

# University of Sussex

## Adoption Guide (UK adoptions)

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# 1 Introduction

1.1 This guide is designed to help you if you are considering or have decided to adopt a child from the UK. It gives advice on the steps you should take before you start your adoption leave, what you should do while you are away from work, and the options available to you, and actions you should take, when returning to work. The policy applies to all staff regardless of gender, sexuality or marital status.

1.2 The details of your adoption rights and benefits are complex and it is not possible to include every eventuality. The guide is written as a summary, and your particular entitlements will be detailed in a letter to you from Human Resources (or discussed with you at a meeting with a human resources business partner or assistant).

1.3 The rules governing statutory adoption leave and pay are different where the child is adopted from overseas.

1.4 If you would like to discuss your situation at any stage during the adoption process, please contact your human resources adviser who will arrange a meeting at your convenience, and, in confidence.

1.5 You cannot take adoption leave in addition to paternity leave. If you are adopting a child jointly with a partner, you will need to decide who takes adoption leave and who takes paternity leave (regardless of gender).

1.6 The University has separate guidance in relation to paternity leave and pay, maternity leave and pay, shared parental leave, parental leave and time off to deal with emergencies concerning a dependant and flexible working. All these [family friendly policies](#) are on our website.

1.7 Definitions of abbreviations and terms used in this document are given in the following glossary.

## 2 Glossary

Average weekly earnings	For statutory adoption pay purposes, average weekly earnings are calculated on the pay received in the 'relevant period'. The 'relevant period' is defined as the period between: <b>Date 1</b> the last normal payday on or before the Saturday of the Matching week. This payday will be <b>Date 1</b> and is the end of the 'relevant period', and <b>Date 2</b> the last normal payday falling not less than eight weeks before the payday at <b>Date 1</b> . <b>Date 2</b> will be the day after this payday and is the start of the 'relevant period'.
Continuous service	The date you commenced working for the University, which will normally be found in your initial appointment letter. This date is important as it is used to calculate your eligibility for adoption leave and pay.
DWP	Department for Work and Pensions
Keeping in Touch (KIT) days	A 'Keeping in Touch' or KIT day is a day agreed between you and your manager when you come to work during your period of adoption leave. You are entitled to do up to 10 KIT days' during your adoption leave without it affecting either your adoption leave or your Statutory Adoption Pay.
Matching Certificate	Matching Certificate issued by the adoption agency.
APP	Adoption Pay Period – the period (up to 26 weeks) in which adoption pay is payable.
<u>Adoption Leave:</u>	
SAL	Statutory Adoption Leave – this is a period of 52 weeks made up of 26 weeks' Ordinary Adoption Leave and 26 weeks' Additional Adoption Leave
OAL	Ordinary Adoption Leave – the first 26 weeks of adoption leave that an adoptive parent is entitled to.
AAL	Additional Adoption Leave – an adoptive parent is entitled to a further 26 weeks' additional adoption leave.
<u>Adoption Pay:</u>	
OAP	Occupational Adoption Pay – this is pay you receive while on adoption leave which is paid according to the University's occupational scheme, and enhances the statutory scheme. <b>N.B.</b> <i>For staff who do not receive regular salary payments, full pay will be calculated as either the average pay over the 12 months leading up to the qualifying week (or the duration of the person's contract if this is shorter), or in the same way as for statutory adoption pay (see definition of 'average weekly earnings' above), whichever is the greater.</i>
SAP	Statutory Adoption Pay – this is pay you receive while on adoption leave which is paid according to the statutory scheme which guarantees the minimum rights and benefits required by law. The first six weeks of SAP are paid at 90% of your average weekly earnings and the remaining weeks are paid at either the SAP standard rate (which is reviewed annually in April <sup>1</sup> ) or 90% of your average weekly earnings whichever is the lower.
Matching Week	This is the week in which you are notified by the adoption agency of having been matched with a child. The matching week starts on a Sunday and ends on a Saturday. It is important as it determines whether you are entitled to adoption pay.

<sup>1</sup> For the current rate please contact Human Resources

### 3 The University's adoption scheme

3.1 There are two options available to staff who qualify for adoption pay:

<b>Option 1</b>	
<b>Time allowed</b>	<b>Pay</b>
18 weeks' ordinary adoption leave	on full salary(which includes SAP of 9/10 average weekly wages for the first 6 weeks and basic rate thereafter)
8 weeks' ordinary adoption leave	on basic rate SAP
13 weeks' additional adoption leave	on basic rate SAP
13 weeks' additional adoption leave	unpaid
<b>Option 2</b>	
<b>Time allowed</b>	<b>Pay</b>
8 weeks' ordinary adoption leave	on full salary (which includes SAP of 9/10 of average weekly wages for the first 6 weeks and basic rate thereafter)
16 weeks' ordinary adoption leave	on half pay plus basic rate SAP (to the extent that full pay is not exceeded)
2 weeks' ordinary adoption leave	on basic rate SAP
13 weeks' additional adoption leave	on basic rate SAP
13 weeks' additional adoption leave	unpaid

3.2 You may start your adoption leave on either of the following:

- the date on which the child is placed with you ;
- a pre-determined date no earlier than 14 days before the expected date of placement and no later than the expected date of placement.

3.3 Adoption pay is subject to deductions for tax, National Insurance and any other lawful reason (e.g. pension contributions – but see section 9 on Pension contributions during adoption leave).

3.4 The adoption leave period must be a continuous period, i.e. it may not be broken by a period of return to work or of sickness. However, you may return to work or give notice to curtail your leave in order to convert the remaining leave (and SAP if applicable) into Shared Parental Leave (and Shared Parental Pay, if applicable). Please see the [University's Shared Parental Leave & Pay Procedure](#).

3.5 Any periods of time that you are not normally required to work, but remain employed by the University (e.g. temporary stoppage periods), will be included in the calculation of your adoption leave period.

3.6 Adoption leave begins automatically if the child is unexpectedly placed with you for adoption during a period when you are on annual leave.

## 4 Who is covered by the adoption scheme?

Please note that the qualifying criteria for statutory adoption leave differ for UK and overseas adoptions. The following relate to UK adoptions.

4.1 You will qualify for 52 weeks' Statutory Adoption Leave if you:

- have been matched with a child to be placed with you by a UK adoption agency;
- have notified the agency that you agree that the child should be placed with you and agree the date of placement;
- Notify your manager of when you want to take your adoption leave no more than seven days after you are notified that you have been matched with a child.

The Statutory Adoption Leave period is made up of 26 weeks' ordinary adoption leave and 26 weeks' additional adoption leave.

4.2 To receive adoption pay you must:-

- have at least 26 weeks' continuous employment with the University extending into the matching week;
- have average weekly earnings which are not less than the lower earnings limit for the payment of National Insurance contributions that applies at the end of the matching week. (Adoption pay for staff exempted from National Insurance contributions will be calculated as if full contributions had been paid);
- have given Human Resources at least 28 days' notice (or as much as reasonably practical) of the date from which you want payment of Statutory Adoption Pay to begin and of your intention to take adoption leave. You need to tell us:
  - (i) that you are adopting a child;
  - (ii) the date you intend to start your adoption leave (see 3.2 above);
- give 28 days' notice if you change your mind later about the date on which you wish to start your adoption leave;
- have sent your matching certificate to Human Resources;
- have given notice of the termination of your employment with the University (if not intending to return);
- not be in legal custody at any time within the Adoption Pay Period;
- notify the University if you start work for another employer during your Adoption Pay Period.

In addition the University scheme (only) requires you to return to work for a three month period after your adoption leave.

4.3 If you have decided not to return to work after your adoption leave, or you decide during your period of adoption leave that you do not wish to return, or you return for a period of less than three months, you will only be entitled to the statutory element of the adoption pay.

4.4 If you are not eligible to receive adoption pay, you will be given form SAP1 by Human Resources.

## 5 Your right to return to work

5.1 After ordinary adoption leave (the first 26 weeks) you have the right to return to your existing post, provided you have indicated your intention to return. After additional adoption leave you have the right to return to your existing post or, if that is not reasonably practicable, to a suitable and appropriate alternative job. In either circumstance you have the right to return on terms and conditions not less favourable than those which would have been applicable had you not been absent from work.

5.2 Your date of return will normally be the first working day following the end of your adoption leave period.

5.3 If you want to return to work before the end of your period of ordinary or additional adoption leave you must give at least 8 weeks' notice of your intention to do so. If you do not give the required notice, the University has the right to delay your return until 8 weeks' notice has been given or until the end of your ordinary/additional adoption leave period, whichever is the sooner. If such a delay is necessary the University is not obliged to pay you for the period of the delay. You must also give 8 weeks' notice if you wish to curtail your adoption leave and convert the remainder to Shared Parental Leave. Please see the University's [Shared Parental Leave & Pay Procedure](#).

5.4 In the unlikely event that a return to your original job is not practicable because of redundancy or a general re-organisation of work which would have occurred had you not been absent, you will be offered any suitable alternative vacancy which is available, under terms and conditions not substantially less favourable than those under which you were previously employed. Should a general re-organisation of work be necessary, you will be consulted during your adoption leave about the reasons for the change and the details of any changes to your job description. If, in the case of redundancy, a suitable alternative vacancy arises during your absence, the post will be held for your return.

### Returning to work and illness

5.5 If you are unfit to return to work at the end of your adoption leave, you will need to send a doctor's certificate to Human Resources stating why you are unable to return as previously notified. Your absence, with effect from your proposed date of return, will be treated as sick leave. You will therefore receive sick pay from this date (if eligible).

### Part-year working

5.6 If you work during part of the year, and your date of return falls at a time when you are not required to be at work, your return date will be postponed until the first day you are required to work after your period of adoption leave. You will, however, revert to your full salary from the original return date.

### The obligation to remain at work after adoption leave

5.7 You must return to work for a period of at least three months, otherwise you may have to repay all or a part of the occupational element of the adoption pay you have received.

If you curtail your adoption leave or return to work in order to convert the remainder of your adoption leave entitlement to Shared Parental Leave, any periods that you are back at work (rather than absent on Shared Parental Leave) will count towards this three-month period.

Any adoption pay which must be refunded will be deducted from your final salary payment. Arrangements will be made with you for you to refund any remainder.

## 6 Not returning to work

6.1 If at the outset you are sure that you do not intend to return to work after your adoption leave, you should submit your resignation to Human Resources. Your right to return is then lost and you cannot subsequently change your mind. If you are thinking about resigning, it is recommended that you contact Human Resources to make sure that you have considered all of your options.

6.2 If during your adoption leave you decide not to return to work having notified an intention to return, section 5.7 applies. You should submit your resignation to Human Resources giving the period of notice specified in your contract of employment. If you do not return to work, you are entitled to receive statutory adoption pay only. The formal date of the termination of your employment will be the end of the additional adoption leave period unless you serve notice to leave earlier.

## 7 Adoption appointments

7.1 Potential adopters are entitled to take time off work to attend adoption appointments. The main adopter (i.e. the adopter taking adoption leave) can take paid time off for up to five adoption appointments. The secondary adopter (i.e. the adopter taking 'paternity' leave) will be able to take unpaid time off for up to two adoption appointments.

## 8 Annual leave and adoption leave

8.1 Annual leave continues to accrue during your period of adoption leave (up to 52 weeks). Accrued annual leave is not normally transferable from one leave year to the next, however it is recognised that it is unlikely you would be able to take all of your accrued annual leave within the leave year that you start your adoption leave. It is therefore exceptionally agreed that in these circumstances it will be possible to transfer annual leave accrued during adoption leave to the following leave year and it is essential that you discuss and agree these arrangements with your line manager prior to starting your adoption leave.

8.2 If there is a bank holiday or minimum service day during your period of adoption leave you will receive either OAP or SAP or will not be paid for that day, as applicable. Bank holidays and minimum service days that occur during a period of adoption leave will not be 'reimbursed' to you, unless your overall entitlement to annual leave, bank holidays and minimum service days for that leave year would be reduced below the statutory minimum of 28 days. If this is the case, your annual leave entitlement would be increased so that your overall entitlement to annual leave, bank holidays and minimum service days for that year met the statutory minimum.

## 9 Illness before and during adoption leave

9.1 The adoption leave period cannot be broken by other types of absence so if you fall ill during that period, your illness will be treated as part of your adoption leave. If you have not yet started your adoption leave and you fall ill, your absence will normally be treated as sick leave.

## 10 Pension contributions during adoption leave

Paragraphs 10.1 to 10.5 apply if you are not in salary exchange

Paragraphs 10.6 to 10.10 apply if you are in salary exchange

Paragraphs 10.11 to 10.14 apply to all

10.1 If you are a member of USS or USPAS you will automatically continue to pay pension contributions during your period of paid adoption leave. Pension contributions will be based on your adoption pay. The University will pay the balance of your contributions and the employer's contributions based on the pay you would have been earning had you not been on adoption leave. This period will count as pensionable service and you will be covered for early retirement on ill health grounds and death in service, subject to the rules of the relevant pension scheme.

10.2 If you are a member of USS or USPAS, at the end of your paid adoption leave period you have the option of maintaining your contributions based on the salary you would have received had you not been on adoption leave. If you decide to do this the University will pay the appropriate employer's contribution. If you wish to maintain pension contributions in this way you should contact Human Resources (Payroll) at least six weeks before the start of your adoption leave (or as soon as reasonably practical) to make arrangements for the payment of your outstanding contributions when you return to work.

10.3 If you are a member of USS or USPAS and you do not qualify for paid adoption leave (i.e. you only qualify for 26 weeks' unpaid ordinary adoption leave and 26 weeks' unpaid additional adoption leave), the University will pay both the employee's and the employer's contributions during the 26 weeks' ordinary adoption leave period, which will count as pensionable service. During the 26 weeks' additional adoption leave you will have the option of maintaining your contributions based on the salary you would have received had you not been on adoption leave. If you decided to do this the University will pay the appropriate employer's contribution. If you wish to do so you should contact Human Resources (Payroll) at least six weeks before the start of your adoption leave (or as soon as reasonably practical) to make arrangements for the payment of your outstanding contributions when you return to work.

10.4 If you are a member of USS or USPAS and you decide not to maintain your pension contributions during any unpaid adoption leave period, your membership will be suspended. This period of suspended membership will not count as pensionable service. During suspended membership on adoption leave, however, cover for early retirement on ill health grounds and death in service is maintained, subject to the rules of the relevant pension scheme.

10.5 If you are a member of the Sussex Group Stakeholder Scheme (SGSS) you will continue to contribute at your chosen percentage of salary during Ordinary Adoption Leave and any paid periods of Additional Adoption Leave. Your contributions will be based on your adoption pay. The University will pay employer's contributions based on the pay you would have been earning had you not been on adoption leave. During unpaid adoption leave your membership will be suspended but you will continue to be covered by the Group Life Assurance and Income Protection Schemes. When you return to work you may, if you wish, increase your contribution percentage to make up the contributions missed whilst on unpaid adoption leave.



10.6 If you are a member of USS or USPAS the University will automatically continue to pay pension contributions during your period of paid adoption leave. Pension contributions will be based on your notional pay. The University will pay full contributions based on the pay you would have been earning had you not been on adoption leave. This period will count as pensionable service and you will be covered for early retirement on ill health grounds and death in service, subject to the rules of the relevant pension scheme.

10.7 If you are a member of USS or USPAS, at the end of your paid adoption leave period you have the option of maintaining your contributions based on the salary you would have received had you not been on adoption leave. If you decide to do this the University will pay the appropriate employer's contribution. If you wish to maintain pension contributions in this way you will need to opt out of salary exchange until you return to work, when you will be allowed to opt back in to salary exchange. You should contact Human Resources (Payroll) at least six weeks before the start of your adoption leave (or as soon as reasonably practical) to make arrangements for the payment of your outstanding contributions when you return to work.

10.8 If you are a member of USS or USPAS and you do not qualify for paid adoption leave (i.e. you only qualify for 26 weeks' unpaid Ordinary Adoption Leave and 26 weeks' unpaid Additional Adoption Leave), the University will pay full contributions during the 26 weeks' Ordinary Adoption Leave, which will count as pensionable service. During the 26 weeks of Additional Adoption Leave you have the option of maintaining contributions. If you wish to do so you will need to opt out of salary exchange until you return to work, when you will be allowed to opt back in to salary exchange. You should contact Human Resources (Payroll) at least six weeks before the start of your adoption leave (or as soon as reasonably practical) to make arrangements for the payment of your outstanding contributions when you return to work.

10.9 If you are a member of USS or USPAS and you decide not to maintain your pension contributions during any unpaid adoption leave period, your membership will be suspended. This period of suspended membership will not count as pensionable service. During suspended membership on adoption leave, however, cover for early retirement on ill health grounds and death in service is maintained, subject to the rules of the relevant pension scheme.

10.10 If you are a member of the Sussex Group Stakeholder Scheme (SGSS) the University will continue to contribute at your chosen percentage of salary during Ordinary Adoption Leave and any paid periods of Additional Adoption Leave. The University will pay full contributions based on the pay you would have been earning had you not been on adoption leave. During unpaid adoption leave your membership will be suspended but you will continue to be covered by the Group Life Assurance and Income Protection Schemes. When you return to work you may, if you wish, increase your contribution percentage to make up the contributions missed whilst on unpaid adoption leave.

10.11 Please see section 11.6 below regarding pension contributions in the event that you are paid for any 'keeping in touch' days.

10.12 If you contribute to an Additional Voluntary Contributions (AVC) scheme, your AVC contribution during your period of adoption leave will be based on your full salary (and not your adoption pay). Appropriate arrangements for the payment of your AVC contribution will be made with you.

10.13 If you contribute to a personal pension scheme you should consult the manager of the scheme regarding the implications of your adoption leave and pay on your pension.

10.14 You may be entitled to a tax rebate following a period of unpaid adoption leave.

## 11 Work during adoption leave and keeping in touch

11.1 During your adoption leave you and your line manager are both able to make reasonable contact with each other to help with staying in touch. It is also permissible to agree for you to do up to 10 days' work during your adoption leave without it affecting either your adoption leave or your Statutory Adoption Pay. Before you begin your adoption leave you should discuss with your line manager how you will keep in touch during your time off. There is no requirement for you to undertake any work for the University during either paid or unpaid periods of adoption leave although you may, want to undertake certain activities associated with work during your adoption leave, for example, attending a staff development activity to keep you up-to-date with any changes in your area of work.

11.2 The 'keeping in touch' (KIT) days can be worked during ordinary adoption leave and/or additional adoption leave. Any amount of work done on a KIT day counts as one KIT day so, if you come to work for a one-hour meeting you are deemed to have used up one of your KIT days.

11.3 If the KIT day is worked during the paid period of adoption leave

- if the full day is worked (and if your adoption pay is less than full pay) your adoption pay will be made up to full pay for that day;
- if less than the full day is worked (and your adoption pay is less than full pay) you will continue to receive your adoption pay for that day. However, if the amount earned would have been more than your adoption pay, you will receive the difference as an additional payment.

11.4 If the KIT day is worked during the unpaid period of adoption leave, you should be paid for the hours worked at your normal rate of pay.

11.5 You cannot work for more than 10 KIT days without losing your entitlement to Statutory Adoption Pay. A KIT day can only be worked if the manager and you agree – a manager cannot insist that you work a KIT day; neither can you insist that you work one against your manager's wishes.

11.6 In the event that you are due to be paid for any KIT days, such pay will be treated in the same way as the rest of your adoption pay in terms of pension contributions. If you are a member of USS or USPAS and you decide to maintain your pension contributions during your period of unpaid adoption leave (see paragraph 13.2 above) you will pay pension contributions on pay received for KIT days worked during that time. If you are a member of USS or USPAS and you decide to suspend your membership of the pension scheme during your period of unpaid adoption leave (see paragraph 13.3 above) you will not pay pension contributions on pay received for KIT days worked during that time. If you are a member of SGSS you will contribute at your chosen percentage of salary. Providing your contribution is at least 3% of your monthly basic salary, the University will contribute an amount equal to two times your monthly contribution up to a maximum of 12% of your monthly basic salary.

## 12 What do I need to do to ensure entitlement to adoption leave and the related benefits?

12.1 You are encouraged to give early notification to your manager of your intention to adopt a child, so that they can make plans to ensure that your job is appropriately covered during your absence. Also, you may feel that you want to confide in your manager at an early stage so that they understand the situation should you need to attend various meetings during the adoption process. Your manager may be able to help, for example, by agreeing a temporary adjustment to your working arrangements.

12.2 It is important that you send formal written notification of the date of your intended adoption leave to your manager as well as to Human Resources as far in advance as possible in order to allow time for appropriate arrangements to be made.

12.3 You must also provide your matching certificate. This should be forwarded to Human Resources as soon as it is issued, and no later than 28 days before you wish to start your adoption leave.

12.4 Human Resources will send you written confirmation of your entitlement to adoption leave, confirming the date on which you are expected to return to work if you take your full entitlement to adoption leave. This will normally be the first working day after the end of your additional adoption leave period (i.e. 52 weeks from the start of your adoption leave). If you do not intend to return your leaving details will be confirmed. No further written guidance will be sent unless you change your plans, so keep this letter carefully.

12.5 It is important that you notify Human Resources in writing if at any time during your adoption pay period the following occurs:-

- you are taken into legal custody;
- you work for another employer after you have adopted a child.

12.6 If you want to return to work before the end of your adoption leave you are required to give 8 weeks' notice in writing to Human Resources of the date on which you wish to return.

## 13 Paternity Leave and Pay

13.1 Paternity leave/pay entitlements for partners of those taking adoption leave are applied to staff regardless of gender or sexual orientation.

13.2 The adopter with parental responsibility for a child who is taking paternity leave will also be entitled to receive Additional Statutory Paternity Pay if the person taking adoption leave has not exhausted their right to Statutory Adoption Pay when they return to work.

13.3 Full information is contained in the University's Paternity Guide at.

## 14 Shared Parental Leave and Pay

14.1 A parent taking adoption leave may opt to end their adoption leave early and convert the remainder of their adoption leave entitlement to Shared Parental Leave, which can be shared flexibly between both parents up until the first anniversary of the child being placed with the family, subject to the eligibility and notice requirements. In the case of the parent who is the partner of the person taking adoption leave, Shared Parental Leave is available in addition to the existing entitlement to 2 weeks' paid paternity leave.

14.2 Provided they meet the eligibility requirements, parents taking Shared Parental Leave may also be entitled to receive Statutory Shared Parental Pay during their periods of Shared Parental Leave.

14.3 More information about Shared Parental Leave and Pay can be found in the University's [Shared Parental Leave and Pay Procedure](#) on our website

Human Resources, last revised August 2021 following inclusive language review.