

# **ROYAL COLLEGE OF ART**

## **ADOPTION POLICY AND PROCEDURE**

### **Policy**

#### **Introduction**

This document sets out the Royal College of Art's ("the College") provision for adoption leave. It is helpful if you contact Human Resources and your line manager as soon as possible to inform them that you intend to take adoption leave.

This enables us to:

- Provide you with all the relevant information;
- Ensure that you are informed of the options available to you;
- Plan for and make arrangements for cover during your absence.

This policy applies to directly employed staff of the College.

#### **Adoption leave**

Men and women are both eligible, but where a couple adopt jointly, only one of them is entitled to take statutory adoption leave (the couple can choose which). The other parent can apply to take two weeks' Paternity Leave<sup>1</sup>.

The right to take statutory adoption leave is not available if you:

- Arrange a private adoption;
- Become a special guardian or kinship carer;
- Have a child with the help of a surrogate mother, where the intended parents are not eligible for a Parental Order;
- Adopt a family member or stepchild.

However you will be eligible if:

- You are a dual approved prospective adopter who has a child placed with you under section 22C of the Children Act 1989 with a view to you adopting that child (this is sometimes referred to as fostering for adoption).
- You are an intended parent in a surrogacy arrangement where you are eligible for and intend to apply for a Parental Order (or where you have already obtained such an order) making you the legal parent of the child that you are having with the help of a surrogate mother<sup>2</sup>.

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<sup>1</sup>The College has a separate Paternity Leave policy.

<sup>2</sup>Please speak to Human Resources for details of the qualification requirements if you are an intended parent in a surrogacy arrangement.

## **Eligibility**

If you are eligible, you will be entitled to 52 weeks' adoption leave regardless of how long you have worked for the College.

### **UK Adoption**

To qualify for adoption leave where a child is being adopted from within the UK, you must:

- Have been matched with a child for adoption by an approved adoption agency, or be one of a couple that has been jointly matched with a child
- Have notified the agency that you agree with the placement
- Have complied with the notification procedures.

You must meet additional eligibility requirements to receive Statutory or Occupational Adoption pay. Please see **Adoption Pay**.

### **Overseas Adoption**

To qualify for adoption leave where a child is being adopted from overseas, you must:

- Be the child's adopter
- Have complied with the notification procedures.

### **Right to time off to attend adoption appointments**

The primary adopter has the right to paid time off to attend up to five adoption appointments.

The reason for the adoption appointment must be so that you can have contact with the child or for any purpose connected with the adoption. The time off to attend adoption appointments must be taken in the period between being notified of a match with a child and the date that the child joins the family.

### **Adoption Leave and Shared Parental Leave**

You must take a minimum compulsory two weeks' adoption leave. Any remaining adoption leave must be taken as a continuous block. After the compulsory two weeks' adoption leave, the remaining leave may be transferred or shared as Shared Parental Leave<sup>3</sup>.

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<sup>3</sup> The College has a separate policy on Shared Parental Leave.

## **Adoption Pay**

Payments made to staff on adoption leave can vary depending on individual circumstances in respect of service and earnings. Payments will normally consist of Statutory Adoption Pay (SAP) and Occupational Adoption Pay (OAP). Please see Appendix I for an outline of adoption pay entitlements.

### **Statutory Adoption Pay (SAP)**

To qualify for SAP you must have been:

- Employed by the College continuously for at least 26 weeks by the week you were matched with a child;
- Have earnings above the lower earnings limit<sup>4</sup> for the eight week “relevant” period ending with the matching week. This calculation will be especially relevant to those who work on a casual/hourly paid basis or who have been on unpaid leave.

If you qualify, you will receive 90% of your gross average weekly earnings for the first six weeks and the flat SAP rate (as set by the government) or 90% of your average weekly earnings<sup>5</sup>, whichever is lower, for the next 33 weeks.

If your contract ends at any time after the start of the matching week you will continue to be paid SAP.

Please check the Government website for the current SAP rate.

### **Occupational Adoption Pay (OAP)**

You are entitled to take advantage of the enhanced terms for adoption pay under the College's OAP scheme where you have been employed by the College for:

- One year or more at the matching week (UK adoptions)
- One year or more on the date the child is expected to enter the UK (for overseas adoptions)

OMP will be paid over the first 39 weeks of adoption leave as follows: -

- 26 weeks at your normal rate of full pay and;
- 13 weeks at the flat SAP rate

SAP is included within the 26 weeks' full pay.

All payments made under the OAP scheme will be subject to normal deductions of tax and national insurance contributions.

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<sup>4</sup> The lower earnings limit is the amount you have to earn before you are treated as paying National Insurance contributions.

<sup>5</sup> Average weekly earnings are based on your normal weekly earnings in the 8 week period leading up to the date you are notified of a match with a child.

## **Terms and conditions of employment during adoption leave**

### **Continuity of employment**

Continuity of employment is maintained during adoption leave which means that there is no break in service during your absence from work.

### **Annual leave**

You will accrue your full annual leave entitlement during adoption leave. If you do not return to work after the period of adoption leave, you will be paid for any holiday entitlement outstanding.

Any annual leave accrued before adoption leave starts should be taken during that leave year, prior to the commencement of adoption leave.

It is acknowledged that adoption leave periods will often fall over two leave years.

If this is the case, any annual leave accrued on adoption leave during the first leave year must be used immediately on return from adoption leave, thereby effectively extending your physical return to work, i.e. if you are due to return to work on date (x) and have accrued a number of days annual leave, bank holidays and closure days (y) your new return to work date will be the day after x+y.

*For example, a full-time employee with a planned return to work date of 3 October, who had accrued 10 days leave (during the previous leave year), 6 bank holidays and 6 closure days (see below), would physically return to work 22 working days later than 3 October.*

Any annual leave accrued during the second leave year must be used immediately on return from adoption leave (thereby effectively extending your physical return to work) or during the remainder of the leave year upon returning to work, subject to approval by your department/programme in accordance with the annual leave policy.

### **Bank holidays and closure days**

You are entitled to accrue missed bank holidays and closure days while on adoption leave (*pro rata* for part-time staff). The accrued bank holidays and College days must be taken immediately following adoption leave and cannot be taken at any other time.

### **Pension**

If you are a member of the SAUL pension scheme, periods of paid adoption leave will be treated as pensionable service, i.e. pension contributions will be deducted from pay received during that period. If you would like to pay contributions to cover any period of unpaid adoption leave, you should contact human resources.

## **Pay rises**

If you receive a pay rise after the “relevant period”<sup>6</sup>, Occupational Adoption Pay will be amended from the effective date to reflect this. Examples of a pay rise include: an incremental increase; a cost of living award; an increase in London weighting; a grade increase (whether due to a regrading or a promotion); an increase in hourly rate.

## **Fixed-term contracts**

If you are on a fixed-term contract, you are covered by this policy and associated provisions until the contract expires. SAP will continue to be paid beyond the contract expiry date via payroll, if you are eligible.

## **Contact and keeping in touch days**

Before your adoption leave starts, your line manager will discuss the arrangements for keeping in touch during your adoption leave, should you wish to do so. The College reserves the right in any event to maintain reasonable contact with you from time to time during your adoption leave. This may be to discuss your plans for return to work; to discuss any special arrangements to be made; training to ease your return to work; or to update you on developments during your absence. You will be kept informed of any relevant promotion opportunities or job vacancies that arise during adoption leave.

Except during the first two weeks of adoption leave, the College may, at its discretion, offer you the opportunity to work for up to 10 ‘keeping-in-touch days’ (KIT days) during your adoption leave. You are under no obligation to undertake the work. Any work undertaken is entirely a matter for agreement between you and the College. Such work will not bring the period of adoption leave to an end. You will be paid your normal rate of adoption pay for any work undertaken on keeping-in-touch days, unless the KIT days fall during the SAP period or unpaid period of leave, in which case they will be topped up to a full day’s pay. Whilst receiving Occupational Adoption Pay, no additional salary payment will be made. Pension contributions may be payable for salary received on KIT days. Any KIT days worked do not extend the period of adoption leave.

## **Procedure**

### **Notification**

#### **Adoption within the UK**

If you are eligible to adoption leave and you are adopting a child within the UK, you must do the following:

- Inform the College of your intention to take statutory adoption leave within seven days of having been notified by the adoption agency that you have been matched with a child for adoption.

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<sup>6</sup>The “relevant period” is the eight week period ending with the matching week.

- Provide documentary evidence in the form of a certificate provided by the adoption agency
- Advise the College of the date on which the child is expected to be placed with you for adoption and when you want the adoption leave to start.

You can choose to start your leave from the date of the child's placement or from a fixed date, which can be up to 14 days before the expected date of placement.

You can change the start date of your leave so long as inform the College of the revised date at least 28 days before the new start date.

### **Adoption from Overseas**

If you are eligible for adoption leave and you are adopting a child from overseas, you must do the following:

- Inform the College of your intention to take adoption leave within 28 days of receiving an official notification from the relevant domestic authority
- Notify the College of the date on which the official notification was received
- Produce a copy of that notification
- Inform the College of the date the child is expected to enter the UK.

Once the child enters the UK, you must give the College at least 28 days' advance notice of the date on which adoption leave is to start, as well as evidence (e.g. a plane ticket) confirming the child's arrival.

The period of adoption may begin on the date the child enters the UK or on a predetermined date that is no later than 28 days after the child entered the UK.

You can change the start date of your leave so long as inform the College of the revised date at least 28 days before the new start date or, where this is not reasonably practicable, give notice as soon as is reasonably practicable.

### **Return to work**

If you wish to return to work before your full 52 weeks' adoption leave entitlement, you will need to give eight weeks' advance notice of the date on which you intend to return. Failure to give this notice may lead to a postponement of return until eight weeks have elapsed.

You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been had you not been absent.

Where your adoption leave, together with any Shared Parental Leave<sup>7</sup>, adds up to more than 26 weeks in total (whether or not taken consecutively) or where you have taken a period of Ordinary Parental Leave<sup>8</sup> of longer than four weeks, you are entitled to return to the job you were employed in before your absence, or, if it is not reasonably practicable for us to allow you to return into the same position, to another job which is both suitable for you and appropriate for you to do in the circumstances.

If you return from adoption leave, you are entitled to request flexible working. Requests will be considered under the College's flexible working policy and procedure. It is important to note that you do not have an automatic right to work flexibly; you are entitled to make a request to work flexibly.

If you are unable to return to work on the date you had planned because of illness, you must notify your line manager. The College's sickness policy and procedure will apply.

If you wish to return to work immediately after the end of your full adoption leave entitlement, you are not required by law to give advance notice. However, in order to enable your department/programme to effectively plan for your return, it would be helpful if you could let your line manager and/or human resources know that you intend to do so.

If you require additional time off to look after your child, you may be able to take a further period of unpaid statutory leave under the College's Ordinary Parental leave policy<sup>9</sup>.

### **Childcare Vouchers**

The College offers eligible staff the opportunity to purchase childcare vouchers through its partner Edenred, as a salary sacrifice scheme. Details can be found on Space or by contacting human resources.

### **Non-return to work**

If you do not wish to return after your adoption leave, you must give notice of your resignation in accordance with the terms of your contract.

### **Neonatal Care Leave**

Neonatal Care Leave (NCL) is available to parents of babies who require neonatal care up to the age of 28 days (counted from the day after the baby is born), and who have a continuous stay in hospital of seven full days or more.

The length of NCL will be dependent on how long the baby receives neonatal care but is capped at a maximum of 12 weeks. Parents will be able to take one week of leave in respect of each 7 consecutive days the baby receives neonatal care without interruption. The week begins on the day after care starts.

Neonatal care means:

- medical care that your child receives in a hospital;
- medical care that your child receives in any other place providing:
  - your child was previously admitted to a hospital as an inpatient and

- needs continuing care after leaving the hospital;
- the care is under the direction of a consultant; and
- the care involves ongoing monitoring and visits from healthcare professionals arranged by the hospital where your child was an inpatient; or
- palliative or end-of-life care.

The length of the leave requested must be for a minimum of seven days and be in increments of one week.

NCL must be taken within 68 weeks of the child's date of placement.

NCL is a statutory entitlement and is in addition to other forms of statutory family leave, including adoption leave. It is envisaged that NCL will be taken at the end of the statutory leave period, i.e once the period of statutory adoption leave comes to an end.

### **Multiple Births**

If an employee has multiple children (e.g. twins or triplets) requiring neonatal care, the maximum leave entitlement remains 12 weeks and does not increase per child.

Neonatal care leave is accrued based on the total duration of a child's stay in neonatal care:

\* If multiple children receive neonatal care at the same time, leave accrues in respect of only one child. For example, if both twins are in neonatal care for six weeks, the employee gets six weeks of leave.

\* If one child remains in neonatal care for longer than their sibling(s), the employee may take leave for the total length of that child's stay, up to the 12-week limit. For example, if one twin stays in care for an extra three weeks, the employee's total leave is nine weeks.

### **Eligibility for Neonatal Care Leave**

There are no minimum service requirements in order to take NCL where needed.

NCL is available to employees who have a parental relationship with the child receiving care, including birth parents, adoptive parents or intended parents via surrogacy, and partners to the baby's mother (who are unrelated and living with them in an enduring family relationship) with the expectation they will have responsibility for raising the child.

### **Notice**

Employees must notify their line manager if they intend to take NCL. NCL is structured into two periods: Tier 1 and Tier 2. The notice requirements differ depending on when the leave is taken.

Tier 1 applies whilst the baby is receiving neonatal care and ends on the seventh day after the day the baby stops receiving neonatal care. Leave during this period must not be taken before the day after the first full week of neonatal care, meaning that the first week is not covered.

Tier 1 leave can be taken in non-continuous blocks of a minimum of one week at a time (up to the 12 week maximum).

For leave taken during a Tier 1 period, employees must notify their line manager preferably before they are due to start work on the first day of their absence, or as soon as reasonably practicable, either orally or in writing. There is no minimum notice requirement.

Tier 2 applies to any remaining entitlement and must be taken in a single consecutive block (and within 68 weeks of the birth/ placement). For Tier 2 periods, written notice must be provided at least 15 days before taking a single week of leave, or 28 days before taking multiple consecutive weeks. Notice must be submitted to the staff member's line manager, with their HR Advisor in copy.

Notice must confirm the following details

- The baby's date of placement
- The start date or dates of neonatal care
- The date neonatal care ended (if applicable)
- The date on which the employee wants to take the leave
- The number of weeks of NCL the notice is being given for
- That the leave is being taken to care for the baby
- Confirmation that the employee is eligible to take the leave due to their relationship with the baby

If a member of staff wishes to change or cancel a period of planned NCL, they must inform their line manager and People & Culture as soon as is reasonably practicable, and provide notice of the new dates of leave in line with the provisions stipulated above.

### **Neonatal Pay**

Neonatal Care Pay will be available to employees who meet continuity of service and minimum earnings criteria

They must have been continuously employed by the College for at least 26 weeks before the relevant week. For adoptive parents, it is the week in which they are matched with the child.

Employees must earn above the lower earnings limit for National Insurance contributions.

The rate of statutory neonatal care pay is set by the Government for the relevant tax year, or at 90% of your average weekly earnings (whichever is lower), up to a maximum of 12 weeks.

Employees who meet the above eligibility criteria will have the statutory rate of pay topped up to their usual full rate of pay, meaning that pay levels are preserved for any periods of NCL taken.

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<sup>7</sup>Please refer to the College's Shared Parental Leave Policy

<sup>8</sup>Please refer to the College's Ordinary Parental Leave Policy

<sup>9</sup> Please refer to the College's Ordinary Parental Leave Policy

## **Appendix 1**

### **Adoption Entitlements**

<b>Qualifying Period</b>	<b>Entitlement</b>
<b>Less than 26 weeks service at the matching week</b>	<p><b>Leave:</b> 52 weeks' leave</p> <p><b>Pay:</b> You will not be entitled to receive Statutory Adoption Pay.</p>
<b>At least 26 weeks' service, but less than one year's service at the matching week</b>	<p><b>Leave:</b> 52 weeks' leave</p> <p><b>Pay:</b> 39 weeks' of SAP made up of the following:</p> <ul style="list-style-type: none"> <li>• 6 weeks' adoption pay at 90% of your average weekly earnings (providing that your earnings are above the lower limit for the payment of National Insurance Contributions);</li> <li>• 33 weeks' of SAP (at the fixed rate set by the Government for the relevant tax year) or 90% of your average weekly earnings, whichever is the lower.</li> </ul>
<b>One year's service at the matching week</b>	<p><b>Leave:</b> 52 weeks' leave</p> <p><b>Pay:</b> 39 weeks' pay made up of the following:</p> <ul style="list-style-type: none"> <li>• 26 weeks' full pay (at your normal rate);</li> <li>• 13 weeks' of SAP (at the fixed rate set by the Government for the relevant tax year).</li> </ul>