

HUMAN RESOURCES POLICY

Adoption Leave Policy Effective from 1 August 2024

| Policy Owner: | Deputy HR Director (HR Partnering & Reward) |
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| Policy Date: | 1 August 2024 |
| Updated: | April 2025 |
| Proposed date of review: | August 2026 |

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1 Policy statement

- 1.1 The Adoption Leave Policy sets out the entitlements and support available to employees who wish to take leave following a legal adoption process or who have a child through a legal surrogacy arrangement.
- 1.2 The legislation governing adoption and surrogacy leave is complex and members of staff who are pregnant are encouraged to contact the [HR Staff Hub](#) to discuss their entitlements.
- 1.3 Imperial's policies reflect the diversity of our daily lives and must be implemented to ensure equal opportunities and without unfair discrimination. Implementation of the Adoption Leave policy must be clear and transparent and line managers and supervisors are required to familiarise themselves with, and understand, this policy and associated procedures.
- 1.4 Imperial's [Values](#) are at the very centre of our work and guide our behaviour as a community, across all levels. This policy aims to protect and promote our Values of Respect, Collaboration, Excellence, Integrity and Innovation.

2 Scope

- 2.1 The Adoption Leave Policy applies to all employees of Imperial College London who meet the eligibility criteria set out at 3 and whose baby was placed with them for adoption on or after 1 August 2024.

3 Eligibility

- 3.1 There is no qualifying length of service to be eligible for Adoption leave.
- 3.2 To be eligible for adoption leave, you must be either;
 - Fostering a child permanently and becoming their legal parent ('fostering to adopt');
 - A registered and approved adopter;
 - Having a child through a surrogacy arrangement including via a parental order under section 54 of the Human Fertilisation and Embryology Act 2008.
- 3.3 Adoption Leave and pay is only available to one member of a couple and you may choose who this will be. They are known as the 'primary adopter' for the purposes of leave and pay.
- 3.4 If you are the partner of the primary adopter, you will be eligible to take [Paternity/Maternity Support Leave](#).
- 3.5 Adoption Leave will not apply in the following situations; however you may be eligible for ordinary parental leave (see the Special Leave Policy):
 - private adoption
 - becoming a special guardian or kinship carer
 - adopting a stepchild
 - adopting a family member, unless they have applied for a parental order in a surrogacy arrangement
- 3.6 Pregnant staff who are a surrogate are entitled to maternity leave and pay and should refer to the [Maternity Policy](#).

4 Entitlement

- 4.1 There is no qualifying length of service for Adoption Leave. If the eligibility requirements are met, the primary adopter is entitled to take up to 52 weeks Adoption Leave.

Occupational Adoption Pay (OAP)

- 4.2 All employees taking Adoption Leave, regardless of length of service, are entitled to Imperial College's OAP, provided the notification procedure has been followed (see 5).
- 4.3 OAP is 18 weeks of paid leave which means you will receive your normal rate of pay for the first 18 weeks of your adoption leave.
- 4.4 You must return to work for a minimum period of 3 months after adoption leave in order to qualify for Occupational Adoption Pay. Imperial College retains the right to reclaim Occupational Adoption pay if you fail to return to work for at least 3 months.

Statutory Adoption Pay (SAP)

- 4.5 To be eligible for SAP you must have:
 - at least 26 weeks service by the time you are matched with a child or;
 - in the case of a surrogacy arrangement, 26 weeks service at the 15th week before the Expected Week of Childbirth (EWC)and;
 - your earnings must be above the lower earnings limit for National Insurance contributions.
- 4.6 If you are not eligible for SAP, you may be eligible for support from your local council. You will be provided with a SAP1 form. Further information can be found on the [government website](#).
- 4.7 SAP is payable for a 39 week period and is included in OAP.
- 4.8 No combination of payments during this period will exceed your normal full pay.
- 4.9 Entitlements to Adoption pay are as follows:

| Week | Eligible for OAP & SAP* | Eligible for OAP only |
|-------------|--|------------------------------|
| 1-18 | Full Pay (incorporating 6 weeks higher rate SAP and 12 weeks lower rate SAP) | Full Pay |
| 19-39 | Lower rate SAP | Unpaid |
| 40-52 | Unpaid | Unpaid |

- 4.10 SAP is payable to those who qualify, regardless of whether or not you intend to return to work.
- 4.11 The current rate of pay for SAP can be found on the [government website](#).

* Previous continuous University or Trust service will be recognised for the purposes of SAP for the following categories of staff: Professor, Reader, Non-Clinical and Clinical Senior Lecturer, Non-Clinical and Clinical Lecturer, and Clinical Research Fellows.

5 Notification

- 5.1 You should inform your line manager and HR of your intention to take Adoption Leave within 7 days of being notified by the adoption agency that you have been matched with a child for adoption.

- 5.2 In the case of surrogacy arrangements where you intend to adopt a child or apply for a parental order, you must inform your manager and HR at least 15 weeks before your intended adoption leave start date.
- 5.3 You need to provide the following information:
 - The expected date of placement, or in the case of a surrogacy arrangement, the expected due date
 - When you would like your adoption leave to start
- 5.4 Adoption Leave can start from the date that the adopted child is placed, or up to fourteen days before the date of the placement. If the child is being adopted from overseas, adoption leave can start when the child arrives in the UK or within 28 days of this date.
- 5.5 In a surrogacy arrangement, leave may start the day the child is born or the day after.
- 5.6 Leave can start on any day of the week.
- 5.7 Only one period of leave will be available irrespective of whether more than one child is placed for adoption at the same time.
- 5.8 You will need to provide the following documentation to the Staff Hub:

For proof of adoption:

- your name and address and that of the agency
- the match date - for example the matching certificate
- the date of placement - for example a letter from the agency
- the relevant UK authority's 'official notification' confirming you're allowed to adopt (overseas adoptions only)
- the date the child arrived in the UK - for example a plane ticket (overseas adoptions only)

In a surrogacy arrangement:

- You must provide a written statement ('statutory declaration') to confirm you've applied or will apply for a parental order in the 6 months after the child's birth. You must sign this in the presence of a legal professional.
- Further information can be found on the [government website](#).

6 Time off for appointments

- 6.1 If you are in the process of adopting a baby or child or becoming a surrogate parent via a legal surrogacy arrangement, you may take a maximum of 3 days' paid leave in order to attend court proceedings related to the adoption/surrogacy.
- 6.2 Once you have been matched with a child, and you are the primary adopter, you will be entitled to paid time off to attend up to five adoption appointments.
- 6.3 If your partner is the primary adopter, you are entitled to take paid time off to attend up to two adoption appointments.
- 6.4 Appointments may include having contact with the child prior to adoption, parenting classes with a registered medical practitioner, midwife or health visitor or appointments for any other purpose connected with the adoption.
- 6.5 Adoptive parents in a surrogacy arrangement are entitled to paid leave to attend up to two antenatal appointments made on the advice of a doctor, registered midwife, or registered health visitor. Antenatal care is not necessarily restricted to medical examinations, for example, it could include parenting classes, as long as these are advised by a registered medical practitioner, midwife, or health visitor.

6.6 You should give your manager as much notice as possible of appointments. Your manager may ask you to confirm in writing the time and date of the appointment and the nature of the appointment.

7 Keeping in touch

7.1 Your manager may make reasonable contact with you during your adoption leave e.g. to update you on what is happening at work, promotion opportunities or to discuss your return to work.

7.2 Prior to the commencement of your adoption leave, your manager will normally discuss the arrangements for staying in touch, the reasons for this contact and the types of things that might be discussed: for example, work-related matters or information on training courses.

7.3 Additionally, where it is agreed between you and your manager, you may carry out work or attend training for up to 10 Keeping in Touch days during your adoption leave without your leave being brought to an end. Further details are available on the [Keeping in Touch Days webpage](#).

8 Annual leave during adoption leave

8.1 Statutory and contractual annual leave, including bank holidays and Imperial College closure days, is accrued throughout the whole period of your Adoption Leave. Your holiday entitlement will be updated to reflect this.

8.2 Part-time employees are entitled to a pro-rated entitlement to any bank holiday and closure days that occur during their period of adoption leave. These will be added to your overall holiday entitlement.

8.3 You are encouraged to consider using a proportion of your annual leave entitlement before the start and after the end of your Adoption Leave.

8.4 If the Adoption Leave period is likely to cross two annual leave years, you may carry over annual leave accrued in the first leave year but must use these days within three months following your return to work. Any annual leave accrued in the second leave year may be taken as normal.

8.5 Annual leave cannot be taken between the end of the paid Adoption Leave period and the beginning of any unpaid Adoption Leave period.

8.6 The HR Staff Hub will be able to provide specific advice on annual leave entitlements.

9 Terms and conditions of service

9.1 Continuous service is unbroken during a period of Adoption Leave. The whole period of Adoption Leave (both paid and unpaid) counts towards the calculation of those benefits which accrue with length of service, i.e. sickness benefits, annual leave and redundancy pay.

9.2 Where applicable, the normal annual increment or contribution payment will be awarded at the usual time, as will any pay award implemented by the university.

9.3 Pension rights and contributions will be dealt with in accordance with Imperial's pension schemes. Contributions and entitlements will continue as normal whilst you are on full pay or SAP (if receiving SAP, Imperial will maintain the contribution at the full rate). If you are planning on taking a period of unpaid leave, you should make an appointment to discuss your individual position with the pensions team by emailing pensions@imperial.ac.uk.

10 Ending or amending adoption leave

- 10.1 Adoption Leave will automatically end 52 weeks after the start date unless you have specified a return date.
- 10.2 If you wish to amend your return-to-work date, you must give at least eight weeks' notice if the date is earlier than previously agreed. You will need to inform your line manager of your new date. Once you have informed your line manager, you must also inform the HR Staff Hub so they can make the necessary adjustments.
- 10.3 If, prior to commencing Adoption Leave, you had notified your manager and HR that you intended to return to work before the end of the 52 weeks, you may decide to return to work on a later date. If this is your intention, then notice of your new, later date of return must be provided to your manager and HR at least 8 weeks before the earlier date.
- 10.4 You may wish to curtail your adoption leave in order to enter into shared parental leave with your partner. For details on this refer to the [Shared Parental Leave Policy](#).

11 Neonatal care leave

- 11.1 If your baby is born on or after 6th April 2025, you are eligible to accrue neonatal care leave if the following conditions are met:
 - Your baby needs at least seven consecutive days of neonatal care within the first 28 days after birth.
 - You are the child's parent, the child's intended parent (applicable to surrogacy) or the child's adopter or prospective adopter (applicable to adoptions) and have responsibility for the upbringing of the child; or
 - You are the partner of the child's mother, adopter or prospective adopter and have or expect to have main responsibility for the upbringing of the child (apart from the mother), and
 - The leave must be used to care for the baby.
- 11.2 You will be eligible to take leave in respect of neonatal care that falls after the date the child has been placed with you for adoption (for adoptions within the UK) or after the child has entered Great Britain (for adoptions from overseas).
- 11.3 You can accrue one week of leave for every seven consecutive days your baby receives neonatal care, up to 12 weeks in total. The leave may be taken at the end of your adoption leave and must be taken within 68 weeks of the birth of your baby.
- 11.4 Neonatal care leave is paid leave and is provided in addition to other family leave.
- 11.5 Further information about this entitlement is set out in the [Neonatal Care Leave Policy](#).

12 Returning to work after adoption leave

Returning to Work during weeks 1 - 26

- 12.1 If you choose to return to work during weeks 1 - 26, you will be entitled to return to your same job, on the same terms and conditions, as if you had not been absent. The exception to this is where a redundancy situation has arisen and the original job no longer exists.

Returning to Work during weeks 27 - 52

- 12.2 If you choose to return during weeks 27 - 52 you will usually be entitled to return to the same job, on the same terms and conditions, unless a redundancy situation has arisen. However, if

there is a reason other than redundancy (such as operational demands or a need for a change in working practices) which makes it not reasonably practicable for you to return to the same job, you are entitled to return to a job suitable to you and appropriate in the circumstances, with terms and conditions which are not less favourable than your original job.

13 Ending employment

- 13.1 If you decide that you do not wish to return to work after Adoption Leave, you must give the period of notice as set out in your terms and conditions of service or reach an alternative agreement with your manager.
- 13.2 Your employment will end once your notice period comes to an end and you will be paid in lieu of any accrued untaken holiday, bank holidays, and closure days.
- 13.3 Imperial College retains the right to reclaim Occupational Adoption Pay if you fail to return to work and continue in employment for at least three months.
- 13.4 If your post is potentially at risk of redundancy or your contract is due to end during your adoption leave, you will be consulted as appropriate in accordance with the [Fixed Term Worker Procedure](#) or [Change Management Policy](#). In these circumstances, Imperial will pay the appropriate OAP entitlement until the last day of your employment. After this date, if you are entitled to SAP, this will be paid as a lump sum in your final payslip.

14 Support after adoption leave

Elsie Widdowson Fellowships

Elsie Widdowson Fellowships apply to academic staff returning from maternity or adoption leave. The purpose of the Fellowship is to allow a returning member of academic staff to concentrate on consolidating their research activity.

The Fellowships provide this opportunity through part-funding i.e. 50% (met centrally) of the salary costs for up to 12 months immediately following the member of staff's return from maternity leave, adoption leave and/or shared parental leave. This means that the department/division can relieve the member of staff of teaching and administrative duties during the agreed period of the research programme. The remaining half of the salary costs will be met by the department/division.

Applications for Elsie Widdowson Fellowship Awards are not restricted to one Award and, therefore, academic staff who have previously received the award may make additional applications.

The rules of the Fellowship and details of how to apply can be found on the Elsie Widdowson Fellowship Award webpage.

Early Years Education Centre (EYEC)

Childcare for children between the ages of 6 months and 5 years is available, by application, from the Early Years Education Centre. For details of fees and how to apply for a place please contact the Manager, or the Supervisor, on telephone number 020 7594 5120 / 5121 or visit: <http://www.imperial.ac.uk/early-years>.

Nursing Rooms

Imperial College has designated resting and nursing rooms across different campuses, listed on the Estates Operations webpages, available to parents and those who are pregnant who need a space to rest as well as to those who need to express milk or nurse their baby. The rooms are available for both staff and students.

Parents' Network

Imperial College Parents' Network aims to provide a one stop shop for all relevant policies and information related to being a parent at Imperial and enables you to build networks with your colleagues which will provide mutual support.

Parent Buddy Scheme

Imperial operates a Buddy Scheme, available both prior to and post-maternity, adoption, and shared parental leave. The scheme provides the opportunity to be paired up with a returner from one of those categories of leave who has been back in the workplace for a few months and who can act as a sounding board to answer any questions. For further details, please email parents@imperial.ac.uk.

Flexible Working

If you are thinking about changing your work pattern, please speak to your line manager as soon as possible in order to explore what opportunities are available to you. Further information can be found in the Flexible Working Policy.

Confidential Care

Imperial's employee assistance provider, Confidential Care, can offer you support by way of a help sheet, which gives basic suggestions that could help your return to work. A free 24-hour confidential advice line is also available for practical and emotional support.

15 Related policy and guidance

[Paternity/Maternity Support Leave](#)

[Maternity Leave Policy](#)

[Shared Parental Leave Policy](#)

[Special Leave Policy](#)

[Flexible Working Policy](#)

16 Glossary of terms

| | |
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| Newly matched with a child for adoption | 'matched' means that the adoption agency gives you the details of the child they think is suitable for you to adopt (i.e. not a step-partner adopting a |
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|-----------------------------------|---|
| | partner's child or where the adoption follows a period of fostering. |
| Occupational Adoption Pay (OAP) | 18 weeks of full pay, paid for the first 18 weeks of Adoption Leave. |
| Statutory Adoption Pay (SAP) | 39 weeks of statutory adoption pay is available to eligible employees. 18 weeks of SAP is included within OAP. |
| Matching Certificate | A certificate completed by the adoption agency and may be used as evidence for the purposes of adoption leave and pay. It confirms that the named person(s) has(have) been matched with a child for adoption. |
| Parental Order | A parental order reassigns parenthood, extinguishing the parental status of the surrogate parent and conferring full parental status and parental responsibility on the intended parent(s). |
| Expected Week of Childbirth (EWC) | The week, beginning with midnight between Saturday and Sunday, in which it is expected that childbirth will occur. |
| Keeping in Touch Days | Days agreed between a member of staff and their manager when they will carry out work or attend training. |