

Adoption Policy

Reference	Adoption
Author & Title	HR Manager
Responsible Director	Director of Personnel
Review Date	01.02.21
Ratified by	Personnel Director as per Mat policy via JCNC May 2014
Ratified date	15 July 2014
Version	2.0 April 2014 2.1 addition of payment/SPL edit May 2016 2.2 addition of pre-Adoption Leave edit Dec 2016 2.3 bonus time limit; appointment time – mirror maternity policy. 2.4 clarification of surrogacy, private adoption
Next review 2024	
Status	Final. Current from 1 September 2014.



Adoption Policy

1. What is Adoption Leave?

Statutory Adoption Leave (SAL) may be taken by an employee when a child is placed with them for adoption, provided they meet certain qualifying conditions. In most cases, the employee will also be entitled to receive statutory adoption pay (SAP) or may be eligible for Occupational Adoption Pay (OAP).

Where a couple are adopting jointly (and both are Liverpool Hope University employees), only one may take SAL (and receive SAP or OAP). The other may be entitled (subject to meeting certain eligibility criteria) to take one or two weeks' paid paternity leave and/or a period of unpaid parental leave. Please see Liverpool Hope's paternity and parental leave policies for further details.

If an individual is adopting, they will be entitled to take SAL (and receive SAP/OAP), subject to meeting the qualifying conditions. If they have a partner, the partner may qualify for parental and/or paternity leave with their employer.

Parents adopting step-children of a partner do not qualify for SAL or SAP/OAP, although they may qualify for unpaid parental leave. Parents completing a private adoption do not qualify for SAL or SAP/OAP.

A parent in a same-sex relationship may qualify for Adoption Leave, as may the male partner in a heterosexual relationship.

You have the right not to be dismissed or discriminated against for any reason connected with your Adoption Leave.

Parents adopting through a surrogacy arrangement should speak to their HR Manager for advice so that statutory guidance on eligibility for SAL/SAP can be assessed.

2. Eligibility for Adoption Leave

To qualify for Adoption Leave an employee must:

1. Be newly matched with a child for adoption by an approved adoption agency
2. Have notified the agency that they agree to the child being placed with them
3. Have 26 weeks' continuous service with the Liverpool Hope by the week they are notified of a match with the child

4. Have notified the Liverpool Hope of when they want to take their leave within seven days of the date they are notified of a match
5. Full Adoption Leave will apply to the employee who is providing the primary care to the child. Paternity leave applies to adoptive fathers (or adoptive mothers if the Father is the primary care giver), nominated carers and same sex partners.

Employees who have been notified that they have been matched with a child for adoption, have the right to take paid time off before the placement to attend up to five appointments arranged by the adoption agency for the purpose of having contact with the child, or for any other purpose connected with the adoption. Please discuss these plans with your HR Manager.

If a couple is adopting a child, one of them is entitled to paid time off for up to five appointments and the other is entitled to unpaid time off for up to two appointments. The couple must decide which of them will elect to take the paid time off and which the unpaid (see HR Manager for advice about this process). An employee who is adopting a child on his or her own is entitled to paid time off for up to five appointments.

Employees are entitled to up to six and a half hours for each appointment. The employer may require evidence of the appointment, showing the date and time of the appointment arranged by the adoption agency.

3. Pay and Benefits during Adoption Leave

Most employees are entitled to receive SAP during their SAL. Liverpool Hope also has an Occupational Adoption Pay for those employees who are eligible.

In addition to the eligibility requirements for SAL listed above, to be entitled to SAP the employee must have:

1. Earned more than the lower earnings limit in the eight weeks prior to the notification of placement. The HR Manager can provide further details about this.
2. Given Liverpool Hope at least 28 days' notice of the date they want their SAP to start. Liverpool Hope would urge employees to provide as much notice as possible so as to facilitate the process in a well-planned and timely fashion.

The employee will be paid SAP as determined by the government as follows:

- 6 weeks at Higher Rate SAP (9/10 of employee average weekly earnings)
- 33 weeks at Lower Rate SAP (the lower rate is a flat payment reviewed by the government each year or 9/10 of employee's average weekly earnings, whichever is lower)

An employee who is not entitled to SAP will be sent a letter explaining why they are not eligible. They should talk to their adoption agency about the financial support available to

adopters in these circumstances. They may also be eligible for income support.

A one-off, non-negotiable, non-transferable payment of £1000 will be paid to the adopting employee on production of the evidence of the placement for adoption in the form of a matching certificate. This payment will be processed through payroll as soon as is practicable on receipt of the matching certificate and is subject to tax/national insurance deductions. For the avoidance of doubt, this payment will be made to the employee of the university who is in receipt of Statutory Adoption Pay.

This payment must be claimed within three months of the matching certificate being received.

Parents who adopt from overseas and do not use a registered adoption agency will not be able to secure a matching certificate and will therefore not be eligible

Occupational Adoption Pay

Subject to meeting the eligibility requirements above to be eligible to receive Occupational Adoption Pay (OAP), which is inclusive of Statutory Adoption Pay (SAP), employees must have completed at least 1 years' continuous service in accordance with contractual arrangements before the expected week placement.

A further condition of OAP is that employees should return to work at the University, in a full or part time capacity, for at least 3 months following Adoption Leave. The University reserves the right to reclaim all the non-statutory elements of pay if an employee fails to return for this period of time. Eligibility to Statutory Adoption Pay remains unaffected, regardless of whether the individual returns. Employees who are eligible to qualify for OAP will receive the following Adoption Pay:

- 18 weeks @ full pay (inclusive of SAP).
- 21 weeks @ flat-rate SAP
- 13 weeks unpaid leave

4. How Much Leave May be Taken

An employee may take up to 26 weeks' Ordinary Adoption Leave (OAL), during which they will receive SAP/OAP, followed immediately by a further 26 weeks of Additional Adoption Leave (AAL), during which they will receive 13 weeks' SAP, giving an overall entitlement of 52 weeks' leave and 39 weeks' SAP./OAP.

The employee can start their leave on any day of the week, from either:

1. The actual date of the child's placement, or
2. A predetermined date no more than 14 days before the expected date of placement

Only one period of leave is permitted for each placement regardless of how many children are placed at that time as part of the same arrangement.

If, for some reason, the placement is not successful and ends after the Adoption Leave period has begun, the employee will be allowed to continue their Adoption Leave for a maximum of eight weeks after the end of week the placement ends, or until the end of the maximum leave period, if that is sooner.

If the employee starts their Adoption Leave before the child is placed, they need to be sure that the placement is going ahead. If it is delayed once they have started their leave, they cannot stop their leave and start it again at a later date.

5. Giving the Correct Notice to Take SAL and Receive SAP/OAP

The employee must notify Liverpool Hope of their intention to take Adoption Leave within seven days of being notified of a match by the adoption agency, unless this is not reasonably practicable.

The employee must provide the following details in writing:

1. That they intend to take Adoption Leave
2. When the child is expected to be placed with them
3. When they would like their SAL/SAP/OAP period to commence

If they want to receive SAP/OAP they will also need to give the employer a declaration, preferably in writing that they have chosen to receive SAP and not statutory paternity pay.

The employee can change their mind over when they would like to commence their Adoption Leave provided they give at least 28 days' notice of the change (unless this is not reasonably practicable).

Adoption Leave can start on the day the child is placed for adoption, or up to 14 days earlier. If the adoption is from a surrogate birth, depending on the individual arrangements, the notification period of adoption leave may be different. Please speak to your HR Manager about this as soon as you are able.

The employee must provide their employer with documentary evidence of the placement for adoption in the form of a matching certificate.

Parents who adopt from overseas and do not use a registered adoption agency will not be able to secure a matching certificate and will therefore not be eligible.

6. Shared Parental Leave

Shared Parental Leave enables the employee qualifying for Adoption Leave/full Adoption Leave to commit to ending their Adoption Leave and pay (that is, Statutory Shared Parental Pay ShPP) at a future date, and to share the untaken balance of leave and pay as shared parental leave with their partner, or to return to work early from Adoption Leave and opt in to shared parental leave and pay at a later date.

To take shared parental leave, the employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the employee with full Adoption Leave curtailing their Adoption Leave. Employees should refer to the organisation's policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how leave may be curtailed. The organisation's policy on shared parental leave sets out the notice periods with which employees must comply and the evidence they must provide to the organisation.

7. Contractual Terms and Conditions during Adoption Leave

During your OAL and AAL, all terms and conditions of employment continue with the exception of pay as highlighted above.

Annual leave entitlement is accrued during Adoption Leave. However, only five days of annual leave can be carried over from one holiday year to the next, and if your Adoption Leave falls over two holiday years, it is advisable that you take any outstanding entitlement *before* commencing Adoption Leave.

Please note that where statutory and customary holidays fall during an Adoption Leave, it is not possible to accrue these holidays and take time off once your Adoption Leave has ended. Examples of contractual terms and conditions you are entitled to continue benefiting from include: the accrual of holiday entitlement and continuation of contributions towards any pension scheme you are in.

Annual leave cannot be taken between paid and unpaid adoption pay periods. Annual leave can only be used before Adoption Leave commences or following the end of the Adoption Leave, immediately before a return to work.

Employees are encouraged to take any outstanding holiday due to them before the commencement of Adoption Leave. Employees are reminded that holiday must be taken in the year that it is earned.

If the employee normally makes pension contributions, these will also continue during periods of paid leave but will be based on what the employee is actually paid not normal remuneration.

8. Returning to Work

The employee must provide (preferably in writing) eight weeks' notice of their intended date of return if they decide to return early from their leave

If the employee attempts to return early without notification, Liverpool Hope may delay the return up to eight weeks provided this does not extend beyond the end of their maximum leave entitlement.

You are normally entitled to return to the job that you left. If you return to work at the end of Adoption Leave, you have the right to return to either the same job if reasonably practicable or one that is similar in duties, skills, status and rewards.

Where it is not practicable by reason of redundancy for Liverpool Hope to permit the employee to return to work in the job they previously occupied the employee shall be entitled to be offered a suitable vacancy, where one exists, provided that the work to be done in that post is suitable to the individual and appropriate to the circumstances, and that the capacity and place in which the individual is to be employed and the terms and conditions of employment are not substantially less favourable to the individual than if they had been able to return in the job in which they were originally employed.

If the employee decides not to return to work at all at the end of their Adoption Leave, they must tender their resignation giving their usual period of notice.

9. Working during the Adoption Leave Period

An employee can work during their Adoption Leave on a 'keeping-in-touch' (KIT) day without bringing their Adoption Leave to an end or losing their SAP. They can work for up to ten KIT days during Adoption Leave.

The employee and the employer must agree that the employee will work on a KIT day. An employee does not have to work on such a day if they do not wish to do so.

Before they work on a KIT day, they must understand the amount of pay that they will receive for working on a KIT day– this may be affected by the level of occupational or statutory pay they receive at the time of the KIT day.

KIT days do not extend the statutory or Occupational Adoption Pay period in any way. For instance, if a KIT day occurs during a period of full pay, no additional payment will be made. If a KIT day occurs during a period of half pay or SAP only, this will be effectively “topped-up” so that the individual receives full pay for the day in question. Payment for KIT days will only be made after completion of the day’s work. Employees wishing to undertake a KIT day should complete a ‘Keeping in Touch Day’ form and forward this to their line manager in the first instance. Payment for KIT days will only be made after completion of the day’s work and when a payroll authorisation has been sent to Personnel.

The total duration of the Adoption Leave period will remain at 52 weeks, regardless of whether or not an employee works on a KIT day.

10. Contact during the Adoption Leave Period

Liverpool Hope University is entitled to make reasonable contact with the employee during their Adoption Leave. Liverpool Hope will contact the employee, e.g. to discuss whether or not their planned date of return to work has changed or is likely to do so, or to discuss any
Adoption Policy V2.4 0221 AL

flexible working arrangements that would make their return to work easier.

The employee is also entitled to make reasonable contact with Liverpool Hope during their Adoption Leave, e.g. to discuss any flexible working arrangements that would make your return to work easier.

11. Statutory entitlements on return to work

Emergency leave: All employees have a statutory right to short periods of unpaid leave in order to make arrangements to deal with family emergencies. In addition to this statutory provision Heads of the University (SMT) have discretion to grant compassionate leave where circumstances justify so doing.

Parental leave: All employees who have a year's service have a statutory right to parental leave.

Flexible working: All employees who have 26 weeks service at the date of application and have children aged 16 years or under (or 18 if the child is disabled) have a statutory right to apply to work flexibly to care for the child.

Nothing in the above provisions shall be construed as providing rights less favourable than statutory rights.