

Adoption Policy

Effective from 06/04/25

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.

Adoption leave and pay will also be available to an employee who is becoming the parent of a child via a foster to adopt process arranged by a local authority, provided they meet the eligibility criteria outlined in this policy.

Adoption leave and pay will also be available to an employee who is becoming the legal guardian of a child under a surrogacy arrangement, provided they adopt the child or intend to apply for a parental order within 6 months of the child's birth and expect the order to be granted. The other eligibility criteria outlined in this policy also apply.

Adoptions from overseas are not dealt with in this policy but further information is available from the HR Business Partnering team.

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

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:

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

Payment during the first 26 weeks consists of a contractual adoption pay provision and any Statutory Adoption Pay (SAP) to which the employee 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 26 weeks of contractual adoption pay that is in excess of their statutory entitlement and receive this pay in full once they have returned to work for a period of not less than three months.

Adoption leave and pay are subject to the condition that no work is undertaken during the adoption leave outside 'keeping in touch days' (see below).

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

Eligibility for SAP

To qualify for SAP in adoption, fostering to adopt cases, or surrogacy cases 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 or the 15th week before the expected week of childbirth in a surrogacy case.
- 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 (see [current rates of SAP](#)) or the earnings related rate if this is less than standard rate SAP.

Ineligibility for SAP

An employee who is not eligible for SAP will still be entitled to 26 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 (e.g. if a full-time employee only works 4 hours during a single day, this is counted as one whole KIT day but they will only receive payment for the 4 hours worked).

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 SAP, for the hours worked during a KIT day (e.g. if they work 4 hours on a KIT day, they are paid for 4 hours). Therefore, any payment made depends on when during adoption leave the KIT day is worked, as follows:

During the first 26 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 additional annual leave to be taken after their return to work (e.g. if they work 4 hours on a KIT day, they gain 4 hours of TOIL).

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 their 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 Special Ordinance C (i) 1, all terms on adoption leave are counted as reckonable service for sabbatical leave purposes.

Pension implications

For members of both USS and 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 their 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 SAP. 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 they cease to accrue service for the period of that leave. On their return they may buy in the missing service and are 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 the usual support networks available to staff. This includes those within their Department (e.g. Departmental Administrator), within HR (e.g. HR Business Partnering team) 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 the HR Business Partnering team.

Disrupted adoption

In an adoption or fostering for adoption case, adoption leave is disrupted if it has started but:

- (a) The employee is notified that the placement will not take place;
- (b) The child is returned to the adoption agency after placement; or
- (c) The child dies after placement.

In a surrogacy case, adoption leave is disrupted if it has started where:

- (a) The employee does not apply for a parental order within the relevant time;
- (b) The court does not grant a parental order and the time limit for appeal or further application has expired; or
- (c) The child dies.

In the event of disruption, an employee's entitlement to adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which the disruption occurred, unless the employee's entitlement to leave or pay would have ended earlier in the normal course of events.

Fixed Term/Open Ended contracts and Adoption Leave

If an employee is on adoption leave when their contract is due to cease, the [Procedures for Ending Fixed Term Contracts](#) must still be carefully followed. In these circumstances, please contact the relevant HR Business Partnering team 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 their contract ends, they are strongly encouraged to contact the HR Business Partnering team 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 the [Flexible Working Policy](#)), provided that their department can make arrangements to cover their duties at no extra cost to the University. If an employee wishes to discuss any change in working arrangements on their return to work following adoption leave, they should contact their Head of Department or Departmental Administrator at the earliest opportunity and, where possible, no later than eight weeks before they return 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 the 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 they are medically unfit, they should report their sickness absence and submit medical certification in the usual way. The employee 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, their job remains open and they do 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 paid in addition to any SAP entitlement.

The amount reclaimed will be a proportion of the excess pay as follows:

No return or up to one month	All contractual adoption pay
One month up to two months	Two-thirds of contractual adoption pay
Two months up to three months	One-third of contractual 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 their intention to take adoption leave within 7 days of being notified by their adoption agency or local authority that they have been matched with a child for adoption unless this is not reasonably practicable. This notice, using the [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.

In a surrogacy situation, an employee should give notice of their intention to take adoption leave by the 15th week before the expected week of childbirth, or as soon as possible afterwards. This notice is given using the [CHRIS/64 form](#), which should specify the expected week of childbirth.

An employee may be asked to provide a statutory declaration confirming that they intend to apply for a parental order within six months of the child's birth and expect the order to be granted.

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 they 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 they are not required to give notice of their return, however, if an employee wants to extend their adoption leave, return earlier than a date previously specified or is planning not to return, they are required to give 8 weeks' notice of this intention (using [form CHRIS/61](#)).

If an employee gives less than 8 weeks' notice, their 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.

Switching to Shared Parental Leave (SPL)

In some cases, the employee and their spouse or partner may be eligible to opt into the SPL scheme (see 'Shared Parental Leave Policy'), which gives the employee more flexibility to share the leave and pay available in the first year. An employee's partner should check with their employer if they are eligible.

The employee must give at least eight weeks' written notice to end their adoption leave and opt into SPL. The employee can give this notice either before or after the child is placed with them, but they must take at least two weeks' adoption leave. The employee is then able to share any remaining leave with their partner.

Neonatal care leave

If an employee is taking adoption leave in relation to a newborn baby (including in a surrogacy situation) and the baby receives neonatal care they may be entitled to neonatal care leave and pay in addition to adoption leave and pay. This applies where the baby receives neonatal care for a continuous period of 7 days or more in the 28 days following birth. Full details are provided in the Special Leave Policy.