

## Adoption Leave and Pay

### 1. Introduction

This procedure describes the arrangements for attending pre-adoption meetings, entitlements to adoption leave and pay and the arrangements for requesting leave and applies to all employees.

The [Gov.uk](https://www.gov.uk) website provides additional guidance that may be helpful in supporting the operation of this procedure in specific cases such as overseas adoption, fostering to adopt provision and surrogacy arrangements.

### 2. Time off to attend Pre-Adoption Meetings

As the primary adopter, you may take paid leave to attend up to five pre-adoption meetings after you have been matched with a child.

As the co-adopter, you may take unpaid leave (or agree to make up the time) to attend up to two pre-adoption meetings with the primary adopter.

### 3. Eligibility for Adoption Leave

You are entitled to 52 weeks adoption leave (26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave), regardless of how long you have worked for Southampton Solent University, if you:

- i) are newly matched with a child for adoption by an approved adoption agency (one which is properly recognised in UK law); and
- ii) are the only partner<sup>1</sup> taking adoption leave.

You need not take the full entitlement.

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

Please note that adoption leave and pay is not available if you arrange a private adoption, become a special guardian or adopt a stepchild or a family member.

### 4. Eligibility for Adoption Pay

This is dependent on your length of service. The information below outlines the different entitlements.

#### 4.1 Statutory Adoption Pay (SAP)

If you have worked for Southampton Solent University for a continuous period of at least 26 weeks before the beginning of the week when you are matched with a child and you earn at least the [lower earnings limit](#) for national insurance contribution you will be eligible for SAP. You will receive:

- i) 6 weeks at 90% of your average weekly earnings; and
- ii) 33 weeks at the [SAP rate](#) or 90% of your average weekly earnings whichever is less.

If you meet the other conditions but earn less than the lower earnings limit for National Insurance contributions, you can still take unpaid adoption leave.

Further information on Statutory Adoption Pay and Leave is available on the [Gov.uk](https://www.gov.uk) website.

#### 4.2 Occupational Adoption Pay (OAP)

If you have one year's continuous service before the beginning of the week when being matched with a child for adoption, you will be eligible for Occupational Adoption Pay. You will receive:

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<sup>1</sup> 'Partner refers to a person you are in a relationship with who is of the same or opposite sex

- i) 6 weeks full pay followed by
- ii) 12 weeks half pay PLUS SAP rate followed by
- iii) 21 weeks SAP rate.

Occupational Adoption Pay includes SAP. If half pay plus SAP exceeds your gross weekly pay, your pay will be capped at a week's gross pay.

## 5. Notification

You will need to submit the completed [Appendix A](#) and provide your matching certificate to your manager within 7 days of being notified of a match with a child indicating:

- your intention to take adoption leave
- the date the child is expected to be placed with you
- your intended start date of adoption leave (providing 28 days notice wherever possible); and
- indicate whether you are intending to return to work after your period of adoption

Should you need to change the date you want to commence the leave you will need to provide 28 days written notice before the new date or the old date, whichever is earliest. Human Resources will confirm within 28 days all details including the statutory end date of your adoption leave.

You can elect to start adoption leave:

- from the actual date of the child's placement
- from a fixed date up to 14 days before the expected date of placement
- in the case of adoption of an overseas child, not before the child enters the UK and no later than 28 days after the child enters the UK for the purposes of adoption.

## 6. Keeping in Touch

It is important for the University to maintain reasonable contact with you during your adoption leave. Your manager and/or Human Resources may contact you during this time to discuss your intended date of return, update you on developments at work or discuss any special arrangements on your return such as a request to work flexibly.

There may on occasion be instances where both you and your manager will mutually agree that it would be beneficial for you to attend work for a specific reason during your adoption leave eg attending development days or a training session. You must not attend work for more than 10 working days during adoption leave otherwise your entitlement to adoption pay will cease.

Attendance at work during your adoption leave must be agreed in advance with your manager and will be confirmed to you in writing by Human Resources.

## 7. Returning to Work

You will be due back to work on the first working day after the end of the 52-week period.

Should you wish to return early from adoption leave or change your intended return to work date, you will need to submit the completed [Appendix B](#) to your manager providing 8 weeks' notice of your new return to work date.

If you do not provide the required notice it may not be possible for the University to accommodate your revised return to work date.

You have the right to return to the same job that you were in before commencing Ordinary Adoption Leave. When you return from Additional Adoption Leave you will return to the same job, or, only if that is not reasonably practicable, a suitable job on similar terms and conditions.

If you do not wish to return to work you must complete the Appendix B and submit this to your manager no later than 8 weeks before you were due to return. You will not be asked to repay any monies should you decide not to return.

## 8. Flexible Working Request

If you are considering requesting to return to work on a part-time basis or on an alternative working pattern you will need to complete the [Flexible Working Request Application Form](#).

Your manager will give your request full consideration however please be aware that there is no automatic right to change your working pattern. Flexible working requests should be submitted at least 12 weeks in advance of your return to work date.

Your manager will arrange a meeting with you to discuss your request. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

Further information on the right to request flexible working is available on the [Gov.uk](#) website.

## 9. Contractual Benefits during Adoption Leave

### 9.1 Continuous Service

During adoption leave your terms and conditions of employment will be maintained.

### 9.2 Pension

Whilst you are on paid adoption leave your contributions will continue at the applicable percentage rate. Once on unpaid adoption leave pension contributions will cease.

#### Local Government Pension Scheme

If you are a member of the Local Government Pension Scheme, you may take out an Additional Pension Contribution (APC) contract to cover the amount of pension lost during a period of unpaid additional Adoption Leave. If you notify Payroll, via [pensions@solent.ac.uk](mailto:pensions@solent.ac.uk) or on 023 8201 3945, of your election to buy any or all of the lost pension within 30 days of your return from unpaid leave, a Shared Cost APC can be purchased with the University paying 2/3rds and the employee paying 1/3rd of the costs.

If you make an election after the 30 day period, you can still buy back lost pension but it will be at the whole cost to you. If you do not take out an APC, you will not accrue pension benefit during the period of unpaid leave.

Any keeping in touch days will be pensionable at the normal percentage rate.

#### Teachers' Pension Scheme

If you are a member of the Teachers' Pension Scheme, there is no facility for you to make up contributions following unpaid maternity leave and therefore any unpaid adoption leave will be deemed as a break in service for pension purposes only.

Teachers' Pensions do however offer the opportunity to purchase additional pension and further details can be accessed via the Teachers' Pensions website [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk).

Any keeping in touch days will not be pensionable.

#### Additional Pension Contributions

If you are paying any additional contributions (e.g. for the purchase of extra pension), please contact Payroll to discuss the options available to you during adoption leave.

### 9.3 Holiday Entitlement

You will continue to accrue your contractual holiday entitlement during your period of adoption leave. Holiday accrued during adoption leave must be taken prior to your return to work. Any approved carry-over of holiday entitlement must be in line with the Holiday Planning Procedure and limited to a maximum of 5 days.

Should you decide not to return to work following your period of adoption leave, any accrued holiday entitlement not taken will be paid to you as a payment in lieu upon termination of your employment with the University.

#### **9.4 Car Parking Permit**

You can suspend payment of your car parking permit for the duration of your adoption leave by notifying [parking.facilities@solent.ac.uk](mailto:parking.facilities@solent.ac.uk). If you return to work you can resume payment and continue to park on site as normal.

#### **9.5 Childcare Vouchers**

If you are currently participating in the Childcare Voucher Scheme, this benefit will continue during your period of adoption leave. The value of the vouchers will continue to be deducted from Occupational Adoption Pay with the value of the vouchers paid by the University during periods of Statutory Adoption Pay and unpaid adoption leave.

Should you wish to opt out of the Childcare Voucher Scheme during adoption leave please contact Payroll to advise.

