

# Adoption Leave and Pay Policy

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## 1. Introduction

This policy applies to all categories of eligible male and female staff adopting a child. This includes intended parents in surrogacy and 'foster to adopt'<sup>1</sup> arrangements.

## 2. Adoption leave

Up to 12 months Adoption Leave is available for all employees regardless of service with the University.

## 3. Adoption pay

Subject to eligibility, it is the policy of the University to provide employees with up to 39 weeks Statutory Adoption Pay (SAP).

In addition, it is the policy of the University to provide all staff who have 12 months continuous service with the University before the beginning of the week when a child is expected to be placed with them, and who intend to return to work after the adoption leave, with full Occupational Adoption Pay (OAP) for the first 18 weeks of the adoption leave period.

Where continuous service with the University is for less than 12 months this entitlement to full pay will be on a pro-rata basis. Any SAP due during the period of OAP will be included in the full pay.

## 4. Conditions of receiving full pay

In order to receive the University entitlement, all employees are required to commit to return to work for at least 3 months. Employees who do not return to work after adoption leave for at least 3 months will be required to repay the difference between SAP and the OAP received, except those who leave for reasons of redundancy or fixed-term contract staff whose contract expires within the OAP period (see below).

Where a member of staff is dismissed from the OU for reasons of redundancy during the period of adoption leave whilst there is some OAP outstanding, they will continue to receive the OAP they would have been entitled to had they remained in employment. When an individual is receiving notice pay they will receive either the notice payment or the payment equivalent to their OAP, whichever is the greater. Where the individual has already received the full entitlement to OAP, they will not be due any further OAP on leaving. The normal requirement to repay adoption pay is waived in such redundancy situations, unless the individual has unreasonably refused an offer of reasonable alternative employment. In such a case the University will seek to recover outstanding monies.

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<sup>1</sup> Foster to adopt applies to England only

Where a fixed-term contract comes to a natural end during a period of adoption leave whilst there is some OAP outstanding, the requirement to return for at least 3 months will not apply and the University will honour the OAP to which the individual would have been entitled had they remained in employment. However, these provisions will be forfeited where a member of staff has refused to accept a reasonable offer of alternative work.

## **5. Shared Parental Leave (SPL) and Shared Parental Pay (ShPP)**

Shared Parental Leave (SPL) is a statutory right which enables eligible adopters to share the statutory time off work during the year after the child has been placed. Adopters who meet the eligibility criteria and notice requirements can elect to take SPL and Shared Parental Pay (ShPP) if they so choose.

SPL is an alternative to the nominated “primary” adopter remaining on statutory adoption leave and can be taken at any time during the period that starts from the date of placement and ends 52 weeks after that date. The primary adopter may decide to end their adoption leave and opt into SPL, which must be taken in complete weeks.

For surrogacy arrangements, if the intended parents have applied, or intend to apply, for a “parental order” then, subject to meeting qualifying conditions, the nominated “primary” adopter will be entitled to take adoption leave and pay. They may then choose to end their adoption leave early and move into SPL.

Further guidance can be found in the Shared Parental Leave and Pay Policy and Procedures on the People Services Intranet.

## **6. Guidance**

Information on entitlement to time off and pay under the Statutory Adoption provisions and notification requirements are contained in the Adoption Leave and Pay Procedures on the People Services Intranet.

## **7. Equality, diversity and inclusion**

Policies are inclusive of all Open University staff, regardless of age, care experience, caring status or dependency, civil status, disability, family status, gender, gender expression, gender identity, gender reassignment, marital status, marriage and civil partnership, membership of the Traveller community, political opinion, pregnancy and maternity, race, religion or belief, sex, sexual orientation, socio-economic background or trades union membership status.

## **8. Useful references**

Adoption Leave and Pay Procedures  
Shared Parental Leave and Pay Policy  
Shared Parental Leave and Pay Procedures  
Paternity Leave and Pay Policy  
Paternity Leave and Pay Procedures  
Maternity Leave and Pay Policy  
Maternity Leave and Pay Procedures