

02/04/24

Adoption Policy

The University of Cambridge aims to provide adoption benefits which comply with both the letter and the spirit of the law on adoption rights and are in excess of these statutory requirements.

This policy aims to inform employees of their contractual and statutory adoption rights, and to ensure that those rights are understood.

Eligibility

This policy applies to all employees, regardless of their length of service, marital or civil partnership status and their entitlement to statutory adoption benefits.

Provisions laid down by the Statutory Adoption Pay regulations implemented under the Employment Act 2002 and the Work and Families Act 2006 state that employees eligible to take Statutory Adoption Pay are those who are newly matched with a child for adoption by an approved adoption agency. Adoption leave and pay will be available to individuals who adopt or one member of a couple where a couple adopt jointly (the couple may choose which partner takes adoption leave).

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.

Statement of Policy

This document states the University's policy on adoption leave and pay available to all eligible employees and provides additional guidance on issues surrounding adoption leave.

The legislation relevant to this policy is:

- Protection from Redundancy (Pregnancy and Family Leave) Act 2023
- Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024
- Employment Act 2002
- Employment Rights Act 1996
- Social Security Contributions and Benefits Act 1992
- Paternity and Adoption Leave (Adoption from Overseas) Regulations (SI 2003/921)
- Paternity and Adoption Leave Regulations 2002 (SI 2002/2788)
- Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002 (SI 2002/2818)
- Maternity and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2006 (SI 2006/2014)
- Statutory Paternity Pay and Statutory Adoption Pay (General) and the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) (Amendment) Regulations 2006 (SI 2006/2236)

- Maternity and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2008 (SI 2008/1966)

Adoption Leave

Leave Duration

An employee adopting a child under 5 years of age and who will be the prime carer may apply for up to 52 weeks' leave.

Leave Provisions

Adoption leave is subject to the following provisions:

- Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier.
- Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.
- If the child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to eight weeks after the end of the placement.

Adoption of a child over 5 years of age

The leave and pay offered to employees who adopt a child aged over five years will be at the discretion of the HR Committee but will be no less than the statutory provision.

Adoption Pay

An employee taking adoption leave will receive adoption pay, starting from the first day of leave, as follows:

- 18 weeks' paid leave during which they will receive their normal rate of pay.
- 21 weeks' during which they will receive Statutory Adoption Pay (if entitled).
- 13 weeks unpaid adoption leave.

Payment during the first 18 weeks consists of a contractual adoption pay provision and any Statutory Adoption Pay (SAP) to which s/he is entitled. If the amount due is less than the SAP provision, only SAP will be payable.

An employee may opt to hold over the 18 weeks contractual adoption pay that is in excess of her/his statutory entitlement and receive this pay in full once s/he has returned to work for a period of not less than three months.

Adoption pay is subject to the condition that no work is undertaken during the paid period of leave (up to 39 weeks) outside 'keeping in touch days' (see below).

Payment will normally be made on the employee's normal pay date.

Eligibility to SAP

To qualify for SAP an employee must have been:

- Matched with a child for adoption by an adoption agency.

- Employed by the University without a break for at least 26 weeks up to and including the week the adoption agency told them that they had been matched with a child for adoption.
- Earning on average an amount which at least equals the lower earnings limit.

An employee that satisfies these conditions will be entitled to SAP for a maximum period of 39 weeks.

The amount of SAP received depends on an employee's earnings. The first 6 weeks of SAP are earnings related with a weekly rate equal to 90 percent of the employee's average weekly earnings (there is no upper limit). The remaining 33 weeks are paid at the weekly standard rate SAP (currently, £135.45 with effect from 6 April 2012) or the earnings related rate if this is less than standard rate SAP.

Ineligibility to SAP

An employee who is not eligible to SAP will still be entitled to 18 weeks' paid leave during which they will receive their normal rate of pay

Keeping in Touch (KIT) Days

An employee may, with the agreement of their Head of Department, carry out up to 10 days' work during their adoption leave without bringing their adoption leave to an end. In accordance with legislation, any work carried out on any day shall constitute a full day's work.

Work means any work done under the contract of employment and may include training, attending meetings and committees or any activity undertaken for the purposes of keeping in touch with the workplace.

It should be noted that this provision does not confer any right on the Institution concerned to require work to be carried out during the adoption leave period, nor any right on an employee to request work during this period. There is no obligation on either the department or the employee to make use of these days.

Any days' work carried out will not have the effect of extending the adoption leave period.

Payment for KIT days

An employee will receive full pay (at the appropriate rate according to their salary spine point), inclusive of statutory adoption payment, for the hours worked during a KIT day. Therefore, any payment made depends on when during adoption leave the KIT day is worked, as follows:

During the first 18 weeks (if taking contractual adoption pay)

No additional payment.

During the SAP period

Paid for the hours worked less any SAP for that day.

During nil pay

Full pay for the hours worked.

Alternatively, an employee may choose to take 'time off in lieu' (TOIL) instead of payment for hours worked. Therefore, an employee who takes a KIT day may choose to receive no

additional payment for that day beyond their SAP but instead choose to gain an additional day's annual leave to be taken after their return to work.

Contact during Adoption Leave

Reasonable contact between an appropriate colleague in the Institution concerned and the employee on leave is encouraged to facilitate communication. Either party is entitled to initiate contact during the adoption period (for example to discuss the employee's return to work or potential work related issues that may concern them), and such contact will not bring the adoption period to an end.

Cover during Adoption Leave

Funding

- For academic staff, substitute teaching may be provided. There is no provision for cover for the administrative or other non-teaching duties of a UTO.
- For assistant staff posts funded by central University funds and for academic-related staff, funding may be sought for a temporary appointment from the relevant School (Resource Management Committee for non-school institutions).
- For contract research staff, the sponsor bears the cost of any substitute cover.

It may be possible to offer a development opportunity to another employee by asking them to cover the duties of the employee on adoption leave. If a junior employee is asked to cover duties, a responsibility payment can be made and in addition it may be appropriate to seek funding from the relevant body for a temporary appointment at a lower level.

Any person temporarily appointed to cover for adoption leave will have a clause in his/her contract stating that the contract will end on the return or resignation of the member of staff on adoption leave.

Alternatively, and if possible, the work of the employee on adoption leave may be redistributed among existing employees.

External Sponsors

Where a position is funded by an external sponsor, it is the responsibility of the Head of Department to inform the sponsor that the employee is taking adoption leave. The sponsor's adoption provision should be checked, for example, whether they would provide additional funding to make a substitute appointment to compensate for the whole, or part, of a period of paid adoption leave, or to extend the duration of a grant for a period of leave equivalent to the adoption leave taken by employee so that the project may be completed.

Benefits during leave

During adoption leave the contract of employment continues in force. All terms and conditions of the contract continue with the exception of stipend or salary. Continuity of service is maintained, and any standard incremental progression which may take place during the adoption leave will be implemented.

For academic staff with an entitlement to leave under Statute D,II,5, all terms on adoption leave are counted as reckonable service for sabbatical leave purposes.

Pension Implications

For members of both the USS and the CPS during any period of paid adoption leave, pension benefits are accrued as if the member is at work. The following paragraphs give general information about the procedures operating in the two pension schemes available to staff in the University. However this does not cover all individual circumstances and any employee who has queries on her/his pension entitlement should contact the Pensions Office for information.

For members of USS, contributions are maintained in full for any period when the member is in receipt of any pay, whether contractual or SMP. Where a member is not entitled to contractual adoption pay or to SAP, contributions also have to be maintained for the first 39 weeks of adoption pay. The member's contributions during this period are based on their actual income and any shortfall is made up by the University. A member of USS on unpaid leave is treated as being on suspended membership of the scheme and does not receive any service credits. On their return the employee may wish to buy in this service by paying both employer and employee contributions.

For members of CPS, contributions are paid based on the salary actually received. When a member goes on unpaid leave s/he ceases to accrue service for the period of that leave. On her return s/he may buy in the missing service, and is required to pay only the employee's contributions.

Annual leave accrual

Annual leave entitlement as stated in the relevant contract of employment will continue to accrue as normal for the entire period of adoption leave. All accrued annual leave must be taken within three months of returning to work following adoption leave.

- [Annual leave calculator](#)

Support during Adoption Leave

An employee who is due to go on or is currently taking adoption leave is entitled to access all of the usual support networks available to staff. This includes those within their Department (e.g. Departmental Administrator), within HR (e.g. HR Business Manager/Adviser) the Occupational Health Service and the Counselling Service.

Protection from Redundancy

An employee who is on adoption leave and who is at risk of redundancy is legally entitled to be offered a suitable alternative vacancy where one exists before it is offered to other employees (including those who are also at risk of redundancy).

This additional protection starts at the beginning of adoption leave and lasts for 18 months from that date. In the case of overseas adoptions, this protection starts from the date of entry into Great Britain and lasts for 18 months from that date.

The alternative role should in all cases be offered before the end of the original contract and begin the day immediately following the day on which their original contract comes to an end. The new post must be suitable and appropriate for the employee in the circumstances and the new contractual provisions must not be substantially less favourable than those of the previous contract.

Further information on protection from redundancy and redeployment is available from your HR Business Partner.

Fixed Term/Open Ended Contracts and Adoption Leave

If an employee is on adoption leave when her/his contract is due to cease, the [Procedures for Ending Fixed Term Contracts](#) must still be carefully followed. In these circumstances please contact your HR Business Manager/Adviser in advance of the contract end date for guidance on how to approach the consultation process.

Redeployment

If an employee is on adoption leave when her/his contract ends employees are strongly encouraged to contact their HR Adviser for redeployment support, details of vacancies within the University and guidance on applications.

Effect on Adoption Pay

Where a fixed term contract ceases during paid adoption leave, any contractual adoption pay will cease with effect from the contract end date. The University will continue to pay SAP, if the individual is eligible, through the University Payroll for the remainder of the provision.

Return to work

An employee may request to return from adoption leave in graduated steps ([Graduated Return](#)) or part time (under [Flexible Working](#)), provided that her/his department can make arrangements to cover her/his duties at no extra cost to the University. If an employee wishes to discuss any change in working arrangements on her/his return to work following adoption leave, s/he should contact their Head of Department or Departmental Administrator at the earliest opportunity and, where possible, no later than eight weeks before s/he returns to work. Any agreement to a change in working arrangements (e.g. to work part time) will be considered on the basis of the operational requirements of the department.

The University has specific policies in place to support employees returning from adoption leave to plan, in liaison with their institution, a flexible and smooth return to work, whilst maintaining an appropriate work/life balance.

These schemes are available to all employees, including contract research staff supported on outside funds. In the case of contract research staff, any arrangements will be subject to the needs of the project on which they are employed and the willingness of the sponsor to make the flexible arrangements which will be necessary. The employee should first discuss the situation with their research project supervisor before applying for any changes through the appropriate formal channels.

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 Department have discretion to grant compassionate leave where circumstances justify so doing.

Ordinary Parental leave

Employees who have a year's service have a statutory right to ordinary parental leave.

Flexible working

All staff have the right to apply to work flexibly.

Non-return to work

If an employee is unable to return to work at the end of their adoption leave because s/he is medically unfit, s/he should report their sickness absence and submit medical certification in the usual way. S/he will transfer from adoption leave to sick leave. Subsequently the normal sickness procedures will be followed.

If an employee does not return to work following a period of adoption leave, her/his job remains open and s/he does not automatically lose their right to return. However, their absence will be treated as unauthorised absence under the University's disciplinary policies for that category of staff.

Repayment

If an employee does not return to work after adoption leave, or returns to work but does not subsequently continue in the employment of the University for a period of at least three months, the University has the right to reclaim any contractual adoption pay that s/he received that is in excess of any SAP that s/he has received.

If an employee returns to work but does not subsequently continue in employment for a period of at least three months, the amount deducted will be a proportion of the excess pay as follows:

Up to one month	All adoption pay
One month up to two months	Two-thirds of adoption pay
Two months up to three months	One-third of adoption pay

In exercising this right to reclaim pay, the University will take into account personal circumstances.

Recourse to Grievance Procedure

An employee who is dissatisfied with any decision made in respect of their adoption rights will have recourse to the relevant grievance procedure.

Procedure

Notification

An employee must give notice of his/her intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. This notice, using [CHRIS/64 form](#) should state when the child is expected to be placed and when the adopter wants their adoption leave to start. A 'matching certificate' which will be provided by the adoption agency should be submitted.

If for any reason the start date of the adoption leave changes, the employee must give at least 28 days' notice of the change, unless this is not reasonably practicable, in which case s/he should give as much notice as possible.

Grant of leave

On receipt of the formal application the Human Resources Division will write to the applicant granting leave within 28 days.

The Human Resources Division will also write to employees where there have been any changes that have affected their adoption leave (for example, changes to start date, limit of tenure).

Notification of return to work

If an employee intends to return to work at the end of their full 52 weeks' adoption leave period s/he is not required to give notice of her/his return, however, if an employee wants to extend her/his adoption leave, return earlier than a date previously specified or is planning not to return, s/he is required to give 8 weeks notice of this intention (using [form CHRIS/61](#)).

If an employee gives less than 8 weeks' notice, her/his adoption leave may be extended for 8 weeks' after the date of giving notice of return, to allow their institution to make any necessary arrangements.

Although there is no legal requirement to give advance notice of an intention to return at the end of the 52 week adoption leave period, an employee who intends to do so is urged to keep their Head of Institution informed of their intentions so that appropriate cover arrangements can be made and workloads can be planned.