

Adoption & Surrogacy Policy & Procedure

POLICY COVERSHEET

# Key Details

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| **POLICY OWNER (JOB TITLE)** | Director of People Services |
| **UNIT / SERVICE** | People Services |
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Policy Hub

## For further information on policies:

1. You can go to the Secretariat pages on InSite at [https://outlookuwicac.sharepoint.com/sites/Secretariat](https://outlookuwicac.sharepoint.com/sites/Secretariat/);
2. You can go to the Policy Hub at [cardiffmet.ac.uk/about/policyhub](https://www.cardiffmet.ac.uk/about/policyhub); or
3. Contact [policies@cardiffmet.ac.uk](mailto:policies@cardiffmet.ac.uk).

**Mae'r ddogfen hon hefyd ar gael yn Gymraeg** / This document is also available in Welsh.

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Adoption and Surrogacy Policy

# Introduction

## The University recognises the demands and importance of family life. It is therefore committed to supporting employees through a range of family friendly procedures to achieve a balance between work and home life wherever possible.

## This policy and procedure reflects the statutory and occupational rights of eligible employees to take time off and receive payment in relation the placement of a child through formal adoption or for intended parents of a child born through surrogacy agreement and who will be subject to a parental order.

# Scope

## This policy applies to all eligible employees, regardless of gender identity, gender expression or sexual orientation.

## For the avoidance of doubt, the terms “partner” or “spouse” are inclusive of same-sex partnerships.

# Statutory Adoption Leave

## Statutory adoption leave is available to employees who are newly matched with a child for adoption by an approved adoption agency or through a surrogacy agreement.

## Where a couple adopts a child jointly they may choose which partner takes adoption leave and pay. The other partner may be eligible for paternity leave and pay.

## Eligible employees are entitled to 26 weeks’ ordinary adoption leave and 26 weeks additional adoption leave.

## To qualify for statutory adoption leave employees must:

### Have been matched with a child to be placed with them by a UK adoption agency.

### Have notified the adoption agency that the employee agrees that the child should be placed with them and agree a date of placement for the child to be placed into the employee’s care with a view to adoption.

# Statutory Adoption Pay

## Statutory adoption pay will be paid for 39 weeks at the rate of standard statutory adoption pay, or 90% of average weekly earnings if this is less than the current rate of statutory adoption Pay, provided that:

### The employee has at least 26 weeks’ continuous employment with the University at the end of the week in which the adoption agency notifies them that they have been matched with a child or;

### The employee’s average earnings are not less than the lower earnings limit set by the government each tax year.

## The employee will be paid 90% of their salary between weeks 1-6 of the adoption leave period.

## Employees will need to provide a matching certificate from their adoption agency as evidence of their entitlement to statutory adoption pay.

# Cardiff Metropolitan University’s Occupational Adoption Pay

## In addition to statutory adoption pay the University has an occupational adoption pay scheme. Adoption leave may only be taken by one adoptive parent.

## The employee will be eligible to receive occupational adoption pay if they have been continuously employed by the University during the 12 month period ending at the 11th week prior to adoption agency notifying them that they have been matched with a child.

## Where employees meet the criteria set in section 5.2, they will be in receipt of 39 weeks occupational adoption pay and 21 weeks statutory adoption pay, as follows:

### 13 weeks at normal contractual weekly earnings.

### 26 weeks at 50% of normal contractual weekly earnings plus statutory adoption pay. Normal contractual weekly earnings cannot be exceeded.

# Overseas Adoption

## If the employee is adopting a child from overseas, the following must apply

### The employee must have received official notification that the adoption has been approved by the relevant UK authority.

### The employee must give the University notice in writing of:

#### Their intention to take adoption leave

#### The date that the employee received the official notification

#### The date that the child is expected to arrive in the UK

#### Copy of evidence that the child has entered the UK

## This must be given within 28 days of receiving the official notification

## The employee must also give us at least 28 days written notice of the date that they intend to start their adoption leave. This can be the date when the child arrives in the UK or a pre-determined date of no more than 28 days after the child’s arrival in the UK.

## The employee must also notify the University of the date that the child arrives in the UK within 28 days of that date.

# Surrogacy Agreements

## Where a child is born to a surrogate, the employee can become the child's legal parent by applying for a parental order.

## One of the intended parents must be genetically related to the child and the child must live with the intended parents.

## Where a couple has a parental order in relation to a child, or is applying for one, only one of the parents will be eligible for adoption leave and adoption pay. The couple must elect which of them will take adoption leave.

## An employee who takes adoption leave in these circumstances can curtail their adoption leave and take shared parental leave with the other parent, provided that the parents both meet the relevant eligibility requirements.

## Employees who intend to apply for a parental order and expect to become the child's legal parents in a surrogacy arrangement have the right to unpaid time off work to accompany the person giving birth to up to two antenatal appointments.

## If the employee is applying for adoption leave they must provide the following:

### The person giving birth’s MATB1 form

### The parental order within 6 months of the child’s birth

# Definitions

## Adopter: For the purposes of this policy, an adopter is a person who has been matched with a child for adoption or, if the couple have been matched jointly, the member of the couple who has chosen to take adoption leave and/or statutory adoption pay.

## Adoption agency: an adoption agency has the meaning given to it in section 1(4) of the Adoption Act 1976 in England and Wales.

## Matched / Matching: A person is matched with a child for adoption when an adoption agency decides that the person would be a suitable adoptive parent for the child, either individually or with another person.

## Notification of Matching: A person is notified of having been matched with a child on the date on which they receive notification of the adoption agency’s decision that they have been matched with a child for adoption.

## Placement: A child is placed for adoption when the child goes to live with the adopter or adopters with a view to being adopted by them in the future.

## Surrogacy: An agreement of the person giving birth to carry a child to term and surrender the child upon birth to another person or a couple.

# Welsh Language Standards

## The University has considered what effects this policy has on opportunities to use the Welsh language and has considered its duty in treating the Welsh language no less favourably than the English language.

## This policy and associated documents are available in both the Welsh language and the English language.

## Any paper correspondence in relation to this policy will be provided in Welsh, should the employee have chosen to receive any correspondence in relation to their employment, in Welsh.

Adoption Procedure

# Notification by the Employee

## You must inform your manager of your intention to take adoption leave and of the expected placement date within 7 days of being notified by the adoption agency that you have been matched with a child or in the case of a surrogacy agreement, the expected week of childbirth, unless this is not reasonably practicable.

## As an adopter you can choose to begin your adoption leave and adoption pay on:

### the date on which the child is placed with you for adoption; or

### a pre-determined date no earlier than 14 days before the expected date of placement, and no later than the expected date of placement.

### in the case of surrogacy, the day the child is born or the following day

## You will only be entitled to one period of adoption Leave irrespective of whether more than one child is placed for adoption as part of the same agreement.

## You must give 28 days’ notice to your manager of the date you want your adoption leave to begin, or as soon as is reasonably practicable.

## You must provide your manager with the following information:-

### when the child is expected to be placed;

### the expected week of childbirth in the case of a surrogacy agreement

### when you wish the adoption leave to begin

## If the placement date is delayed, you must inform your manager at least 10 working days in advance of the original date or the new date you want your leave to start, whichever is later. If the date of placement changes before you begin your adoption leave, you should inform your manager as soon as possible and give the appropriate notice to change the start date.

## You must provide a matching certificate from the adoption agency as evidence that you are entitled to statutory adoption pay and a declaration that you have chosen to receive statutory adoption pay rather than statutory paternity pay.

# Cardiff Metropolitan University’s Responsibilities

## Upon receiving a request confirming your intention to take adoption leave, your manager, in discussion with a human resources representative, will respond to you in writing within 28 days, setting out the date that you will commence the adoption leave and confirming your expected to return to work date. The return to work date will be 52 weeks after the start of the adoption leave or sooner if you have opted to take less of the adoption leave entitlement.

## Employees on adoption leave currently must be given priority for suitable alternative employment in a redundancy situation.

## This also applies from the date an expectant mother, or those adopting a child or taking shared parental or neonatal care leave, notifies their employer of their pregnancy, match for adoption, intention to take shared parental or neonatal care leave; and extends for 18 months from the birth date.

# Time Off for Adoption Appointments/Meetings

## The primary adopter will be entitled to paid time off for up to 5 adoption appointments/meetings. The second adopter will be entitled to paid time off for up to 2 appointments. You should complete the application for time off to attend adoption appointments/meeting form and submit it to your manager.

# Time off in Surrogacy Agreements

## If you are engaged in a surrogacy agreement and are applying for a parental order, you are entitled to take paid leave to enable you to accompany the surrogate to up to two of the antenatal appointments.

# Keeping in Touch Days during Adoption Leave

## You may, by advance agreement with your line manager, undertake up to ten days’ work, which are known as KIT (Keeping in Touch) days, during your adoption leave.

## KIT days enable the employee to keep up to date with developments in the workplace, retain knowledge, maintain relationships with colleagues and other stakeholders, take advantage of training and development activities and may help to ease the employee’s transition back into the workplace at the end of their adoption leave.

## KIT days may include any activity which would normally be classed as work under your contract of employment, for example attending a meeting, attending a conference, attending a training and development activity or any other activity in accordance with their job description.

## KIT days should be taken intermittently throughout the adoption leave period by advance agreement and not taken as a block of one or two consecutive weeks. Any work that is undertaken as a KIT day will be counted as one whole KIT day’ and even as little as half an hour will be counted as one whole day and will be paid.

# Returning to Work Following Adoption Leave

## You must give your manager at least 8 weeks’ notice if you intend to return to work earlier than the end of the agreed period of adoption leave.

## If you have notified the University that you wish to return to work before the end of the full 52 weeks of adoption leave and subsequently change your mind, you must give your manager at least 8 weeks’ notice that you intend to return to work later than the end of the agreed period of adoption leave, provided the new date is within the full entitlement of 52 weeks of adoption leave.

## If you do not wish to return to work after the adoption leave, you must provide the University with notice in accordance with your contract of employment.

## If you do not return to work for a minimum of 3 months following the adoption leave, the University reserves the right to reclaim all or part of the entitlement of the occupational adoption pay, but not statutory adoption pay which you have received.

## The return to work period starts when you physically return to work. Periods of paid or unpaid absence before you return to work, e.g. annual leave or sickness absence, do not count towards the three-month period.

## If you return to work, having taken no more than 26 weeks’ leave and during your Ordinary Adoption Leave period, you have the right to return to the job that you held before starting Adoption Leave.

## If you return to work after taking Additional Adoption Leave and it is not reasonably practicable for you to return to the same job, you will be offered another suitable and appropriate job, on no less favourable terms and conditions.

## Upon your return to work, you will have an initial meeting with your line manager in order to inform you of any workplace developments, agree objectives, organise handover arrangements, introduce you to new members of staff, and to assess if you have any training or development needs. At this initial meeting further review meetings will be scheduled between you and your line manager.

## Should you wish to make a formal flexible working request in order to request changes to your working pattern, hours or place of work, you should do so using the University’s Flexible Working Guidance. Where possible, this request should be made no later than 8 weeks before your return from adoption leave to ensure that the University has time to consider your request and that both parties have time to make any necessary arrangements.

1. Neonatal Care Leave and Pay

7.1 Some babies are born in need of additional support. Parents may be entitled to additional statutory pay and leave.

* 1. Information and guidance are available in the Leave of Absence Guidelines linked on the [Family Friendly InSite page](https://outlookuwicac.sharepoint.com/sites/PeopleServices/SitePages/Family-friendly/home.aspx#carer-s-neonatal-care-leave-guidance-and-application-forms).

# Pension

## Whilst on paid adoption leave, your pensionable service will continue. Although your pension contributions will be based on your actual adoption pay, you will continue to build up pension benefits in the normal way as if you had been in work.

## During any unpaid period of adoption leave, no further pension contributions will be payable until you return to work. This period of leave will not be included as pensionable service and therefore benefits will not build up.

## You may be able to pay back contributions in order for any periods of unpaid leave to count as pensionable. However, there will be conditions on this subject to the rules of your particular pension scheme. Please contact the Payroll Office before you commence your leave to discuss your options.

# Annual Leave, Bank Holidays and Concessionary Days

## It is not possible for you to take annual leave at the same time as paid adoption Leave.

## Whilst on adoption Leave you will continue to accrue and receive your entitlement to bank holiday and concessionary days on a pro rata basis. It will usually be possible for you to take any unused annual leave either before you start adoption leave or at the end of the adoption leave period. This should be by advance agreement with your manager as per the normal procedure.

# Fixed Term Contracts

## If you are employed on a fixed term contract which is due to expire during the adoption leave period you should discuss this matter with a human resources representative at the earliest opportunity. Where no extension is possible, eligible employees will receive statutory adoption pay for 39 weeks. This is payable on a monthly basis until the entitlement to statutory adoption pay has been exhausted.

## If you are eligible to receive occupational adoption pay and it is not possible to extend your contract you will not be required to repay your occupational adoption pay.

# Related Documents

## Shared Parental Leave Policy and Procedure

## Paternity Policy and Procedure

## Parental Leave Policy and Procedure

## Flexible Working Guidance

## Leave of Absence Guidelines