# Adoption Leave and Pay

**UPR HR22 version 03.0**

### Policies superseded by this document

This replaces the second version of this document.

### Summary of significant changes to the previous version

Occupational Adoption Pay updated in line with Occupational Maternity Pay changes effective from the same date.

### Glossary

A glossary of approved University terminology can be found in **UPR GV08**.

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## 1 Policy Statement

1.1 This policy sets out the rights of employees to adoption leave and pay.




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1.2 Alongside the statutory rights that staff have when adopting children, the University will give occupational rights to pay and leave, subject to length of service, in a similar way to the rights given for Maternity Leave.

1.3 The University recognises that, from time to time, employees may have questions relating to their Adoption rights. It is the University's policy to encourage open discussion with employees to ensure questions can be resolved as quickly as possible. If an employee is planning to adopt, they should clarify the relevant procedures with Human Resources to ensure that they are followed correctly.

1.4 This policy also applies to staff entering into an arrangement with a surrogate mother which results in them adopting a child.

# 2 Entitlement and Eligibility

2.1 To qualify for Statutory Adoption Pay you must have been:

i matched with a child for adoption by an adoption agency and;

ii employed by your present employer without a break for at least 26 weeks up to and including the week the adoption agency told you that you had been matched with a child for adoption

2.2 To qualify for Occupational Adoption Pay you must have been:

i matched with a child for adoption, normally through an adoption agency and;

ii employed by the University of Hertfordshire without a break for at least 52 weeks up to and including the week the adoption agency told you that you had been matched with a child for adoption

2.3 You won't normally be able to get statutory or occupational adoption leave or pay if you are becoming a special guardian, adopting a stepchild or entering a private adoption agreement. Consideration will be given if there are exceptional circumstances that indicate that access to Adoption Leave and pay is reasonable in circumstances that do not fall in the standard qualifications given above; e.g. adopting a child related to you via a private adoption where they have not been living with you in the past. All cases which are exceptional will be considered on an individual basis by the Head of Human Resources and in line with the Equality and Diversity Policy.


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2.4 If you are adopting a child through a surrogacy arrangement you will have the same entitlement to Statutory Adoption Pay, Occupational Adoption Leave and Occupational Adoption pay on the same basis as for other adoption situations, provided that you are an intended parent (IP), you plan to apply for a Parental Order from the family court within 6 months of the child's birth and you expect that order to be granted. If you are intending to request adoption leave due to a surrogacy arrangement, the University requires you to confirm in writing that:

i you are an intended parent of a surrogate baby; and

ii that you have an entitlement to apply for a parental order for the surrogate baby and;

iii that you intend to apply for a parental order for the surrogate baby within 6 months of the baby's birth and expect that order to be granted;

iv as only one intended parent may claim adoption leave and pay (regardless of employer), your spouse or partner is not claiming adoption pay and leave.

2.5 For further information regarding surrogacy, please see legal guidance from the Department of health and Social Care link here and from ACAS click here.

**2.6 Fostering for adoption**

2.7 Dual approved prospective adopters who have a child placed with them with a view to them adopting that child will qualify for adoption leave and pay.

2.8 You will be entitled to adoption leave and pay (if eligible) from when the child comes to live with you.

2.9 If an adopter chooses not to take adoption leave/paternity leave at this point, they may take leave at the point when the child is matched with them for adoption (which may be some months later). Adopters are eligible for only one set of adoption/paternity leave per placement.

2.10 Taking adoption leave at the later date (on matching) may affect statutory adoption pay. This is based on the final 8 weeks' salary before taking leave, so a fostering for adoption carer who takes unpaid leave while fostering will be eligible for statutory adoption leave but not statutory adoption pay.

2.11 Adopters and surrogate parents are also entitled to Shared Parental Leave – please refer to the Shared Parental Leave UPR.


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2.12 Please contact your Human Resources Business Partner, for a confidential discussion of your adoption leave and benefits. You can also contact the Employee Support Team by emailing: employeesupport@herts.ac.uk. We would also encourage you to inform your manager as early as possible. They will then be able to make appropriate plans for the business.

# 3 Time Off Before Adoption Leave Commences

3.1 Employees who qualify for adoption leave and pay (statutory or occupational) may have reasonable paid time-off to attend appointments with their Adoption Agency, Social Worker etc. once they have been accepted as adoptive parents. This will be in the period between being told that you are accepted and the "matching" confirmation. Please give your manager as much notice as possible of your absence and be ready to show your appointment card or letter to confirm the time and date. Your manager may ask you to re-arrange the appointment if it clashes with important work commitments.

# 4 Adoption Leave

4.1 For a UK adoption you can start your Adoption Leave either:

i from the date the child starts living with you; or

ii up to 14 days before the date you expect the child to start living with you.

4.2 For an overseas adoption you can start your Adoption Leave either:

i from the date the adoptive child enters the country; or

ii on a pre-agreed date, up to 28 days after the child enters the country.

4.3 Your Adoption Leave can start on any day of the week.

# 5 Adoption Leave Pay

### 5.1 Staff with 26 weeks' continuous service

5.1.1 Statutory Adoption Pay (SAP) is paid by the University on behalf of the government. If you have at least 26 weeks' service and meet the governments other requirements for the Statutory Scheme you are entitled to 6 weeks statutory adoption pay at 90% of average weekly earnings, 33 weeks' paid ordinary adoption leave at the standard rate of SAP or 90% of average weekly earnings if this is less than the SAP rate, plus 13 weeks' unpaid additional adoption leave giving 52 weeks in total.


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5.1.2 To summarise, SAP is paid whilst you are away from work at the following amounts:

| Week | Entitlement |
|---|---|
| 1-6 | 90% average earnings |
| 7-39 | SAP or 90% of average earnings-whichever is lower amount |
| 40-52 | Unpaid leave |

For details of SAP please see https://www.gov.uk/government/collections/statutory-adoption-pay-and-leave

**5.2 Staff with one years' continuous service**

5.2.1 You will be entitled to Occupational Adoption Pay (OAP) from the University if you have one year of continuous service at the date of Matching. The payments will be as follows: -

| *Week* | *Entitlement* |
|---|---|
| *1-12* | *100% Full Pay (SAP offset)- see above for SAP details* |
| *13-14* | *90% of Full Pay (SAP offset)* |
| *15-26* | *50% of Full Pay (plus any SAP)* |
| *27-39* | *Lower Rate of SAP only* |
| *40-52* | *Unpaid* |

5.2.2 Full Pay is the amount payable under your current contract of employment for working your normal hours in a week; i.e. the normal earnings, being basic pay and any normal contractual allowances, which you would have received had you not been on Adoption Leave.

5.2.3 If you do not have "normal earnings", for example if you are a Casual member of staff, or a Visiting Lecturer (Hourly Paid), then your Full Pay will be calculated by taking the average pay received in the twelve weeks preceding the last complete week before your leave commenced.

5.2.4 You may also be in receipt of Statutory Adoption Pay (SAP) – see 5.1.1 above. Any SAP received in weeks 1 to 12 will be offset against the OAP but any SAP paid in weeks 15 – 26 will be added to your OAP at half-pay.

5.2.5 The 12 weeks' OAP at 50% (i.e. half) pay during weeks 15 – 26 will have to be repaid to the University if you do not return to work for 3 months following adoption leave. If you are not sure about coming back to work, you may ask that these payments be held until your return. You would then be paid the money in a lump sum.


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5.2.6 The payroll department will calculate the amount of OAP to be paid to you on the basis of the formula given above. This may result in employees with irregular earnings – Visiting Lecturers, Casual staff etc. - being entitled to very low amounts of OAP. You should contact HR / Payroll for advice as soon as you are accepted to adopt if you are in this position.

5.3 Staff who are adoptive parents, but not the primary carer, can access the shared parental leave provisions, subject to qualification criteria – see the HR Policy on Shared Parental leave.

5.4 Where more than one child is placed as part of the same placement the employee will be entitled to only one period of adoption leave and pay. However, if another child is placed soon after the first placement and a separate Matching Certificate is issued, this will be considered as a separate arrangement. In this situation the adoption leave relating to the second child will supersede the first period of leave. For example, if the second period of leave begins two months after the first period, the first period will come to an end after two months and a new 52-week period of adoption leave will commence. If the employee qualifies for SAP for both children, entitlement of up to 39 weeks of SAP will commence from the date the second child is placed with the adopter. Where periods of SAP overlap, payment of the first period of SAP will continue regardless of the second period of SAP and 2 payments of SAP may be payable for the same week. If the employee qualifies for OAP for both children, OAP for the first child will end once the second child is placed and payment of OAP will begin for the second placement as per the OAP entitlements.

# 6 Neonatal Care Leave

6.1 'Neonatal care' is the name given to care for newborn babies which starts in the first 28 days after birth. This may be for:

- hospital care
- medical care after leaving hospital - this must be under a consultant and include ongoing visits or checks arranged by the hospital where the baby was treated
- palliative or end of life care

A baby might get neonatal care if they:

- are born early
- are ill or injured when they are born
- have a low birth weight

6.2 Employees who are adopting a child are entitled to claim time off called Neonatal Care Leave (NCL) to be with a baby who is receiving neonatal care, provided that the baby has been placed with the employee or if adopting a baby from overseas, the employee has received official notification that the baby will be placed with them. NCL can be used later, when the baby is no longer receiving neonatal care, up to 68 weeks after the birth of the baby.


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6.3 The right to take Neonatal Care Leave applies from the first day of employment; employees do not require 26 weeks' service to be eligible for leave.

6.4 A parent who is eligible for Adoption Leave Pay (see Section 5 above) has the right to also claim Neonatal Care Pay, which is paid at the weekly Statutory Neonatal Care Pay Rate, or 90% of average weekly earnings, whichever is lower. However, in order to qualify for pay, they must meet the average earnings threshold and be an employee (casual workers and agency workers are not eligible). Details of the current rates can be found at https://www.gov.uk/neonatal-care-pay-leave/what-you-get.

6.5 Eligible parents can take neonatal care leave once their child has been in neonatal care for at least 7 consecutive days.

6.6 Both eligible parents who have a baby admitted to neonatal care up to the age of 28 days can take one week's Neonatal Care Leave for every 7 full and continuous days their baby is in neonatal care, up to a maximum of 12 weeks of leave.

6.7 NCL can be taken in one block (i.e. directly before or after Adoption Leave) or taken as non-consecutive periods of at least one week, up to a maximum of 68 weeks from the child's date of birth. If taken directly before or after Adoption Leave, no additional notice will be required. However, NCL is to be taken later, employees should provide reasonable notice of this in line with the notice expected for annual leave requests.

6.8 There may be exceptional situations where the line manager may have to refuse a request for NCL (if not taken immediately) due to pressing operational demands. Where requests to take NCL are declined, the line manager should ensure that the employee is given appropriate opportunity to take the leave at the earliest possible time and confirm to the employee the reason for declining the request.

6.9 Employees wishing to claim Neonatal Leave must inform the University either via their line manager or HR Business Partner as soon as possible after the baby goes into Neonatal care, and again when the baby is discharged. If the University is not informed at the time and is instead notified a long period after the event, then the University reserves the right to request evidence of the baby's neonatal care in order to agree NCL. Evidence may include providing the University with a letter from the midwife or baby's doctor.

6.10 In the event of twins or other multiple births, and multiple babies require neonatal care, the total NCL will be added together. This will be capped at 12 weeks in total.

6.11 In the unfortunate event that a baby is admitted to neonatal care (for a period of at least 7 consecutive days), discharged, and then readmitted to neonatal care (for a period of at least 7 consecutive days), providing that the second admittance occurs before 28 days of birth, both instances will count towards NCL.

6.12 The Line Manager will complete the Neonatal Care Leave Form on behalf of the employee, confirming the dates of leave which have been agreed.

# 7 Keeping in Touch (KIT) Days

7.1 You may, by agreement with your Line Manager, do up to ten days work – known as "Keeping in Touch Days" (KIT) - under your contract of employment during your


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adoption leave period without the adoption leave coming to an end. KIT is not a compulsory requirement. You will be paid a proportion of your salary dependent on the number of hours you work for these days. Please refer to the separate guidance notes accompanying the Keeping in Touch form.

# 8 Pensions

8.1 If you are a member of the Teachers' Pension Scheme (TPS) or the Local Government Pension Scheme (LGPS) your contributions will continue to be deducted from your OAP and SAP in the normal way.

8.2 Any unpaid Adoption Leave will leave a gap in your pension record and you may wish to contact the pension administrators for advice on how to make this up. You may also wish to discuss any additional payments that you make such as AVCs or Added Years. Please contact the relevant pension scheme directly to discuss your options.

# 9 During Adoption Leave

9.1 Your contract of employment continues unless you have a contract that was due to expire during the period of your adoption leave. A fixed-term or casual placement will expire as arranged and OAP will cease on the date that the contract finishes, but any SAP will continue in payment.

9.2 You are entitled to all your contractual benefits, other than pay, whilst you are on paid or unpaid adoption leave. This means that you will not miss any pay rises or salary increments that you would normally have received. In the event of a backdated pay award your SAP and OAP will be re-calculated.

9.3 You will also be considered for opportunities such as promotion that occur during your adoption leave and updated on any relevant information relating to your job that you would normally be made aware of if you were at work.

9.4 Depending on the contact preferences agreed at your pre-adoption leave meeting, you may be kept up to date with workplace developments in your absence.

# 10 Returning to Work

10.1 If you wish to return to work earlier than the date stated on your application for adoption leave and pay submitted at the outset of your adoption leave, you must give at least 8 weeks' written notice of the date on which you intend to return.

10.2 The University has the right to postpone your return date to a date that will secure the full period of notice if you try to return to work early without having given at least 8 weeks' notice.


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10.3 If you are unwell and unable to return to work on your due date because of illness and you provide the University with a medical certificate, you will be treated as being on sick leave from the day immediately after your adoption leave ends.

10.4 Normally you will return to your previous job, which will have been held open for you. It may not be possible for you to return to the same job in certain circumstances.

10.5 If your department undergoes a re-organisation whilst you are on adoption leave you should not be treated any differently to other members of staff. You will be kept informed and consulted with by your manager in the same way as your colleagues.

10.6 The normal rules concerning redeployment will apply and if you are at risk of being made redundant then you will be offered any suitable available vacant post.

# 11 Flexible Working

11.1 Please discuss your plans as soon as possible with your manager if you wish to change your working pattern. You do not have a legal right to come back to a different job or under different terms. The more notice you are able to give the easier it will be for your colleagues and your manager to make plans for your return.

11.2 All requests for working part-time, term-time only or for job sharing will be considered carefully. Your manager will try to balance your needs with those of your colleagues and the need to provide a service.

11.3 You have a statutory right to request flexible working in accordance with the Flexible Working Policy and your manager has a duty to consider your request. Your manager may discuss your request with HR and will provide you with a written response. You can access the University Flexible Working Policy on HertsHub.

# 12 Not Returning to Work

12.1 If you decide during your adoption leave that you do not wish to return to work, you must give written notice of resignation as soon as possible and in accordance with the notice period set out in your contract of employment. This decision is not reversable.

12.2 You will be asked to repay the 12 weeks OAP at half-pay if you do not return to work for at least 3months; SAP is not repayable. (This only applies if you did not postpone the payment of the 12 weeks half pay – see para 5.2.5)


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# 13 Annual Leave

13.1 Whilst you are on adoption leave you will continue to accrue annual leave, statutory and Bank Holidays as laid down in your contract of employment. You will accrue annual leave throughout the entire period of your adoption leave. Hourly Paid Lecturers and Casual Support Staff will not accrue leave as this is based on the hours that they work; already factored into the adoption pay rates.

13.2 The University's normal policy on taking and carrying over annual leave applies to employees on adoption leave. Staff should consult their line manager in the normal way before arranging any annual leave.

Sharon Harrison-Barker
Secretary and Registrar
Signed: **1 April 2026**

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