

# Adoption Policy (including Surrogacy)

## 1. Introduction

- 1.1. LSE has a clear commitment to the promotion of equality of opportunity for all employees. It works towards positively supporting employees who are working parents and has attained a reputation as a top employer for working families. This policy demonstrates a commitment on the part of the School to enable employees to manage work and family. As part of this commitment, adoption leave and pay is available to all eligible employees within the diverse School community, including LGBTQ+, same-sex families and those who have a surrogacy arrangement.
- 1.2. The policy uses the following key terms:
  - Primary adopter: the person who is eligible for adoption leave and/or pay. Primary adopters may be male, female or trans (including individuals of non-binary identity).
  - Partner: the person who is the partner of the adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the adopter and the child. Partners may be male, female or a trans individuals (including individuals of a non-binary identity)
  - Fostering to adopt: fostering a child permanently and becoming their legal parent

## 2. Policy aims

- 2.1. LSE seeks to sustain a strong track record as a diverse, fair and flexible employer that attracts and retains high calibre talent, and supports the career progression of its diverse staff community during their employment by the School. In keeping with that aim, this policy outlines LSE's provision in respect of adoption leave and pay, as well as offering flexibility in how employees choose to manage their work and personal commitments during, and following, such a period of leave.

## 3. Policy scope

- 3.1. This policy applies to all LSE employees of all grades who meet the eligibility criteria set out below. Access to contractual adoption leave and pay applies regardless of length of service, i.e., an employee may take such leave from their first day of employment with LSE.

## 4. Policy principles

### 4.1. Statutory Adoption Leave

- 4.1.1. The law entitles all employees who are adopting a child or fostering to adopt to:
- 26 weeks' ordinary adoption leave
  - 26 weeks' additional adoption leave
  - the right to return to the same job held with the same terms and conditions, unless after additional adoption leave, this is not reasonably practicable.
- 4.1.2. Only one person in a couple can take adoption leave. The partner is able to apply for paternity leave.
- 4.1.3. Employees who are eligible for adoption leave have the right to paid time off work for up to five days' to attend adoption appointments after they have been matched with a child.
- 4.1.4. Entitlement to statutory rights is dependent on the correct implementation of the procedures, as defined by legislation.
- 4.1.5. It should be noted that employees will only be entitled to adoption leave and pay when the child has been newly matched for adoption, i.e. this will not apply in circumstances where a step-parent adopts a partner's child.
- 4.1.6. Adoption Leave is available to employees from the first date of their employment.
- 4.1.7. For adoptions within the UK, adoption leave can start on the date the child starts living with the employee or up to 14 days before the expected date of placement.
- 4.1.8. For overseas adoptions, the employee cannot start their adoption leave until the child has entered the UK. Adoption leave can start within 28 days of this date.
- 4.1.9. Employees in a surrogacy arrangement will be entitled to adoption leave and pay where they are actively attempting to obtain a parental or adoption order in respect of the child.

### 4.2. Statutory Adoption Payments (SAP)

- 4.2.1. The qualification period for SAP is 26 weeks of continuous service with the School up to any day in the week in which the primary adopter was matched with a child,

provided that normal weekly earnings at this point are not less than the lower earnings limit for National Insurance contributions for the eight week period ending with the week in which they were notified of being matched (More information can be found [here](#))<sup>1</sup>. Entitlement to statutory rights is dependent on the correct implementation of the procedures, as defined by legislation.

4.2.2. SAP is paid for up to 39 weeks at 90% of gross average weekly earnings for the first six weeks followed by the rates given on <https://www.gov.uk/adoption-pay-leave/pay> or 90% of normal weekly earnings, whichever is lower.

4.2.3. Those employees who do not qualify for SAP may be able to receive financial support from their adoption agency or local Jobcentre Plus Office.

### 4.3. Occupational Adoption Pay (OAP)

4.3.1. As part of the School's positive support of employees who are working parents, Occupational Adoption Pay is available for eligible employees who are newly matched with a child for adoption and have agreed the date of placement with the adoption agency or have applied for a parental order in relation to a child born under a surrogacy agreement. Therefore, regardless of their length of service, employees are eligible for:

- 22 weeks on full pay (this is inclusive of SAP for those who qualify)
- 17 weeks of SAP or 90% of average weekly earnings, whichever is lower (subject to compliance with statutory conditions)
- 13 weeks of unpaid leave.

### 4.4. Research Leave, New Academic Career Structure

4.4.1. Employees who are employed under the terms and conditions of the New Academic Career are entitled to a period of research leave following adoption leave to enable them to re-establish their research trajectory. Further details are available in the relevant review and promotion guidelines.

### 4.5. Neonatal Leave

4.5.1. In the case of premature birth<sup>2</sup>, in addition to the adoption leave provisions set out in section 4, qualifying employees are entitled to an additional period of leave paid at full pay (pro-rata for less than full-time employment).

4.5.2. An employee whose adopted baby is born prematurely is entitled to neonatal leave for every week (i.e., seven calendar days) that their baby is in neonatal care prior to the Expected Week of Childbirth (for a minimum of one week and up to a maximum of twelve weeks). In such circumstances, adoption leave can be taken following the neonatal leave.

4.5.3. Employees who are eligible to take neonatal leave should notify their line manager

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<sup>1</sup> The requirements are the same for employees adopting from overseas and for employees in surrogacy arrangements, except they must have been continuously employed for at least 26 weeks at the start of the week when the pay will begin (in case of overseas adoption) or 26 weeks up to any day in the 15<sup>th</sup> week before the baby is due (in case of surrogacy arrangements).

<sup>2</sup> Including extremely pre-term (under 28 weeks), very pre-term (28-31 weeks) and moderate pre-term (32-36 weeks).

as soon as possible after the birth of the baby and subsequently confirm how many days their baby was in hospital ([neonatal leave notification form](#)).

# Adoption Procedure

## 1. Introduction

- 1.1. This procedure provides information on the steps necessary to apply the Adoption Policy to the School's eligible employees. It also includes ways in which employees will be supported prior to, during and following a period of adoption leave.

## 2. Time off for adoption appointments

- 2.1. Employees who are eligible for adoption leave have the right to paid time off work for up to five days' to attend adoption appointments after they have been matched with a child. Should you wish to apply for pre-adoption leave, please speak to your line manager and HR Adviser.

## 3. Notification procedures

- 3.1. Please note that the notification procedures are a statutory obligation and therefore, eligibility to adoption pay may be affected where these are not complied with.

## 4. Notification of intention to take adoption leave

- 4.1. The manager must be informed, in writing, of the date on which placement is expected and the intended start date of the adoption leave period within seven days of either being matched with a child for adoption or the adoption placement being confirmed, in the case of fostering to adopt, or as soon as reasonably practicable.
- 4.2. The leave may start when you have been matched with a child or up to 14 days before the actual placement. Any subsequent amendments to the intended start date should also be notified in writing with at least 28 days' notice unless that is not reasonably practicable. A matching certificate from the adoption agency should be sent to the HR Adviser with a copy sent to the manager.
- 4.3. If placement occurs before the notified start date, the adoption leave will begin with the actual date of placement.
- 4.4. It is presumed that the full 52 weeks of leave will be taken by those who qualify unless notification is given of an earlier return; no separate notification for additional adoption leave is required.
- 4.5. Employees who qualify for statutory adoption leave should complete the SC6 form and return it to their HR Adviser.

## 5. Notification of return to work

- 5.1. By law all employees have the right to return to work after a period of adoption leave. The following procedures should be followed to ensure protection of both legislative and contractual rights.

- 5.2. If an individual takes the full entitlement to adoption leave of 52 weeks, this requires no notice of return to work. If return is intended before the end of the 52 weeks, eight weeks' notice must be given in writing to the manager. If this notice is not given, the manager may postpone the return until 28 days have elapsed, or until the end of the relevant adoption leave period if that is earlier.

## **6. Transfer of adoption leave – Shared Parental Leave and Pay**

- 6.1. If an employee proposes to return to work early, without using the full 52-week entitlement to adoption leave, they may be eligible to apply for Shared Parental Leave with their partner. For more information on this, please see the Shared Parental Leave Policy and Procedure.

## **7. Surrogacy**

- 7.1. If an employee is having a child through a surrogacy arrangement, they may be entitled to adoption leave, pay and other rights where they apply to become the legal parent within six months of the child's birth.
- 7.2. In case of surrogacy, employees will be entitled to adoption leave where they are actively attempting to obtain a parental or adoption order in respect of the child. If the employee does not actively attempt to obtain a parental or adoption order or if they cease doing so then leave will automatically end and the employee will be required to return to work. The employee should provide a copy of the final parental or adoption order once the order is granted.
- 7.3. As the intended parent, the employee has a statutory right to unpaid time off to attend two antenatal appointments with the person giving birth. The School recognises the importance of the intended parent being involved with the pregnancy and baby, and therefore offers paid time off to attend up to two antenatal appointments. If the employee is part of a couple, only one individual can accompany the person giving birth to the antenatal appointments.
- 7.4. The surrogate will be the child's legal parent at birth. The employee must apply to become the legal parent within six months of the child's birth to be entitled to adoption leave and pay. They must apply for:
- A parental order if one intended parent is genetically related to the child
  - An adoption order if the intended parents are not genetically related to the child
- 7.5. If the employee applies for an adoption order, they will be eligible for adoption leave and pay.
- 7.6. If the employee applies or intends to apply for a parental order:
- The employee should notify, in writing, no later than 15th weeks before their baby is due, that they are having a baby through surrogacy, that they want to take adoption leave, when they want to take it and, where possible, should provide at least 28 days' notice of the date that they wish to take adoption pay. As soon as reasonably practicable after the child's birth, the employee should also notify the date on which the child was born.
  - For UK and overseas surrogacy arrangements, the employee can start

- adoption leave from the date of birth or the day after the birth.
- Employees may be asked to provide proof of surrogacy, by confirming in writing that they have applied or will apply for parental order within six months of the child's birth.
- In the case of premature birth, in addition to the adoption leave provisions set out in section 4, qualifying employees are entitled to an additional period of leave which is paid at full pay (pro-rata for less than full-time employment). An employee whose surrogate baby is born prematurely is entitled to neonatal leave for every week (i.e. seven days) that their baby is in neonatal care prior to the Expected Week of Childbirth (EWC), (for a minimum of one week and up to a maximum of 12 weeks). In such circumstances, neonatal leave and pay will start immediately following the end of adoption leave. Employees who are eligible to take neonatal leave should notify their line manager as soon as possible after the birth of the baby and subsequently confirm how many days their baby was in hospital.

## **8. Adopting a child from overseas**

- 8.1. For overseas adoptions, the adoption leave can start when the child arrives in the UK or on a predetermined date no more than 28 days after the child's arrival in the UK. .
- 8.2. The notification procedures for adopting a child from overseas are different from domestic adoption as there is no Matching Certificate. In place of this, individuals should submit the Official Notification, which confirms that the Certificate of Eligibility has been granted. Where a child is being adopted from abroad with a partner, the pay and leave declaration (SC6 form) must also be completed in order for the employee to receive adoption pay and to confirm they will not be taking paternity leave or pay. To make administration as easy as possible, the employee should discuss the timing of their adoption leave with the line manager as early as possible. The employee must give at least 28 days' notice in writing of their adoption leave date.
- 8.3. The employee should advise their manager of:
  - the date of receipt of official notification from the relevant UK authority of their eligibility to adopt a child from overseas
  - the date the child is expected to enter the UK.
- 8.4. Where the employee has completed 26 weeks' continuous service at the time of receiving the official notification, the manager should be advised within 28 days of receipt of official notification. Where this is not the case, the individual should advise their line manager within 28 days of the Sunday of the week in which 26 weeks' service is completed.
- 8.5. The employee should notify the line manager of the date that they wish the adoption leave to start at least 28 days beforehand unless this is not reasonably practicable.
- 8.6. The employee should also provide the line manager with evidence of the date on which the child enters the UK within 28 days of the child entering the UK, unless this is not reasonably practicable. The employee can choose to start their adoption leave either on the date that the child enters the UK or on a fixed date no later than 28 days later.



- 8.7. Once the employee becomes the legally adoptive parent of the child and can provide documentary evidence e.g. a certificate of adoption, should the line manager request this, the employee can request unpaid parental leave providing they meet the correct criteria. Please see the parental leave [webpage](#) for further information.

## **9. Contact of Employment**

- 9.1. During the period of adoption leave, the employee's contract of employment continues in force, and they are entitled to receive all their contractual benefits, except for salary. In particular, their contractual holiday entitlement will continue to accrue.
- 9.2. Pension contributions will continue to be made during any period when the employee is receiving adoption leave but not during any period of unpaid adoption leave. Employee contributions will be based on actual pay, while the School's contributions will be based on the salary that the employee would have received had they not been taking adoption leave. Should the employee wish, they can make additional contributions during their period of unpaid leave upon returning and if they decide to do this, the School will also make contributions in accordance with the pension scheme rules. Subsequent awards of backdated salary, which take effect during the calculation period used to work out adoption pay, will lead to a recalculation of the amount payable.
- 9.3. Return to the job in which an individual was employed under the original contract of employment and on the same terms and conditions is automatic following the statutory period of 26 weeks. However, if more than 26 weeks have been taken and it is not reasonably practicable for a return to the same job then suitable alternative work with the same status and on terms and conditions which are no less favourable than the original job may be offered.

## **10. Contact during adoption leave**

- 10.1. Before an employee's adoption leave begins, the line manager and the employee should discuss arrangements for keeping in touch during the leave. The School reserves the right, in any event, to maintain reasonable contact with employees from time to time during their adoption leave. This may be for example, to ensure the individual is aware of any possible vacancies or promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work, to discuss how their holiday accrual might be taken upon their return or simply to update them on developments at work during their absence.

## **11. 'Keeping in Touch' (KIT) days**

- 11.1. Whilst on adoption leave, individuals may either request, or be requested to undertake up to ten days' paid work under their contract of employment. 'Keeping in Touch' (KIT) days may be taken at any stage during the adoption leave period.
- 11.2. The type of work that an individual undertakes on a KIT day is a matter for agreement between the individual and their manager. Subject to mutual agreement,



keeping in touch days may be used for any activity that would ordinarily be classed as work under an individual's contract, i.e. to undertake an important work-related training activity or to enable an individual to attend an important team meeting or conference.

- 11.3. Work during the adoption leave period may take place only by agreement between both an individual and their manager. A manager may not insist that an individual works during the adoption leave period if they do not wish to do so, nor does an individual have the right to a KIT day if their manager does not agree to it.
- 11.4. If a manager requests that an employee works a KIT day, the individual is entitled to turn the opportunity down without suffering any consequences as a result. It is unlawful for an individual to suffer detriment for not agreeing to work keeping in touch days, or for requesting to work KIT days.
- 11.5. Where a disagreement arises in respect of KIT days either about the principle of taking such days or the schedule of how the days are to be taken, the manager and the employee should try to resolve the disagreement as informally and quickly as possible.
- 11.6. Throughout the process, managers should seek advice from their HR Adviser concerning any related queries that they may have.
- 11.7. KIT days are paid by the hour at the individual's standard hourly rate. On a KIT day an individual should work no more than their normal working hours set out in their appointment letter or agreed with their line manager. Any work carried out under an individual's contract on any day will count as a whole KIT day. For example, if an individual attends work only for a one-hour training session, they will have used one of their KIT days. Undertaking work on a KIT day will not affect an individual's adoption pay entitlement.
- 11.8. To be paid for KIT days worked, the KIT day form should be completed by both the employee and line manager and returned to their HR Adviser. This should be received by the payroll deadline of the month in which the KIT day was worked or, if this is not possible, the following month. Payment will be made at the end of the month in which the form was received.

## **12. Use of accrued holiday entitlement**

- 12.1. An employee's holiday entitlement (including annual leave, closure days and bank holidays) will be accrued during the whole leave period. Where, on return to work, either the employee is unable, or it is not operationally possible for them, to take all their accrued holiday, the untaken leave can be carried over into the following year.
- 12.2. Employees should discuss how they wish to take the holiday entitlement that they will accrue whilst on adoption leave with their line manager, ideally before the employee starts the aforementioned leave. As with any annual leave request, this must be agreed by the line manager. The possible options to discuss with the line manager include taking a block of

accrued leave before returning to work or using accrued leave to allow a phased return to work by working shorter working weeks for a fixed period.

- 12.3. In the event of an individual not returning to work following the period of adoption leave due to resignation, payment in lieu of holiday calculated up to the last working day and not taken before the start of the adoption leave will be given.

## **13. Non-renewal of fixed term contracts**

- 13.1. Non-renewal of fixed-term contracts due to adoption leave is discriminatory. Fixed-term contracts should be renewed if the work or funding is continuing. Where work or funding is not continuing procedural advice should be sought from their HR Partner.

## **14. Redundancy**

- 14.1. Employees on adoption leave have special protection in a redundancy situation. In particular, they will be given priority ahead of other colleagues in being offered suitable alternative vacancies.
- 14.2. Managers should, therefore, ensure that HR is made aware of employees who are at risk of redundancy whilst on adoption leave so that relevant advice can be provided.
- 14.3. An individual on adoption leave can be made redundant where there is a genuine redundancy situation at that time that is not connected to the adoption leave. As with all redundancies, the correct procedure must be followed and the normal rules relating to redundancies applied, including consultation with the employee.

## **15. Returning to work after adoption leave**

- 15.1. Following the end of adoption leave, the employee is expected to return on the next working day, unless an additional period of annual leave has been agreed or they notify the School otherwise.
- 15.2. If the employee is unable to attend work at the end of adoption leave due to sickness, the School's normal arrangements, including notification procedures, for sickness absence will apply.
- 15.3. Failure to return on the due date after the adoption leave expires will be regarded as unauthorised absence and may be treated as a disciplinary matter.
- 15.4. If, after the adoption leave begins, a decision is made not to return to work, the normal contractual period of notice must be given, in writing.

- 15.5. LSE has a range of resources to support disabled staff, including reasonable adjustments and other measures set out in the Disability Policy. In addition to pre-existing disabilities, it is recognised that adopters may also develop and suffer from mental health conditions relating to adoption (such as post-adoptive depression) that can in some cases amount to a disability. In all situations, staff and managers are encouraged to seek further advice and support as appropriate, which may include their HR Partner, Staff Counselling, or the EAP.

## **16. Further information and advice**

- 16.1. The policy and procedure are intended to outline entitlements to statutory and contractual adoption rights; all employees who wish to or are considering apply for adoption leave and pay should also contact their HR Adviser for more specific advice. Information regarding paternity/partner's leave can be found on the Paternity/Partner's Leave Policy webpage.
- 16.2. It is recognised that surrogacy and adoption can be difficult processes and employees may wish to access support, such as staff counselling, EAP, etc. HR Advisers can provide further information.

## Review schedule

Review interval	Next review due by	Next review start
3	September 2026	

## Version history

Version	Date	Approved by	Notes
1	November 2017	JNICC	
2	January 2023	JNICC	

## Links

Reference	Link
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## Contacts

Position	Name	Email	Notes
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## Communications and Training

Will this document be publicised through Internal Communications?	Yes
Will training needs arise from this policy	Yes
If Yes, please give details	
Guidance and training on the amended policy will be offered to line managers via the 'LSE Manager: Bringing Policy to Life' sessions.	