



Adoption Policy

The Adoption Policy explains both statutory and contractual adoption leave and pay benefits. The University will pay Statutory Adoption Pay (SAP) on behalf of the Department for Work and Pensions to all employees who are eligible to receive it. Further information can be found on the [GOV.UK website](https://www.gov.uk).

The policy also makes reference to the arrangements for Shared Parental Leave.

This policy describes the procedures that employees and line managers will need to follow when making or receiving applications for Adoption Leave and Pay. Employees wishing to find out more about or make an application for [Shared Parental Leave](#) should refer to the relevant policies on our website.

This policy is reviewed regularly by Bath Spa University in consultation with the recognised unions to ensure that it is meeting its objectives.

There are separate regulations for overseas adoptions. Please contact Human Resources for further information.

Scope

The Policy applies to all employees, across all grades and groups including academic and professional services, fixed term and part time hourly paid lecturers, part time and full time, permanent and temporary. It can also apply to those temporarily associated with the University (e.g., wardens, Students Union) if appropriate.

Responsibilities

Employee

- Comply with the requirements of the Adoption Policy
- Ensure that any application for adoption leave and pay and/or Additional Paternity Leave with or without pay is made in accordance with this policy and any statutory requirements.
- Cooperate with management in the execution of their duties and responsibilities in relation to this policy

Line Manager

- Understand the Adoption Policy, and related procedures, attending appropriate training as required
- Ensure that employees are aware of the Adoption Policy
- Treat adopting employees consistently and with respect, understanding and sensitivity
- Manage any requests received under this policy in accordance with the requirements of the policy
- Maintain regular and reasonable contact with the employee for the duration of the adoption, particularly in relation to matching and placement, and adoption leave period. For advice and support on maintaining reasonable contact during the adoption leave period please contact HR

Human Resources

- Ensure that the Adoption Policy is kept up to date and in particular reflects any changes to entitlement
- Provide training, coaching, advice, guidance and support as appropriate
- Acknowledge, process and administer any request received and made in accordance with this policy

Adoption leave

An employee who adopts a child through an approved adoption agency may be entitled to up to 52 weeks' statutory adoption leave, together with adoption pay. This policy explains both the statutory and contractual provisions available to employees of the University. Adoption leave and pay may be available to:

- Individuals who adopt
- One member of a couple, where a couple jointly adopt (this includes same sex partners)

The partner of an individual who adopts (including a same sex partner), or the other member of a couple jointly adopting, may also be eligible for shared parental leave (see section 12 below).

To qualify for adoption leave, an employee must:

- Be newly matched with a child for adoption by an approved adoption agency
- Be a current employee of the University (there are no minimum service requirements for adoption leave)

Adoption leave and pay is not available where an adoption is privately arranged, for the adoption of a stepchild, becoming a special guardian, or having a child through surrogacy.

Eligible employees will be entitled to up to 26 weeks' ordinary adoption leave, which may immediately be followed by up to 26 weeks' additional adoption leave, totalling up to 52 weeks.

Adoption leave can start:

- From the date of the child's placement
- From a fixed date which can be up to 14 days before the expected date of placement
- On any day of the week

Only one period of leave is available regardless of the number of children that are being placed for adoption as part of the same arrangement. If the child's placement ends during the adoption leave period, the employee will be able to continue adoption leave for up to eight weeks after the end of the placement.

Time off for adoption appointments

An employee who:

- is also the main adopter may be entitled to paid time off to attend up to five adoption appointments
- is the secondary adopter may be entitled to paid time off to attend up to two adoption appointments

In all cases the employee should endeavour to give their line manager as much notice as possible of when they need the time off for an adoption appointment and, wherever possible, try to arrange the appointment as near to the start or end of the working day as possible.

Requesting adoption leave

Employees are required to inform the University of their intention to take adoption leave within seven days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. The employee must complete an adoption leave/pay application form and forward to their line manager, detailing:

- When the child is expected to be placed with them, and
- When they want their adoption leave to start
- Proof of the adoption with a matching certificate, provided by the adoption agency

If it is not possible to give the full notice for a valid reason (e.g. the adoption agency doesn't notify the employee soon enough) the employee should still give as much notice as possible.

The University will respond to all requests within 28 days. The employee will be told of the date they will be required to return to work if full entitlement is taken. The University will assume that the employee will return to work after the 52 weeks' leave has been completed. If the employee wishes to return to work earlier (e.g. when adoption pay ceases, or because a partner is taking Additional Paternity Leave) they must give at least eight weeks' written notice.

Varying or cancelling a period of adoption leave

An employee may bring their adoption leave start date forward, provided that they notify the University in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

An employee may also cancel or postpone their adoption leave start date, provided that they give at least 28 days' notice in writing before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

Adoption pay

To qualify for Statutory Adoption Pay, an employee must have been:

- Matched with a child for adoption by an approved adoption agency
- Continuously employed for at least 26 weeks up to and including the week in

which they were notified that they had been matched with a child for adoption

- Have been earning no less than the lower earnings limit for National insurance. For current rates, see the [GOV.UK website](https://www.gov.uk).

If the employee does not qualify for SAP, the University will provide them with a form (SAP1) which will explain why. You can also contact your local Council to find out about other financial support which may be available to adopters.

Adoption Pay (Package A)

This policy covers all employees who have been continuously employed for a period of **at least 26 weeks, but less than 52 weeks**, leading into the week in which they are notified of being matched with a child for adoption.

The employee will receive **6 weeks at 90% of full pay**, followed by **33 weeks at the Statutory Adoption Pay standard rate** (or 90% of average weekly earnings, whichever is less). For current rates of SAP, see the [GOV.UK website](https://www.gov.uk).

Adoption Pay (Package B)

This policy covers all employees with **more than 52 weeks** continuous employment leading into the week in which they are notified of being matched with a child for adoption.

If the employee has declared their intention to return to work following additional adoption leave, they will receive:

- **100% of normal weekly earnings for the first 4 weeks** of absence, followed by
- **2 weeks at 90%**, and **12 weeks at 50% of normal weekly earning plus standard rate statutory adoption pay** (subject to combined pay and statutory adoption pay not exceeding full pay).
- The final **21 weeks will be paid at the standard rate of statutory adoption pay**.

If the employee chooses not to return to work, or not to return for a period of at least 13 weeks following adoption leave, the University reserves the right to reclaim the half pay element. The University will claim up to a maximum of 12 weeks, or if the employee received less than 12 weeks' payment (because they have returned to work), the amount of money they have been paid. They will not be required to refund any SAP. If the employee is uncertain about their return to work, they may elect to have the 12 weeks

half pay on their return.

Pension

Employees who are members of the Local Government Pension Scheme (LGPS) or Teachers' Pension Scheme (TPS) and are receiving contractual or statutory adoption pay will continue to make contributions to their respective schemes.

During the period of unpaid absence contributions are not made:

- Members of the LGPS can elect to pay Additional Pension Contributions (APCs) to purchase the amount lost during the period of unpaid absence. If you wish to purchase the amount of lost pension you need to make the election within 30 days of returning to work. Further information is available on the [Avon Pension Fund website](#).
- Members of the TPS may be able to buy additional pension, for further information on individual circumstances members should go to [My Pension Online](#) if not already registered for My Pension Online, in addition to your National Insurance number you will need your Teachers' Pension Reference number which is obtainable from Payroll.

Contact during adoption leave

Before an employee's adoption leave begins, the University will discuss the arrangements for them to keep in touch during their leave. The University reserves the right to maintain reasonable contact with the employee from time to time during their adoption leave. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

Keeping in Touch (KIT) days

An employee may also attend work on up to 10 occasions during adoption leave, without losing adoption pay or bringing the leave period to an end. These are known as 'keeping in touch' days. Although useful to attend training or team events, they may be used for any form of work that helps in keeping up to date and maintaining skills and confidence levels.

Each full or part day will be counted as one of the 10 occasions; however claims can

only be made for the actual number of hours worked, which will be at the employee's normal hourly rate (attendance rate for part time hourly paid lecturing staff). Any days worked will not extend the adoption leave period. Claims for KIT days should be approved by the line manager and submitted to HR as soon as possible after the employee has attended work. Claims for KIT days will normally be processed through the payroll the month after they have been received.

There is no obligation for either the University or the employee to make use of the 10 days.

Shared parental leave

Shared Parental Leave has been designed to provide greater flexibility and to allow both parents to share in the care of a new-born during the child's first 12 months. This flexibility means that both parents can be off at the same time, or alternate leave, allowing either parent to return to work for both periods in between 'blocks' of leave. It is even possible for just one parent to use the SPL, provided both parents are eligible, in order to take advantage of the greater flexibility it offers.

Employees can choose to simply take adoption leave or they can take a combination of adoption leave and shared parental leave. For further information please visit the [Shared Parental Policy](#) webpages or, contact HR at hrcontact@bathspa.ac.uk for advice.

Returning to work

After ordinary adoption leave an employee is entitled to return to work to the same job on the same terms and conditions as if they had not been absent.

General Issues

Annual Leave continues to accrue whilst the employee is on ordinary and additional adoption leave. Any leave that is accumulated must be taken at the end of the adoption leave period, i.e. before returning to work.

Employees on adoption leave are entitled to be made aware of job vacancies at the University. The University recruitment web pages are updated daily and, unless otherwise notified, it is assumed that employees are checking vacancies regularly.

If an employee decides not to return to work following their adoption leave, they should give written notice as per their contract before they are due to return to work. Unless

otherwise agreed the leaving date will be the date on which the notice period ends, or in circumstances where notice is not given, the date on which the resignation is received by the University. Where the leaving date falls before the end of the 39 week statutory adoption pay period, any remaining entitlement to SAP will be paid as a single lump sum. However, the employee must notify the University immediately of any circumstance(s) which will result in the statutory obligation to pay SAP transferring or ceasing (e.g. starting work for another employer, travelling abroad outside the EU).

