

ADOPTION POLICY

Responsibility for Policy:	Executive Director of Human Resources
Relevant to:	All LJMU Staff
Approved by:	ELT
Responsibility for Document	Executive Director of Human Resources
Review:	
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RELEVANT DOCUMENTS

- Employment Rights Act 1996
- Maternity and Parental Leave etc. Regulations 1999 (SI 1999/3312)
- Paternity and Adoption Leave Regulations 2002 (SI 2002/2788)
- Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 (SI 2002/2822)
- Additional Paternity Leave Regulations 2010 (SI 2010/1055)
- Shared Parental Leave Regulations 2014 (SI 2014/3050)
- Statutory Shared Parental Pay (General) Regulations 2014 (SI 2014/3051)
- Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014 (SI 2014/3052)
- Maternity leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024.
- General Data Protection Regulation (2016/679 EU)
- The Carers Leave Act 2023
- The Carers Leave Regulations 2024
- The Flexible Working Regulations 2023
- Protection from Redundancy Act 2023

RELATED POLICIES & DOCUMENTS

- Shared Parental Leave Policy
- Ordinary Parental Leave Policy
- Paternity Policy
- Request for Flexible Working Policy
- Exceptional Leave Guidance

Adoption Policy

Introduction

The University is fully committed to helping our staff to balance the needs of work and family life and appreciates the importance of providing a greater choice for staff in how they arrange parental care during the first year of a child's life.

The options available to you are based upon your length of service and these can be complex, the aim of this policy is to outline all the options available to you so that you can decide what works best for you and your family. Therefore, when you have decided to begin your adoption journey, you should contact your Human Resources Business Partner (HRBP) who will be able to outline the support available to you. The University also has a parent/carer advocate within the Human Resources team and an institutional parent/carer network to help support you with any questions that you may have. Your HRBP will provide you with more information on these resources.

Scope of this policy

Adoption Leave will be available to all staff who adopt and one member of a couple where a couple adopts jointly. The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to Paternity Leave and Pay.

This policy also applies to prospective adopters starting a concurrent placement. Concurrent planning is for babies and young children under 2 in care who are likely to need adoption, but who still have a chance of being reunited with their birth family. Concurrent carers are dually approved as both foster parents and adoptive parents and perform the role of a foster carer while the courts decide whether or not the child can return to its birth family.

Adoption and Paternity Leave is available whether a child is being adopted from with the UK or overseas.

All staff (regardless of length of service) have the right in law to take up to 26 weeks' ordinary adoption leave and up to a further 26 weeks' additional adoption leave and to resume work afterwards. You will therefore be entitled to a total period of 52 weeks' adoption leave.

Parents who will become the legal parents of a child under a surrogacy arrangement are also entitled to take statutory adoption leave. Local authority foster parents who are also prospective adopters ("foster to adopt") are entitled to take ordinary adoption leave in relation to children matched for adoption.

If you take adoption leave you have the right to return to work at any time during either ordinary adoption leave or additional adoption leave (except during the first two weeks from the date of placement). We also provide an enhanced scheme for our staff that fit the eligibility criteria.

What do I need to tell you?

To be entitled to take adoption leave and receive statutory/enhanced adoption pay, you are required to give the University written notification of your intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. Notice, which must be in writing, must specify the date the child is expected to be placed with you for adoption and the date the date that you intend your adoption leave to start.

You are permitted to bring forward the adoption leave start date, provided that you advise the University in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your adoption leave start date, provided that you advise the University in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

You must also provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency. Within 28 days of receiving your notice of intention to take adoption leave, we will write to the employee confirming the latest date on which the employee must return to work after adoption leave.

For either a concurrent or Foster to Adopt placement you will be requested to provide a proof of placement, this would be provided by the local authority confirming the date that a child will be placed with a family to evidence that carers are eligible for adoption pay/leave.

How much adoption leave can I take?

You are entitled to take up to 52 weeks adoption leave, although the payment terms with vary throughout this period. Leave will start on whichever date is the earlier of:

- on the date the child starts living with the employee or up to 14 days before the expected placement date (UK adoptions)
- when an employee has been matched with a child to be placed with them by a UK adoption agency
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (parents in surrogacy arrangements)

Prospective adopters starting a Concurrent or Foster to Adopt placement are eligible for adoption leave and pay from the point that a child is placed with a family (when they are in the fostering phase), not at the point that they are formally placed for adoption. You should therefore discuss the timing of your adoption leave with your line manager as early as possible.

What will my adoption pay be?

There are two types of adoption pay for our staff and these are dependent upon your length of service as follows:

Entitlement to enhanced adoption pay.

We have made the decision to pay our staff enhanced adoption pay compared to the statutory requirement, as it's important to us that we attract, retain, and support our staff to enable them to balance the needs of work and family life. We therefore offer staff with ***more than one year's continuous service***, enhanced adoption pay.

Under this scheme our staff will receive their ***normal pay during the first 26 weeks and then 13 weeks Statutory adoption pay (SAP)***.

Note: The enhancement to full pay during the adoption pay period will be reclaimed by LJMU if you are unable to return to work for a period of 13 weeks after the period of adoption leave/shared parental leave. (This period remains at 13 weeks even if you reduce your working hours to part time).

Entitlement to statutory adoption pay (SAP)

If you do not meet the 1 years' service criteria but you have been continuously employed by the University for at least 26 weeks at the end of your qualifying week and are still employed during that week, you will qualify for statutory adoption pay.

Statutory adoption pay is payable for up to 39 weeks. The first six weeks of SAP is paid at 90% of your average weekly earnings. The remaining 33 weeks is payable at a rate set by the Government for the relevant tax year, or at 90% of the average weekly earnings, if this figure is lower than the Government's set weekly rate.

It is treated as earnings and is therefore subject to PAYE and national insurance deductions. You can start from any day of the week in accordance with the date that you start your adoption leave.

Statutory adoption pay is payable whether or not you intend to return to work after your adoption leave.

If you are not entitled to statutory adoption pay you may be entitled to receive adoption allowance payable directly by the Government. If this is the case, we will provide you with an SAP1 form to allow you to make a claim for adoption allowance.

What are my rights during adoption leave?

All your terms and conditions will remain the same regarding your contract only your pay will change, as this will be replaced by enhanced/statutory adoption pay.

Can I have time off to attend adoption appointments?

Yes, you are entitled to take time off to attend adoption appointments. If you are adopting a child alone, you are entitled to take paid time off to attend up to five adoption appointments. Where you are part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments. The purpose of the appointment is to enable you to have contact with the child (for example, to bond with them before the placement) and for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee. We may ask you for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency.

Protection during change management involving redundancy:

For staff who are on maternity, adoption, or shared parental leave if your role is made redundant then you will be given priority in the allocation of suitable alternative employment, this protection begins when you notify the university of your pregnancy, and this protection will remain for 18 months following the birth of your child.

Will this impact on my pension?

During periods of adoption leave at full pay the amount that you contribute to your pension will remain as normal. This will only change if your pay changes e.g., when you move to statutory adoption pay (SAP). Your pension contributions will then be deducted as a percentage of your actual salary. However, pensionable benefits will remain the same based on the pay you would have received had you not been on adoption leave.

What happens to my annual leave?

Annual leave (including bank holidays/closure days) will be accrued during the whole period of your adoption leave. You will be able to discuss with your line manager how you propose to plan your annual leave around your adoption leave.

We would expect you to take your annual leave in the leave year it is accrued, as in most cases, there is hopefully sufficient notice to plan for this type of leave. However, the ability to carry over accrued annual leave into the following leave year may be feasible subject to departmental approval/business need.

If you were to leave the University and you have taken more annual leave than you would have been entitled to then the University has the right to recover any overpayments.

How do I Keep in touch during adoption leave?

We would like to keep in touch with our staff to support you as best we can whilst you are on adoption leave and in readiness for your return to work. This could include discussing any special arrangements to be made to support your return to work or research, training to be given to ease your return to work or to update you on developments at work during your absence. You can if you wish utilise keeping in touch days to meet with your line manager prior to your return to work to have these discussions.

Keeping-in-touch days

Whilst you cannot break your adoption leave with annual leave you can, if you wish, attend work for up to 10 days during your adoption leave without loss of a week's statutory adoption pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a full day's work for these purposes. The aim of these kit days is that you could attend team meetings, training, receive updates or meet to plan your return to work. These days/times can be discussed and agreed with your line manager. You can also agree how and when you would like to be contacted/updated by your line manager throughout your leave.

Can I transfer some of my adoption leave?

Shared parental leave enables parents to commit to ending their adoption leave and pay at a future date, and to share any untaken balance of leave and pay as shared parental leave and pay 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 be able to take shared parental leave, you and your partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This is all detailed in a separate policy on shared parental leave and you can discuss this with your HRBP.

What happens when I return to work after adoption leave?

We recommend that you have a conversation with your line manager to discuss your return to work so that you can discuss the options available and the support available for you. You may return to work at any time during ordinary adoption leave or additional adoption leave. Alternatively, you can take your full period of adoption leave entitlement and return to work at the end of this period. If you do wish to return before the full period of adoption leave has elapsed, you must give at least eight weeks' notice in writing to us of the date on which you intend to return.

You have the right to resume working in the same job if you are returning to work from ordinary adoption leave. If you return to work after a period of additional adoption leave, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of your adoption leave will be treated as an unauthorised absence. Whilst every effort will be made to support your return a failure to return may be progressed under the disciplinary procedure. This is unless you are sick and produce a current medical certificate before the end of your adoption leave period. It is therefore recommended that you have discussions with your line manager to help support you.

If you decide during adoption leave that you do not wish to return to work, you should give written notice of resignation to us as soon as possible and in accordance with the terms of their contract of employment.

Enhanced (Occupational) adoption pay is only paid to a member of staff who are intending to return to work for a period of 13 weeks following adoption leave/shared parental leave; this 13-week period of return applies to full and part time staff. Therefore, this enhancement will be required to be repaid by the member of staff if they do not return to work for a period of 13 weeks.

Can I request flexible working for my return to work?

Flexible working requests are a day one right for all staff and all staff have the right to make up to two flexible working requests within any 12-month period.

Full consideration will be given to all requests from members of staff who wish to change their working commitment and/or arrangements upon returning from adoption leave. You should submit requests as far in advance of the return date as reasonably practicable, to allow us 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 or ask your HRBP.

What if my child is poorly can I have time off?

There are circumstances when a member of staff may need to take unpaid leave to look after or arrange care for a dependent who has a long-term care need. The Carer's Leave Act 2023 entitles staff to up to a week's unpaid leave in a period of 12 months (this can be taken in one day blocks), from their first day of employment. You should approach your line manager to discuss and agree this. Consideration should be given to paid alternatives such as annual leave.

Data Protection

When managing your adoption leave and pay, the University processes personal data collected in accordance with its data protection policy / policy on processing special categories of personal data. Data collected from the point at which you inform the University that you are pregnant and is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their adoption leave and pay. Inappropriate access or disclosure of data constitutes a data breach and should be reported in accordance with the University's data protection policy immediately.