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8.0 Glossary of Terms

Other Family related policies include:
Maternity Policy
Paternity/Maternity Support Leave
Special Leave Policy
Flexible Working Policy

To be reviewed by no later than October 2016
Updated December 2014
Revised May 2008
1.0 Introduction

The following details outline entitlements to Statutory and College Adoption and Surrogacy rights and benefits for employees of the College. 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 staff are encouraged to contact the Senior HR Administrator for their Department or Division to discuss their entitlements.

The College treats equality of opportunity seriously and has an equality framework that is applicable to staff in order to promote and ensure equality of opportunity. Implementation of this procedure must be clear and transparent and not subject to any unfair discriminatory practices.

Line managers and supervisors are required to familiarise and understand this procedure.

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?

Adoption/surrogacy leave and pay is available to one member of a couple where a couple jointly adopt (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 she meets the eligibility requirements in the Maternity Policy, a Birth Mother is 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?
Members of staff, both men and women who are potential applicants for parental orders in relation to children born to surrogate mothers are, regardless of their length of service, entitled to paid time off to accompany the pregnant woman 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. 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 woman and that the purpose of the time off is to attend an antenatal appointment.

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

Members of staff both men and women who have been notified that a child will or is expected to be placed for adoption with them and are the main adopter are, regardless of their length of service, 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, 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 Senior HR Administrator 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 mother*

so that adoption/surrogacy leave and pay entitlements can be confirmed.

*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 mother, 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 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 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 meet the eligibility criteria, and both work for the College, they will be entitled to share the leave and pay arrangements outlined in the Shared Parental Leave Policy. Where one parent works for the College, they will be entitled to the leave and pay arrangements outlined in this policy. Their partner will be entitled to the leave and pay arrangements as set out by their own employer.

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 £139.58

  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.

Where the child is placed with you for adoption, or in respect of surrogacy arrangements where the baby is due:

**Before 1 December 2014:**
Provided you have complied with the notification procedures set out in Section 3.3 and have more than one year's 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, you will be entitled to one of the following options:

a. 16 weeks at full pay, plus 23 weeks' SMP at flat rate and up to 13 weeks’ unpaid leave

or

b. 8 weeks at full pay, 16 weeks at half pay plus 15 weeks’ SMP at flat rate and 13 weeks’ unpaid leave

**On or after 1 December 2014:**
Provided you have complied with the notification procedures set out in Section 3.3 and have more than 1 year’s 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, you will be entitled to:

- 18 weeks at full pay, plus 21 weeks’ SMP at flat rate and up to 13 weeks’ unpaid leave

*In all circumstances, when staff are in receipt of College Adoption/Surrogacy Pay, Statutory Adoption Pay is an inclusive part of that payment. No combination of payments can exceed the normal full pay. Payment of SAP begins at the same time as the College Adoption/Surrogacy Pay.*

If you have service prior to 4 May 1999, please contact the Senior HR Administrator for your Department or Division 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).

Statutory Adoption Pay (SAP) is an integral part of any adoption payment made by the College. No combination of payments can exceed the normal full pay. Payment of SAP begins at the same time as the College Adoption/Surrogacy Pay.

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.
Senior HR Administrators 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 (when 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 Pensions Team.

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/surrogacy 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 (met centrally) of the salary costs for up to 12 months (increased from 6 months with effect from August 2007) immediately following the member of staff's return from maternity or adoption 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 pregnancy and, therefore, pregnant academic staff who have previously received the award, may make additional applications when taking maternity leave again.

The rules of the procedure and details of how to apply can be found on the HR website, or from Senior HR Administrators.

7.2 Early Years Education Centre

Child-care 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: www.imperial.ac.uk/eyec.

7.3 Childcare Vouchers
The College has signed up to a salary sacrifice scheme, whereby parents with children can exchange part of their salary childcare vouchers. The vouchers are exempt from Tax and National Insurance (NI) contributions, and therefore represent a significant annual savings for employees who use the vouchers.

Information on the College’s Childcare Voucher Scheme can be found on the HR website.

7.4 Adoption (Maternity) Buddy Scheme

The College operates a Maternity Buddy Scheme, where staff returning from leave have the opportunity to be paired up with a maternity returner, 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 contact your local HR representative.

7.5 Flexible Working

If you are thinking about changing your work pattern when you return to work please speak to your line manager as soon as possible. Further information can be found in the Flexible Working Policy.

8.0 Glossary of Terms

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<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Newly matched with a child for adoption</td>
<td>'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-parent adopting a partner’s child or where the adoption follows a period of fostering)</td>
</tr>
<tr>
<td>Statutory Adoption Pay (SAP)</td>
<td>Payments made by an employer to an eligible employee who is absent from work due to adoption of a child</td>
</tr>
<tr>
<td>College adoption/surrogacy scheme</td>
<td>Leave and payment granted by College to eligible staff, which is normally greater than the statutory amounts</td>
</tr>
<tr>
<td>Mat B1 certificate</td>
<td>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.</td>
</tr>
<tr>
<td>Matching Certificate</td>
<td>A certificate completed by the adoption agency, and may be used as evidence for the purposes of statutory leave and pay. It</td>
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<tr>
<td><strong>Parental Order</strong></td>
<td>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.</td>
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<tr>
<td><strong>Keeping in Touch Days</strong></td>
<td>Days agreed between a member of staff and their manager when they will carry out work or attend training</td>
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Further information is available via our Adoption/Surrogacy Leave FAQs. If you require any additional guidance, please consult your local HR Representative.