

ADOPTION/SURROGACY POLICY

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1.0 Introduction

The following details outline entitlements to Statutory and College Adoption and Surrogacy rights and benefits for employees of the College. In line with all of the College's family leave and pay policies, this policy is inclusive, does not make assumptions about your gender or your partner's gender, and is explicitly inclusive of same-sex couples. It applies to all staff irrespective of your gender identity, sexual orientation, gender expression, biological sex or if you are transitioning. It will not normally apply to casual workers or agency workers.

Adoption and Surrogacy pay for any member of staff, including those employed on Research Grants, for the duration of any paid Adoption/Surrogacy Leave, will be charged to a central fund. Payment for Keeping in Touch days will be charged to the member of staff's departmental/ divisional/faculty code.

The legislation governing Adoption and Surrogacy Leave is complex and staff are encouraged to contact the [HR Staff Hub](#) to discuss their entitlements. Confidentiality will be assured.

The College's policies respect the diversity of our daily lives and must be implemented to ensure equality of opportunity and without unfair discrimination. Implementation of this policy must be clear and transparent and line managers and supervisors are required to familiarise themselves with, and understand, this policy and associated procedure.

The College's [Values](#) are at the very centre of our work and guide our behaviour as a community, across all levels of the College. This policy aims to protect and promote our Values of Respect, Collaboration, Excellence, Integrity and Innovation.

2.0 Arrangements for staff who intend to adopt or enter into a legal surrogacy arrangement

2.1 Who can apply for adoption or surrogacy leave?

Irrespective of gender identity, sexual orientation or biological sex, and where a couple adopt jointly, adoption/surrogacy leave and pay is available to one member of the couple, (the couple may choose which partner takes adoption/surrogacy leave). The other member of the couple may be entitled to Paternity/Maternity Support Leave and pay ([see Paternity/Maternity Support Leave Policy](#)).

2.2 What provision is made for Employees who give birth on behalf of Surrogate Parents?

If the pregnant person meets the eligibility requirements in the [Maternity Policy](#), they are entitled to both maternity leave and pay and should follow the procedure outlined in this policy and procedure.

2.3 Will I be able to take time off to attend court proceedings in connection with the adoption and surrogacy?

If you are in the process of adopting a baby or child or becoming a surrogate parent via a legal surrogacy arrangement, you will be granted a maximum of 3 days' paid leave in order to attend court proceedings in respect of the adoption/surrogacy arrangements.

2.4 Will I be able to attend antenatal appointments?

Any members of staff, irrespective of gender, gender identity or sexual orientation, who are potential applicants for parental orders in relation to children born to surrogates are, regardless of their length of service, entitled to paid time off to accompany the pregnant person to two antenatal appointments, made on the advice of a doctor, registered midwife or registered health visitor. Ante-natal 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. 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, the nature of your relationship with the pregnant person and that the purpose of the time off is to attend an ante-natal appointment.

2.5 Will I be able to attend appointments related to the adoption?

If you have been notified that a child will, or is expected to, be placed for adoption with you, and you are the main adopter, regardless of your length of service, you will be entitled to paid time off to attend up to five adoption appointments. A member of staff who is the secondary adopter is entitled to take paid time off to attend up to two adoption appointments.

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.

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.

3.0 Adoption/surrogacy leave arrangements

3.1 Will I qualify for adoption/surrogacy leave?

To qualify for paid adoption/surrogacy leave you must meet the following requirements:

- Be newly* matched with a child for adoption by an approved adoption agency.
- Notify your manager within 7 days of the date on which you are notified of being matched with the child of when you want to take your adoption leave, or, in respect of surrogacy arrangements, at least 28 days before you intend to commence your leave
- Have average earnings at the matching week of at least equal to the lower earnings limit for NI contributions (please seek advice from HR if you are at all unsure about this)

*Adoption/surrogacy leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's child, or where the adoption follows a period of fostering. However, in such circumstances, a member of staff will be eligible for paid leave in order to attend court proceedings in respect of the adoption as outlined in **section 2.2** above.

If the baby is being legally adopted by the Surrogate Parents, the Surrogate Parents will be entitled to the statutory provisions in respect of leave and pay outlined at **sections 3.3 and 4.1**, provided they fulfil the usual eligibility criteria as outlined.

Where, as an alternative to adoption, the baby is the subject of a Parental Order following a legal surrogacy arrangement, there will be no legal entitlement to Statutory Leave and Pay. However, in such circumstances, the College will provide the Surrogate parents with the same entitlements as those which apply to adoptive parents, on the proviso that they provide the College with a copy of the MATB1 prior to the birth of the baby and following the baby's birth a copy of the 'Parental Order' within 6 months of the baby's birth and that the full eligibility criteria outlined in **section 2** are met.

3.2 How do I apply for adoption/surrogacy leave?

You should inform your 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, or, in respect of surrogacy arrangements, at least 28 days before you intend to commence your leave, unless this is not reasonably practicable. You will need to inform your manager and HR of the following:

- When the child is expected to be placed with you or when the baby who is the subject of the surrogate agreement is due to be born and
- When you want your adoption/surrogacy leave to start

You can choose to start your adoption/surrogacy leave on the date of the child's placement or on a pre-determined date from 14 days before the expected date of placement until the date of the child's placement.

Leave can start on any day of the week. Only one period of leave will be available irrespective of whether more than one child is placed for adoption at the same time.

You should provide your manager or the HR Staff Hub with:

- A 'Matching Certificate', which you should receive from the adoption agency; or if it is an overseas Adoption, a Certificate of Eligibility from the UK Authority which confirms the suitability to adopt.
- **Or**
- A copy of the MATB1 certificate issued to the surrogate*

so that adoption/surrogacy leave and pay entitlements can be confirmed. HR will also add this leave to your TeamSeer absence management record.

*Where, as an alternative to adoption, the baby is the subject of a Parental Order following a legal surrogacy arrangement, in addition to a copy of the MATB1 certificate issued to the surrogate, you must also provide the College with a copy of the 'Parental Order' within

6 months of the baby's birth. The College retains the right to reclaim any payment made, and to be compensated for leave taken, if the member of staff fails to provide a copy of the 'Parental Order' within 6 months of Leave and Pay commencing.

3.3 How much leave is available?

All eligible members of staff are entitled to 52 weeks' Statutory Adoption Leave, regardless of length of service.

3.4 Will my previous continuous service be recognised when calculating my adoption/surrogacy pay entitlements?

The College will recognise previous continuous University or Trust service for the purposes of adoption/surrogacy pay for the following categories of staff: Professor, Reader, Non-Clinical and Clinical Senior Lecturer, Non-Clinical and Clinical Lecturer, and Clinical Research Fellows.

3.5 What is Shared Parental Leave?

Shared Parental Leave provides eligible parents – you and your partner, regardless of gender, gender identity or sexual orientation – with the opportunity to choose to share the care of their child during the first year following the child's adoption. Its purpose is to give parents greater flexibility in considering how to best care for, and bond with, their child.

Parents have the option of converting part of their Adoption/surrogacy Leave and Pay period to Shared Parental Leave and Pay, and sharing the remaining period of leave and pay (up to a maximum of 50 weeks' leave and 37 weeks' pay) between them.

Shared Parental Leave and Pay cannot begin before the placement for adoption, and all leave must be taken within one year of the date that the child was placed with the family (i.e. the anniversary of the placement of an adopted child).

Two separate schemes are available to College staff (subject to meeting the eligibility requirements):

- Under the **Statutory Shared Parental Leave Scheme**, a member of staff may submit up to three requests for blocks of shared parental leave during the first year following the placement of their child with them for adoption. A block of leave may have one start and end date (for example commencing on 1 July and ending on 31 October). This is known in law as a "continuous" block of leave. Alternatively, subject to line manager agreement, a block of leave may include two or more start and end dates (for example one month's leave, followed by two months at work, followed by 3 months leave). This is known in law as a "discontinuous" block of leave. Leave requests must be submitted at least 8 weeks before the start date of the period of Shared Parental Leave.
- Alternatively, where the additional eligibility requirements are met, members of staff may choose to opt into the **College Shared Parental Leave Scheme** and receive the enhanced pay arrangements. Under this route, the leave pattern (which may be "continuous" or "discontinuous") for the full shared parental leave period will be agreed with the member of staff at the point they notify the College of their intention to take leave. No subsequent changes to the agreed leave pattern will

then be permitted, unless in exceptional circumstances. Alternatively, if a member of staff wishes to amend their leave request at a later date, they may choose to opt out of the College Shared Parental Leave Scheme and request leave under the Statutory Shared Parental Leave Scheme.

Where parents opt in to either Shared Parental Leave scheme, they may choose to request to take blocks of leave at the same time, or at different times. Alternatively, the whole period of shared parental leave may be taken by one parent.

Where both parents are employed by the College and are eligible for the College Shared Parental Leave Scheme, we have taken the positive decision to provide up to 16 weeks leave at normal pay for both parents, and for the sharing of up to 5 weeks at the statutory rate set by the Government and 13 weeks unpaid leave. The total number of weeks of paid shared parental leave cannot exceed 37 weeks in total and the number of weeks available to you at normal pay and at statutory shared parental pay will be dependent on how much maternity/adoption leave and pay has been taken before shared parental leave commences.

It is expected that members of staff will discuss their plans for Shared Parental Leave with their line manager/supervisor at as early a stage as possible. This will provide an opportunity to explore options and will enable the line manager/supervisor to start to consider plans for accommodating leave. Further information including eligibility requirements and full details of the Statutory and College Shared Parental Leave Schemes is available in the [Shared Parental Leave Policy](#).

4.0 Adoption/surrogacy pay entitlement

4.1 Will I qualify for Statutory Adoption Pay?

As an adoptive parent, you are entitled to a maximum 39 weeks' Statutory Adoption Pay (SAP) if you meet the following requirements:

- you have worked with the College for a continuous period of at least 26 weeks ending with the week in which you are notified of being matched with a child for adoption,

and

- your average earnings in the 8 weeks up to and including the qualifying week have been at least equal to the Lower Earnings Limit for NI contributions (please seek advice from HR if you are at all unsure about this).

Statutory Adoption Pay (SAP) is paid for up to 39 weeks of which:

- the first 6 weeks are paid at 90% of average earnings

and

- The remaining 33 weeks are paid at the lesser of:

(a) the flat rate which is set by the government for the relevant tax year. This is currently £172.48 per week.

or

(b) 90% of average weekly earnings.

SAP is payable to those who qualify, regardless of whether or not they intend to return to work.

4.2 What is the College adoption/surrogacy scheme?

The College scheme offers more pay than that provided by Statutory Adoption Pay.

Provided you have complied with the notification procedures set out in Section 3.3 and have more than 26 weeks' service ending with the week in which you are notified of being matched with a child for adoption, or in respect of surrogacy arrangements where the baby is the subject of a Parental Order, ending 28 days' before you intend to start your leave, starting from the first day of Adoption/Surrogacy Leave you will be entitled to:

- 18 weeks' paid leave during which you will receive your normal rate of pay ("College Adoption/Surrogacy Pay Scheme")
- 21 weeks' during which you will receive SAP at flat rate (if entitled): and
- up to 13 weeks' unpaid leave

In addition to the eligibility criteria set out above, College Adoption/Surrogacy Pay will normally only be paid if you are entitled to SAP (please seek advice from the HR Staff Hub if you are at all unsure about this).

As the College Adoption/Surrogacy Pay Scheme pays at the rate of your normal full pay for up to the first 18 weeks of Adoption Leave, any SAP which you are entitled to is an inclusive part of that payment. No combination of payments during this period will exceed the normal full pay. Payment of SAP begins at the same time as the College Adoption/Surrogacy Pay.

Please note that when staff are in receipt of College Adoption/Surrogacy pay and/or SAP in addition to College Shared Parental Pay and/or Statutory Shared Parental Pay, no combination of payments will exceed a total of 18 weeks at full pay plus 21 weeks at the statutory rate. Where both parents work for the College, the combined payments made to both members of staff will not exceed a total of 18 weeks at full pay plus 21 weeks at the statutory rate.

If you have service prior to 4 May 1999, please contact [the HR Staff Hub](#) to discuss your entitlements.

You must return to work for a minimum period of 3 months after adoption/surrogacy leave in order to qualify. The College retains the right to reclaim the enhanced element of the adoption/surrogacy pay if you fail to return to work for at least 3 months (see Section 6.1).

Where, as an alternative to adoption, the baby is the subject of a Parental Order following a legal surrogacy arrangement, there will be no legal entitlement to Statutory Leave and Pay. However, payments made by the College in such circumstances will be based on the same levels of entitlement as staff who adopt.

5.0 During the adoption/surrogacy leave period

5.1 How can I 'keep in touch' during my adoption/surrogacy leave?

Your managers may make reasonable contact with you during your Adoption/surrogacy Leave period: for example, to update you on what is happening at work, promotion opportunities or to discuss your return to work. This contact is separate to a Keeping in Touch day. Prior to the commencement of your adoption/surrogacy 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.

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/surrogacy period without your adoption/surrogacy leave being brought to an end. Further details are available on the [Keeping in Touch Days](#) form.

5.2 What happens to my annual leave during adoption/surrogacy leave?

You are entitled to receive full contractual annual leave, both holiday and mandatory leave, during your adoption/surrogacy leave period.

Any mandatory leave days which fall during your adoption/surrogacy leave period should be added to and taken as holiday leave. Mandatory leave days which fall before or after your adoption/surrogacy leave period should be taken as normal.

You are encouraged to consider using a proportion of your annual leave entitlement before the start and after the end of your adoption/surrogacy leave.

If your adoption/surrogacy 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 3 months following your return to work. Any annual leave accrued in the second leave year may be taken as normal.

Annual leave cannot be taken between the end of your paid adoption/surrogacy period and the beginning of any unpaid adoption/surrogacy period.

The HR Staff Hub will be able to provide specific advice on annual leave entitlements during adoption/surrogacy leave.

5.3 How will adoption/surrogacy leave affect my terms and conditions of service?

- Continuous service is unbroken during a period of adoption/surrogacy leave. The whole period of adoption/surrogacy leave (both paid and unpaid) counts towards the calculation of those benefits which accrue with length of service, i.e. sickness benefits, annual leave, redundancy pay.
- Where applicable, the normal annual increment or contribution payment will be awarded at the usual time, as will any cost of living award which is implemented by the College.
- Pension rights and contributions will be dealt with in accordance with the College Schemes. Contributions and entitlements will continue as normal whilst a member of

staff is on full pay or half pay (if on half pay, the College maintains 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 HR Staff Hub.

6.0 End of adoption/surrogacy leave period

6.1 Do I need to provide notice of when I intend to return to work?

You have the right to return to work after a period of adoption/surrogacy leave. The following procedure should be followed to ensure protection of your rights.

No notice of return to work is required, unless the intention is to return before the end of the 52 weeks. If this is the intention, **then at least 8 weeks' notice must be given in writing** to your manager and HR. If this notice is not received, then the College may postpone the return for up to 8 weeks.

6.2 Do I have a right to return to the same job following adoption/surrogacy leave?

Returning to Work during weeks 1 - 26

If you choose to return to work during weeks 1 - 26 you will be entitled to return to the 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

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 no less favourable than the original job.

Returning to Work on a Part-Time Basis

You have a right to request to return to work on a part-time basis. The College will consider such requests positively and will seek to accommodate these where possible. If you wish to change working hours on return, you should discuss this with your manager at the earliest opportunity. This request should then be submitted in writing as early as possible (*please refer to the [Flexible Working Policy](#) for further information*).

6.3 What if I decide not to return to work?

If you decide that you do not wish to return to work after adoption/surrogacy 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. The College retains the right to reclaim the enhanced element of the adoption/surrogacy pay if you fail to return to work and continue in employment for at least three months.

7.0 College support for staff returning from adoption/surrogacy leave

7.1 Elsie Widdowson Fellowships - Academic Staff returning from Maternity or Adoption Leave

The purpose of the Fellowship is to allow a returning member of academic staff, irrespective of gender identity, gender expression, sexual orientation, biological sex or those who may be transitioning, 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, adoption/surrogacy 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 [HR website](#) or from the HR Staff Hub.

7.2 Early Years Education Centre

Childcare for children between the ages of 6 months and 5 years is available, by application, from the College 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>.

7.3 Nursing Rooms

The 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.

7.4 Parents' Network

The College's [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.

7.5 Parent Buddy Scheme

The College operates a Buddy Scheme, available both prior to and post-maternity, adoption, surrogacy 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 contact the HR Staff Hub.

7.6 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](#).

7.7 Confidential Care

The College'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. For further details please visit the College's Occupational Health website: <http://www3.imperial.ac.uk/occhealth/services/eap>

8.0 Glossary of Terms

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 partner's child or where the adoption follows a period of fostering)
Statutory Adoption Pay (SAP)	Payments made by an employer to an eligible employee who is absent from work due to adoption of a child
College adoption/surrogacy scheme	Leave and payment granted by College to eligible staff, which is normally greater than the statutory amounts
Mat B1 certificate	A certificate issued by a GP or midwife, verifying the fact of pregnancy and confirming the expected week of childbirth (EWC) or actual date of birth in cases where the child is born early.
Matching Certificate	A certificate completed by the adoption agency, and may be used as evidence for the purposes of statutory 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 parents and conferring full parental status and parental responsibility on both intended parents.
Keeping in Touch Days	Days agreed between a member of staff and their manager when they will carry out work or attend training

Further information is available via our [Adoption/Surrogacy Leave FAQs](#). If you require any additional guidance, please consult [the HR Staff Hub](#).