled to return from leave to the job in which she/he was employed before her/his absence - unless it would not have been reasonably practicable for her/him to do so if she/he had returned at the end of her/his AAL (for reasons other than redundancy) and it is still not reasonably practicable for her/him to do so at the end of that period of parental leave. Otherwise, she/he is entitled to return to another job that is both suitable and appropriate for her/him to do in the circumstances, with her/his seniority, pension and similar rights intact, and on terms and conditions no less favourable to her/him than those that would have been applicable had she/he not been absent from work at any time since the commencement of her/his OAL.
	3	A member of staff who takes more than four weeks' parental leave immediately after her/his AAL is entitled to return from leave to the job in which she/he was employed before her/his absence or, if it is not reasonably practicable for her/him to do so, to another job that is both suitable and appropriate for her/him to do in the circumstances.

Returning to Work Part-Time		A member of staff who wishes to vary her/his working pattern on her/his return from adoption leave has the right to request a flexible working pattern. The procedure for doing so is set out in the Flexible Working Procedure which is on the Human Resources website. Consideration of the request may involve meetings with the Dean of Faculty or her/his nominee/Head of Support Department and it is strongly suggested that any application is made in good time and that, if possible, an interest in working flexibly is mentioned to your Faculty Human Resources Manager/Head of Support Department before the period of adoption leave.
Relationship to Sick Pay	1	If the member of staff is ill at the end of the period of adoption leave to which she/he is entitled, she/he will transfer on to sick pay.
Staff on Temporary Contracts		If the member of staff is employed on a contract which is due to end before the end of AAL, she/he should contact Human Resources for advice in relation to her/his entitlement under the Scheme.

**Approved by the Finance and General Purposes Committee at its meeting on 20 May 2008**  
Amended in line with changes to legislation with effect from 5 October 2008

20 October 2008