



Adoption and Surrogacy Policy

1. Policy Statement

The University is committed to helping its staff to balance their family and work commitments. This policy explains the leave and pay available to you in the lead up to and in the first year following the arrival of your child through adoption or a surrogacy arrangement. It will support you in planning for leave and returning to work after leave.

2. Scope

This policy applies to all employees of the University.

3. Abbreviations and Definitions

Official notification is the permission you require from a UK authority stating that you can adopt from abroad

Parental Order is the court order required to make you and your partner the legal parents of the child in a surrogacy arrangement

SAL is statutory adoption leave

SAP is statutory adoption pay

UEAP is University of Edinburgh adoption pay

Matching Week is the week when notification of matching with a child is given by an approved UK adoption agency, or in the case of adoption from overseas, the week when 'official notification' of approval to adopt is received from the relevant UK authority

Qualifying week is the 15th week before the baby's due date in a surrogacy arrangement

Qualifying period is the eight weeks leading up to the matching week (adoption) or qualifying week (surrogacy)

4. Eligibility

You are eligible for adoption leave if you:

- have a child matched and placed for adoption through an UK adoption agency, or
- are adopting a child from overseas and have received official notification, or
- have a child through a surrogacy arrangement and have applied for or been granted a Parental Order, or
- are a foster parent who has been approved as a prospective adopter and have a child placed in your care with the expectation of being adopted by you.

If you are part of a couple who are adopting jointly, only one partner can take adoption leave and is eligible for Statutory Adoption Pay (SAP). If your partner is also an employee of the University, they may wish to take Partner Leave if you are the main adopter – see the [Partner Leave \(Formerly Paternity\) policy](#) for more information. You may also wish to end your adoption leave because you wish to share the remaining leave with your partner. Refer to the [Shared Parental Leave](#) policy for more information.

5. Entitlements

5.1 Leave

5.1.1 Adoption Appointments

You are entitled to a reasonable amount of paid time off work to attend up to five adoption placement meetings, before the adoption takes place. If you wish to attend more than five appointments then you will need to request time off as annual leave, time off in lieu or unpaid leave.

5.1.2 Antenatal Appointments

If you are the intended parent(s) in a surrogacy arrangement and intend to apply for a Parental Order, you are entitled to take a reasonable amount of paid time off to accompany the pregnant woman to two antenatal appointments. If you wish to attend more than two appointments then you will need to request time off as annual leave, time off in lieu or unpaid leave.

5.1.3 Adoption/ Surrogacy Leave

You can take up to 52 weeks of Statutory Adoption Leave (SAL).

5.2 Change of circumstance

If the child's placement ends or your surrogacy arrangements don't go as planned once you have started your adoption leave, you can remain on adoption leave for up to eight weeks after the end of the week in which the placement or arrangements ended.

5.3 Pay

5.3.1 University of Edinburgh Adoption Pay

We pay enhanced adoption pay - referred to as University of Edinburgh Adoption Pay (UEAP). This is equivalent to your normal full pay i.e. the salary payment you usually receive for your contractual working hours.

UEAP aligns to your contract throughout your period of paid leave. Your UEAP may therefore change if, for example, you receive a pay award or increment, or if you have multiple posts and one comes to an end during your adoption leave.

Unlike Statutory Adoption Pay (SAP) (see section 5.3.3), there is no length of service requirement for enhanced pay.

You will be entitled to UEAP if you:

- are employed by the University at the matching week, or
- are employed by the University at the baby's due date and have been or reasonably expect to be granted a Parental Order in a surrogacy situation, and
- return to work for at least three months after having been on adoption leave.

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.

You have a choice as to how UEMP is paid to you:

- 18 weeks' full pay, or
- 9 weeks' full pay plus 18 weeks' half pay, or
- SAP only

These are outlined in the table below.

Note: Some staff will have different entitlements due to, for example, the retention of previous terms and conditions under a TUPE transfer into the University.

Option 1	Weeks 1 - 18:	Full Pay (inclusive of SAP, where applicable)
	Weeks 19 - 39:	SAP only (where applicable)
	Weeks 40 - 52:	Unpaid
Option 2	Weeks 1 – 9:	Full Pay (inclusive of SAP, where applicable)
	Weeks 10 - 27:	Half Pay, plus SAP where applicable (capped at normal full pay)
	Weeks 28 - 39:	SAP only (where applicable)
	Weeks 40 - 52:	Unpaid
Option 3	Weeks 1 - 6:	SAP - 90% of your average weekly earnings (where applicable)
	Weeks 7 - 39:	SAP – The lower of either the standard rate of SAP set by the Government (where applicable), or 90% of your average weekly earnings.
	Weeks 40 - 52:	Unpaid
NB. This option is generally used where an employee is undecided about returning to work after Adoption Leave		

No combination of payments (UEAP and SAP) can exceed your normal contractual full pay, regardless of which option you choose.

Note: SAP may exceed your normal contractual full pay during the first six weeks of leave as the calculation of pay for this period is based on actual earnings during the qualifying period.

If you choose option 1 or 2 above and don't return to work for at least three months after your adoption leave, you will need to repay the difference between the enhanced payment and your SAP entitlement.

If you choose option 3 and then return to work for at least three months, you'll qualify for UEAP. We will pay you the difference between SAP and 18 weeks' full pay (i.e. the salary payment you usually receive for your contractual working hours) when you physically return to work.

5.3.2 Guaranteed Minimum Hours (GH) Contracts

If you are employed on a guaranteed minimum hours (GH) contract, we will work out your UEAP using the statutory calculation and the University's calculation as set out below. You will be paid whichever calculation is more beneficial to you.

Calculation:	UEAP:
Statutory Calculation	<p>Your average weekly earnings over the qualifying period</p> <p>NB. If the baby is born before the qualifying week (in a surrogacy arrangement), the calculation will be based on the eight week period up to the date of birth</p>
University Calculation	<p>Your average weekly earnings over the 52 weeks of employment before the matching or qualifying week or your contract period if it is shorter than 52 weeks.</p>

5.3.3 Statutory Adoption Pay

Your UEAP is inclusive of statutory adoption pay (SAP). To be entitled to SAP you must:

- have at least 26 weeks' service by the end of the matching or qualifying week
- have average earnings above the [Lower Earnings Limit](#) for National Insurance Contributions, in the eight weeks prior to the matching or qualifying week, and
- provide us with the correct notice (see section 1.2 of the procedure)

SAP is payable for 39 weeks, as detailed below:

Weeks of Adoption Leave:	You are entitled to:
1 - 6	90% of your average weekly earnings (calculated as an average over the qualifying period)
7 - 39	The lower of either the standard rate of SAP set by the Government, or 90% of your average weekly earnings.

5.3.4 Adopting from Overseas

You have the same rights to SAP if you are adopting a child from overseas. In addition to the conditions detailed in section 5.3.3, you must:

- sign a [SC6 form](#) if you are adopting a child with your partner
- have at least 26 weeks' service by the time you get your 'official notification' or when you start to receive adoption pay.

If you haven't completed 26 weeks' service by the time you receive official notification, you might be able to get more time to complete it before the child enters the UK and is placed with you.

5.3.5 Adopting through Surrogacy

You have the same rights to SAP if you are adopting a child through a surrogacy arrangement. In addition to the conditions detailed in section 5.3.3, you must:

- have at least 26 weeks' service by the 15th week before the baby's due date
- have entered into a surrogacy arrangement where the baby will be placed with you as the intended parent upon their birth
- be the primary carer of the baby
- intend to apply for a Parental Order
- expect the order to be granted (for example, because you don't have any convictions involving children, and the birth mother or father agree to the arrangement).

5.3.6 Other options

If you don't qualify for SAP, we will issue you with a SAP1 form explaining why you can't get statutory adoption pay. You should contact your adoption agency who may be able to offer help. You may also be able to apply for support from your [local council](#).

5.4 Multiple Posts

If you are employed in more than one University of Edinburgh post, your UEAP will be based on your combined earnings. You must notify your manager in each post of your intention to take adoption leave. Your leave must start and end on the same date in every post.

You can only claim SAP once from the University of Edinburgh, however, calculations for SAP will be based on all of your earnings during the qualifying period.

5.5 Annual Leave

You must take any outstanding annual leave (i.e. holidays) that you have accrued before you start your adoption leave.

6. During Adoption Leave

6.1 Continuity of Employment

Continuity of employment is maintained during your leave which means there is no break in service during your absence from work. You can return to work, normally to the same job, after your adoption leave. However, in exceptional circumstances where this may not be feasible, you will be offered a suitable alternative post (see section 6.8).

6.2 Terms and Conditions of Employment

All of your terms and conditions of employment remain in place during your adoption leave, except those which relate to pay.

6.3 Annual Leave and Public Holidays

You continue to accrue contractual annual leave (i.e. holidays) while you are on adoption leave. You should ideally take the holidays you have accrued during your adoption leave at the end of your period of adoption leave and before you physically return to work. In exceptional circumstances, once you have returned to work and it has not been possible to take all of the current leave year's holiday, your manager may agree to carry over any holidays which exceed the standard five days (pro rata if you are part time) carry over allowance.

If your adoption leave falls over the [public holidays](#) recognised by the University, these days will be added to your annual leave entitlement and should be taken at the end of your period of adoption leave and before you physically return to work. If you are part-time, you will receive a pro-rata entitlement, just as you would have done had you been at work.

6.4 Pension Contributions

You will continue to make pension contributions during paid adoption leave. Depending on how much adoption leave you take, some of your leave may be unpaid. Therefore you may not earn enough in a pay period to make your regular pension contribution. The [Pensions team](#) will contact you directly if there are any pension implications that you should be aware of, and will advise you of your options regarding your pension contributions.

6.5 Keeping-in-Touch Days

Your manager is responsible for keeping you informed of any developments or news at work while you are on leave. Therefore they will make reasonable contact with you to keep you up-to-date.

You can agree to work or attend training or meetings for up to 10 days during your leave, without your adoption leave or pay coming to an end. This time at work is known as “Keeping-In-Touch” days (KIT days).

You aren’t obliged to agree to any KIT days, in the same way that the University isn’t obliged to agree to any requests you make for a KIT day. KIT days are used at mutually agreeable times. You and your manager should agree the date and hours of any KIT days. Whether you attend work for a full or part day, this will count as one KIT day.

You can choose to be paid for the time, or take this as time off in lieu (TOIL). Where a full day is not completed, payment/TOIL will only be for the hours actually spent at work or attending training or meetings.

If you choose to be paid, you will be entitled to the following:

Stage of Adoption Leave	Eligible to be paid
During receipt of UEAP at full pay	No additional payment as you are already in receipt of full pay
During receipt of UEAP at half pay	Your pay will be topped up to your normal contractual pay for the hours attended
During receipt of SAP only	SAP will be topped up to your normal full pay for the hours attended
During unpaid period	Normal pay rate for hours attended

If you choose to take TOIL, you must agree when to take the TOIL with your manager. Ideally, this should be taken at the end of the adoption leave period and before you physically return to work.

6.6 Changing your working pattern

If you wish to request a different pattern of work for your return to work following adoption leave, you have the right to make a flexible working request. Please refer to the [Flexible Working](#) policy for more information.

6.7 Returning Parents Coaching Programme

We offer a 'Returning Parents' Coaching Programme, which provides you with expert support to help your transition back into the workplace.

This service is provided at no cost to you. For more information, and to apply for this service you can visit the Human Resources [webpage](#).

6.8 Redundancy during Adoption Leave

You will have the same redundancy rights as your colleagues while you are on adoption leave. In addition, if placed at risk of redundancy, you have the right to be offered any suitable alternative job before it is offered to any other employee (even if they are more suitable for the role), as long as you meet the essential requirements for the job.

If you are issued with formal notice of redundancy, and the termination of your contract of employment takes effect between a date when you are or will be on adoption leave and what would have been the end of your adoption leave, you will be entitled to UEAP in full. Payment of any outstanding UEAP and/ or SAP will be made by lump sum at the end of your employment.

7. Other Relevant Policies and Guidance

You may find it useful to refer to other relevant University policies and guidance which you can find on the HR and University [web pages](#):

- The University's [counselling service](#)
- [Flexible Working Policy](#)
- [Partner Leave Policy](#)
- [Redundancy Avoidance Policy](#)
- [Returning Parents Coaching Programme](#)
- [Shared Parental Leave](#)
- [Special Leave Policy](#)

7. Policy & Procedure History and Review

Approval Date:	April 2019
Approved By:	CJCNC
Year of Next Review:	2022

Adoption & Surrogacy Procedure

1. Before Commencing Adoption Leave

1.1 Early Notification of Adoption or Surrogacy

You are encouraged to share the news of your adoption or surrogacy arrangements with your manager as early as possible so that they can plan ahead for your absence. This will be treated confidentially.

Please note, if you are employed by the University in more than one post you must notify all your managers of your intention to take adoption leave.

1.2 Formal Notification of Adoption

To take time off for adoption meetings, and to take leave and pay, you must inform your manager and HR, in writing:

- that you intend to take statutory adoption leave
- the date the child is expected to be placed for adoption
- when you intend to start your adoption leave (see section 1.4 of the procedure), and
- your choice of pay option (see section 5.3 of the policy)

This should be sent to HR within seven days of being matched with a child, and at least 28 days in advance of your anticipated leave start date. If it's not reasonably possible for you to meet this deadline, you should notify HR as soon as possible.

You must, where possible, provide evidence that you have been matched with a child. Once notified, HR will respond in writing within four weeks to acknowledge your intentions. We will assume, unless you tell us otherwise, that you intend to take the full 52 weeks' leave entitlement. If you are on a GH contract, you'll receive confirmation of what your pay will be from HR.

1.2.1 Formal Notification - Adopting from Overseas

In addition to the above guidance in section 1.2, if you are adopting a child from overseas you must tell us, in writing:

- the date of your 'official notification'

- the estimated date of the child's arrival in the UK – within 28 days of getting notification
- the actual date your child arrives in the UK – within 28 days of this date

1.2.2 Formal Notification - Adopting through Surrogacy

In addition to the above guidance in section 1.2, if you are adopting a child through a surrogacy arrangement you must tell us, in writing:

- the baby's due date (there may be circumstances where a MATB1 form (Maternity Certificate which denotes the expected date of birth) isn't made available to you as the intended parent – in this instance, please make HR aware)

If available, this should be sent to HR at least 15 weeks before the baby's due date.

1.3 Adoption Meetings and Antenatal Appointments

Once you know the dates of any adoption meetings or antenatal appointments that you wish to attend, you must provide your manager with an appointment letter or card. Where possible you should try to arrange appointments at the start or end of your working day to minimise disruption to your work.

1.4 Adoption or Surrogacy Leave Start Date

You can choose to start your leave and pay when:

- a child starts living with you or up to 14 days before the placement date (UK adoptions)
- a child arrives in the UK or within 28 days of their arrival (adoptions from overseas)
- you begin fostering a child with the prospect of adopting them, or
- the baby is born, or no later than the day after the birth (surrogacy).

1.5 Notification of Change to Adoption Leave Start Date

You may change the start date of your leave by letting your manager and HR know in writing. You must do this as soon as possible and normally at least four weeks' in advance of the new adoption leave start date. We understand this may not always be possible, for example, if the baby is born early in a surrogacy arrangement, i.e. before the due date.

1.6 Cover Arrangements during Adoption Leave

Your manager will arrange how best to cover your absence.

2. During Adoption Leave

2.1 Keeping In Touch Days

If you agree to attend any KIT days, you will need to decide in advance whether you wish to be paid for the time, or accrue TOIL (see section 6.5 of the policy above).

If you choose to be paid, your manager or an authorised signatory must complete the [KIT Day payment form](#) and pass it to Payroll to be processed in the next pay period.

If you choose to accrue TOIL, please arrange with your manager when this will be taken. Ideally, this will be taken at the end of the adoption leave period and before you physically return to work.

Managers must keep a record of all KIT days used.

2.2 Notification of Returning Early from Adoption Leave

We will assume you'll take the full 52 weeks' leave entitlement unless you inform your manager and HR otherwise. If you wish to bring your return date forward, you should let your manager and HR know in writing as soon as you can, giving at least eight weeks' notice of the earlier date.

Should you ask to return to work without giving this notice, then your request will be considered taking account of business needs, and in some cases, your return date may be postponed, e.g. in circumstances where a formal contract to provide cover for your absence has been put in place and the University would be at a financial detriment by allowing you to return to work without the appropriate notice being given.

If you wish to end your adoption leave because you wish to take shared parental leave (SPL), you must give at least eight weeks' notice in writing to your manager and HR.

In order to retain your entitlement to UEAP, you will need to return to work for a minimum of three months after the final period of SPL.

If you choose to shorten your adoption leave in anticipation of taking SPL later on but don't end up taking any SPL, the three month return period will start when you begin working again after adoption leave.

2.3 Notification of Late Return to Work

If you wish to delay your expected return date, you may request:

- more adoption leave if you still have some of your 52 week entitlement to take
- [parental leave](#), or
- paid annual leave

Your manager will consider your request and confirm with you as soon as they can.

If you are unable to return to work as expected because you are ill, you must contact your manager as soon as you can. Your absence will be treated as sickness absence. If you are unable to return because your child is ill, you must contact your manager to discuss the [other types of leave](#) available.

2.4 Resignation during Adoption Leave

If you decide you won't return to work, you must notify your manager as soon as you can. You must give notice of your resignation, in line with your conditions of employment.

If you opted to receive UEAP, you will be told how much you need to repay, so that you can agree how this will be repaid before your employment ends.

If your remaining adoption leave is the same period of time or longer than your contractual notice period, you won't be required to return to work. If it's shorter, you will need to return to work to complete your notice period.

Timeline of notable dates for you to be aware during your adoption leave

Things to consider	Week of Adoption Leave	Pay Option 1	Pay Option 2	Pay Option 3				
<p>Note: If there is any change in circumstance and the child's placement ends once your adoption leave has started, you can remain on adoption leave for up to eight weeks after the end of the week in which the placement ended</p> <p>Note: Remember, if you wish to take less than 52 weeks' leave, you must inform your manager and HR of the date you wish to return, giving at least eight weeks' notice</p> <p>Note: If you plan to submit a flexible working request, to change your previous working arrangements on your return from adoption leave, you must allow up to 3 months for your request to be considered and finalised</p>	+1	Full pay (inclusive of SAP, where applicable)	Full pay (inclusive of SAP, where applicable)	90% of your average weekly earnings				
	+2							
	+3							
	+4							
	+5							
	+6							
	+7							
	+8							
	+9							
	+10							
	+11							
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	+14							
	+15							
	+16							
	+17							
	+18							
		+19	SAP only (where applicable)	Half pay, plus SAP (where applicable). Capped at normal full pay	The lower of the standard rate of SAP set by the Government, or 90% of your average weekly earnings			
		+20						
		+21						
		+22						
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	This is the latest date at which you are expected to return to work, unless you have pre-arranged annual or other leave booked				+53			