

Adoption Leave and Pay and Surrogacy

We know that adopting a child is an important and exciting event, so we want to support your journey, starting with this policy. It gives important information for you to read and explains what is needed to help us arrange your adoption leave and pay.

If you are adopting or entering a surrogacy arrangement jointly with your partner, only one of you, the primary adopter, will get adoption leave. The other partner, where eligible, will be able to take Paternity and Partner's Leave. It is up to you to decide who will be the primary adopter.

The provisions in this policy are available to all staff regardless of sexual orientation, gender identity or any other protected characteristic.

This policy does not form part of your contract of employment. The University reserves the right to amend the terms of this policy when required without further reference to you.

This policy applies to employees living and working in the UK, if you have an approved arrangement to work abroad adoption leave and pay provisions will usually be detailed in your contract of employment.

We encourage managers to familiarise themselves with this policy.

Essential Information

Adoption Leave and Adoption Pay are separate entitlements.

Adoption Leave

You can take up to 52 weeks adoption leave. It does not matter how long you have been employed by us or the number of hours that you do. Only one of the intended parents, the primary adopter, will get adoption leave. It is for you to decide who will be the primary adopter, your partner, subject to eligibility, will be able to take Paternity and Partner's Leave.

The adoption must be made through a UK or overseas adoption agency and the child needs to be newly matched, so you would not get adoption leave if adopting a stepchild, or other family member.

A couple who apply for a parental order in respect of a child born to a surrogate can take statutory adoption leave. However, at least one of the parental order parents must have supplied the genetic material (sperm or egg) for the child.

Adoption leave and pay is not available if you become a special guardian or kinship carer, though you may be eligible to get support from your local council.

You can only take one period of adoption leave for each placement, even if this is for more than one child.

Payment of adoption pay commences simultaneously with the beginning of adoption leave.

King's Adoption Pay

King's offers enhanced Adoption Pay to all eligible employees.

To be eligible you need to:

- be an employee at King's before the placement date or date of birth,
- be responsible for the child's upbringing, and
- intend to return to work for the University after the period of adoption leave for a minimum of 3 months.

King's adoption pay is made up of different elements and is enhanced to full pay for 20 weeks.

To receive King's adoption pay you need to commit to come back to work after your leave and work with us for at least three months from your return. If you should leave in the first three months of your return to work, you are expected to pay back the enhanced element of the adoption pay received.

Statutory Adoption Pay

If you are eligible for Statutory Adoption Pay (SAP) this will be paid automatically through King's payroll. During the first 20 weeks of leave, adoption pay will include statutory payment, following this you will receive 19 weeks' Statutory Adoption Pay only. The rate of this pay is set by the UK Government each financial year. The remaining 13 weeks leave, will be unpaid.

To qualify for Statutory Adoption Pay, you must have been employed at King's for more than 26 weeks' continuously, at the time that your child has been placed and earn at least the [lower earnings limit](#) set by the UK Government each year.

If you have a surrogacy agreement, you need to have been employed by us for more than 26 weeks' continuously on the 15th week before the baby is due, to be eligible for Statutory Adoption Pay.

If you are not eligible to receive Statutory Adoption Pay, we will provide you with an SAP1 form with an explanation as to why we are unable to pay Statutory Adoption Pay. Where this happens, financial support might be available through your local council.

You will still be eligible for King's adoption pay which can be followed by up to 32 weeks' unpaid adoption leave.

Surrogacy

Surrogates should be treated the same as any other pregnant employee and can take up to 52 weeks maternity leave and where eligible maternity pay. Refer to our [Maternity Leave and Pay Policy](#) for more detail.

Taking Adoption Leave

You should tell your manager about your adoption plans as soon as you feel comfortable.

UK Adoptions

You must apply for adoption leave within seven days of being matched with a child. You should talk to your manager to agree when your leave will start and end. You can start your leave on the week your child is placed with you, or up to 14 days before this. We will ask for a copy of your matching certificate or similar evidence of the adoption.

Overseas Adoptions

If your adoption requires you to spend extended time abroad, please contact hr@kcl.ac.uk to discuss your leave arrangements. Your adoption leave can start when the child arrives in the UK or within 28 days of this date. You will need to complete an SC6 to request the adoption leave.

Surrogacy

If you are using a surrogate, you must apply for adoption leave by the end of the 15th week of the baby's due date. Adoption leave will start from the day that the child is born or the day after. You will also need to sign a statutory declaration that you will apply to be the legal parent within six months of the child's birth.

Shared Parental Leave

If you are sharing the responsibility for the care of your new child, you could be able to end your adoption leave early and, with your partner, take shared parental leave instead. This allows you to share the remaining leave with the other parent in the child's first year of adoption.

Our [Shared Parental Leave Policy](#) gives more detail.

Application

Once you have decided on your dates, you will need to complete the [Adoption Request Form](#) and submit this to HR@kcl.ac.uk. We will confirm your dates in writing and provide an SAP1 form if required.

Changes to Adoption Leave

If you want to change the start date for your adoption leave, we will normally need to be told at least 28 days in advance, and you must not have already commenced adoption leave.

Disruption to Adoption

Unfortunately, placements may not work out or progress to adoption. Where a placement ends early, we ask that you contact your manager as soon as possible and follow this up in writing. You will still receive adoption leave and pay for up to eight weeks after the disruption happens.

Your manager will notify hr@kcl.ac.uk and we will confirm your return to work date in writing.

If a further child is placed with you during or shortly after a period of adoption leave, you will be entitled to adoption leave and pay again.

Redundancy Protection

From the beginning of your Adoption leave you will have additional redundancy protection. This protection continues throughout your leave until 18 months from date of placement or date of entry into the UK (if an overseas adoption).

Whilst the additional protection applies, if there is a redundancy situation, you will be offered suitable alternative employment, where it exists, in preference to other employees.

If unable to return to the same job, you may be offered a suitable alternative with terms and conditions no less favourable than the job you had before.

For further information refer to the [Redeployment Policy](#).

Keeping in Touch

Before starting your adoption leave, talk to your manager to agree contact during your time away from the workplace. [Keeping in Touch Days](#) can be used to remain in contact and attend work without ending your adoption leave.

Returning to Work

Welcome Back

You may have been out of the workplace for some time and it can take a little while to settle down. You may have used Keeping in Touch Days during your leave, however, things may have changed while you have been away. When you do return, your manager should provide a general update and give you time to complete any mandatory training.

If you decide to return to work before the agreed end date for your adoption leave, you should give your manager at least eight weeks' written notice of the date you wish to come back to work.

Where you are looking to return on the agreed date, there is no requirement to confirm this. We would however encourage you to contact your manager before you return, so arrangements can be made to welcome you back and support your return to work.

When you return to work after 26 weeks (Ordinary Adoption Leave) you are entitled to return to the same job on the same terms and conditions as if you have not been away from work.

Returning after 27 weeks or more (Additional Adoption Leave) your rights will be the same unless there is a redundancy situation or for some other reason it is not practical for a return to the same job. If unable to return to the same job, you may be offered a suitable alternative with terms and conditions no less favourable than the job you had before. For further information refer to the [Redeployment Policy](#).

Changing Work Patterns

We appreciate that it is challenging to balance having a new child and work. Flexible working may help. Look at our [Flexible Working Policy](#) for further information.

Returning to Work Outside the UK

If you are intending to work remotely outside the UK on your return to work following a period of adoption leave, you should talk to your manager before making any arrangements. You should also read our [Global Staff Mobility Policy](#), as this may have tax and social security implications. If you require any further guidance, contact hr@acl.ac.uk.

Unable to Return to Work

We hope that all staff can return to work after their adoption leave. However, we understand there may be reasons stopping this. We ask that you talk to your manager about this so they can help you find ways to allow a return to King's.

If you are unable to return to work because of ill health, contact your manager prior to your return date. This will be considered as sick absence and managed using our [Sickness Absence Management Policy](#).

Expiry of a Fixed Term Contract

If you are employed on a fixed term contract and this is coming to an end, you will continue to receive adoption pay after your contract expires.

You will continue to be eligible for King's adoption pay where the qualifying conditions are met and:

- the reason you are leaving is not due to conduct or capability, or
- you have not declined the offer of suitable alternative employment.

The enhanced part of your adoption pay will be paid as a one-off payment following the end of your contract. Any Statutory Adoption Pay will continue to be paid until this is exhausted.

You should notify hr@kcl.ac.uk if you believe that you no longer meet the conditions for receiving statutory pay. This includes if you start another job.

If your fixed term contract expires during your leave or within three months of return, you will not be expected to repay the enhanced part of your adoption pay.

Things to think about

Antenatal Appointments

For surrogacy arrangements, you can take unpaid time off to attend two antenatal appointments, with the consent of the surrogate. If you wish to attend further antenatal appointments, talk to your manager to see if they can adjust your working time to allow attendance. Where this cannot be arranged, annual leave should be requested. It is helpful if you give your manager as much notice as you can, of any appointments.

Pre-adoption Appointments

You can take time off work for up to five adoption meetings, if you are the primary adopter. These are arranged by the adoption agency or local authority and relate to a child being placed or a fostering for adoption/concurrent care placement.

We do ask that you try and arrange appointments outside of working hours or times that minimise disruption to university activities. If this is not possible you will be able to attend appointments during working hours.

you will be paid for your time away from work. It is helpful if you give your manager as much notice as you can, of any appointments.

If you are a co-adopter, you can take unpaid time off to attend two adoption meetings.

Pension

Your pension rights and contributions will be maintained while on paid leave. When you have unpaid leave pension rights and contributions will be in accordance with the provisions of your pension scheme. Contact the [King's pension team](#) with any questions.

Pay Increments

You will continue to receive the normal increment on your pay scale in accordance with your contract of employment.

Holidays

You should ensure that you take any accrued statutory leave (20 days excluding Bank Holidays) before you start adoption leave. During your leave you will accrue full contractual annual leave, including bank and public holidays. Holiday built up during this time and not taken within the leave year may be carried across to the following year.

Concessionary days that happen while you are on adoption leave will not accrue.

Further Support

If you have any questions about Adoption Leave and Pay, please speak to your manager in the first instance. Managers should contact their [People Partner](#), for further support if required.

Adopting a child can mean there are big changes in your personal life, and you may need extra advice and support in adapting to this. The [Parents and Carers hub](#) includes information that you may find useful, including details of the Parents and Carers network (NEST) who can offer peer support for new parents.

Remember you have access to our [Employee Assistance Programme](#) who can provide you with support. It is independent, confidential, and free to use for the King's community.

Version Control

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