

ADOPTION LEAVE AND SURROGACY POLICY

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History

Issue	Date Issued	Brief Summary of Change	Approved by
1	May 2019	Policy created by splitting it out from the Maternity, adoption, maternity support (paternity), shared parental, fertility treatment and surrogacy leave policy.	Trust Executive Committee
2	January 2023	General review and policy update	Trust Executive Committee

For more information on the status of this document, please contact:	HR Business Partners, Employee Relations Manager and HR Advisors
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ASHFORD & ST PETER'S HOSPITAL NHS FOUNDATION TRUST

ADOPTION LEAVE AND SURROGACY POLICY

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1. INTRODUCTION

- 1.1 Ashford & St. Peter's Hospitals NHS Foundation Trust (ASPH) is committed to supporting working parents to achieve a good work life balance. This policy sets out the Trust's arrangements for supporting employees in preparing for and during adoption and surrogacy.
- 1.2 The policy sets out flexible, fair and supportive arrangements and is part of a suite of policies providing support and benefits to employees with parenting or caring responsibilities:

Annual leave policy
Career Break Policy
Flexible Working Policy
Maternity Leave and Fertility Treatment Policy
Shared Parental Leave Policy
New Parent Leave Policy
Special Leave Policy

2. SCOPE

This policy applies equally to every employee, regardless of their sexual orientation, gender identity and gender expression.

3. DEFINITIONS

Mother: The biological parent who gives birth, regardless of their gender identity

Partner: is the partner of the parent on leave, including same sex partners

4. KEY RESPONSIBILITIES

4.1 **Employees** have a responsibility to:

- Ensure that they are aware of the entitlements set out in this document.
- Adhere to the procedures outlined within this policy.
- Comply with requests to attend Occupational Health.
- Submit application forms and associated documents in a timely manner, e.g. application forms, MATB1 form, Birth Certificate, Matching Certificate.
- Agree a way of keeping in touch with their manager before they commence their leave.
- Maintain clinical practice and professional registration whilst on leave.

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4.2 **Managers** have a responsibility to:

- Maintain confidentiality at all times
- Ensure policy implementation and compliance within their area of responsibility.
- Discuss leave and pay entitlements with their employees.
- Ensure application forms and Staff Changes Forms are completed and submitted to HR / Payroll in a timely manner
- Agree a way of keeping in touch with employees before they commence their leave and keep them informed about any relevant developments within the Department and Trust during their leave

4.3 **Human Resources** has a responsibility to:

- Advise employees of the support available to them and to advise them of their rights and obligations under this policy.
- To confirm the employee's paid and unpaid leave entitlements under this agreement (or statutory entitlements if the employee does not qualify under the occupational scheme), along with the planned return date and the notice required to return earlier than planned.

4.4 **Occupational Health** has a responsibility to:

Provide support and advice to managers and employees of the risks involved in undertaking certain work activities whilst pregnant or breastfeeding.

4.5 **Payroll** has a responsibility to:

- Advise employees of their rights and obligations under this policy.
- To ensure that the necessary data and proof has been collected from the employee to satisfy Department of Work and Pensions (DWP) auditing.
- Ensure that payments are accurate and timely.
- That the employee's membership to the NHS Pension Scheme is protected during the full period of leave (both paid and unpaid).
- To issue a Statutory Adoption Pay exclusion form promptly to employees not entitled to statutory benefits, to enable an employee to claim any benefits directly from Jobcentre Plus.
- Update ESR to reflect the leave taken.

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30. POLICY EQUALITY IMPACT ASSESSMENT

An impact assessment has been carried out for the policy (attached at Appendix 4). This has indicated that no further action is required at this time.

31. POLICY ARCHIVING ARRANGEMENTS

This is a Trust wide document and archiving arrangements are managed by the Quality Department who can be contacted to request master/archived documents

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GUIDANCE ON NURSERY AND CHILDCARE PROVISION

Onsite Nurseries and Play Schemes

There is usually a waiting list for places at First Steps Nurseries which are based at St Peter's and at Ashford Hospital. Staff are advised to contact the Nursery Manager, at St Peter's on 01932 732192 and Ashford on 01784 884757 at the earliest opportunity to place their name on the waiting list.

The Trust offers a play scheme for children aged 4years (once at school) up until 10 years 11 months which runs from the St Peter's site and covers the 11 weeks of school holidays during the academic year (following the Surrey County Council holiday dates) excluding any in-set days as these vary from school to school. Please contact the St Peter's Nursery on 01932 722192 and ask for the Play scheme Coordinator or the Assistant Childcare Manager for more information.

Lists of childcare facilities are also available through Surestart <https://www.gov.uk/find-sure-start-childrens-centre>

Help with Childcare Costs

The Government closed the Childcare Voucher scheme to new entrants from 4th October 2018. Current users can continue to receive Childcare Vouchers to pay for registered childcare costs as long as they remain eligible and provided they do not change employer. Parents with first babies born after 4th October 2018, any not registered before this date and current users who change employer after 4th October 2018 should seek further information on help with childcare costs. You may be eligible for:

- ❖ Tax Free Childcare
- ❖ Tax Credits
- ❖ Universal Credits
- ❖ Help While You Study

For further information go to <https://www.childcarechoices.gov.uk>

Tax Free Childcare

Tax Free Childcare is a scheme administered by HMRC, whereby working families can be offered 20% support to qualifying childcare costs up to a certain limit. Both Parents are eligible if you are employed, self-employed or both. To qualify you have to be earning at least £120 per week and over the age of 25 years. More details are available here: <https://www.gov.uk/get-tax-free-childcare>

Workplace Nurseries

Under the 'Work Place Nurseries Exception' the cost of a place in a workplace nursery is completely exempt from Tax and National Insurance Contributions. If you received confirmation of

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a nursery place and it has been agreed in writing, call payroll on 01932 722799 to see if you are eligible for the savings. (Please bear in mind this can have an impact on your pension contributions at a later date).

Early Years Funding

Both of the Trust Nurseries offer Funded Early Education for Two-Year-Olds (FEET Funding), Universal and Extended Hours for 3 and 4 year olds.

HELP AND SUPPORT

The Trust's Employee Assistance Programme, provided by Vivup is a source of free advice, information, and support on having children including counselling if appropriate. You can access the website at www.vivup.co.uk where you can find a range of information and practical help. Alternatively, you can call them anytime, day or night, on 03303 800658 (or 0800 023 9324 free from any standard UK landline or mobile phone). Vivup is available 24 hours a day, 7 days a week, 365 days a year and is accessible by phone or online. The EAP can provide information booklets, articles, resource information on support services in your local area and even short-term face-to-face counselling.

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APPENDIX 1

ADOPTION / SURROGACY LEAVE AND PAY CHART

SERVICE	Returning to Work		Not Returning to Work
	LEAVE ENTITLEMENT	ADOPTION PAY	ENTITLEMENT
Less than 26 weeks' continuous service before the beginning of the week you are matched with a child or the 15 th week before the baby's due if applying via a surrogacy arrangement	52 weeks leave	NIL Contact payroll for information about claiming Income Support	NIL
26 weeks' continuous* service with the Trust before the beginning of the week you are matched with a child or by the 15 th week before the baby's due if applying via surrogacy arrangement, but less than 12 months' continuous* NHS service by the beginning of the week in which they are notified of being matched with a child or the 15 th week before the baby's due if applying via a surrogacy arrangement	39 weeks leave with statutory adoption pay plus 13 weeks unpaid adoption leave	39 weeks Statutory Adoption Pay	39 weeks Statutory Adoption Pay
Over 12 months' continuous* service with NHS by the beginning of the week in which they are notified of being matched with a child, or the 15 th week before the baby's due date if applying via a surrogacy arrangement	39 weeks paid leave plus up to 13 weeks unpaid adoption leave	First 8 weeks = full pay (including any Statutory Adoption Pay or Income Support Receivable) Next 18 weeks = half pay plus any Statutory Adoption Pay or income support (including any dependants allowances) providing the total receivable does not exceed full pay. Next 13 weeks = Statutory Adoption Pay or income support (including any dependants allowances)	39 weeks Statutory Adoption Pay

APPENDIX 2

APPLICATION FOR ADOPTION/ SURROGACY LEAVE

Applicants: Once you have completed this form inserting the appropriate dates, sign overleaf and pass to your manager for authorisation of leave. This form must be submitted with your **MATCHING CERTIFICATE/OFFICIAL NOTIFICATION** (for Adoption Leave) or **BIRTH CERTIFICATE/SURROGACY AGREEMENT/PARENTAL ORDER/SOLICITOR CORRESPONDENCE** (for Surrogacy) to the Human Resources Department.

Personal Details

Forename(s)	Surname
Job Title:	Ward/Dept & Base
Home Address	
NHS Continuous Service Date (if known)	Date Commenced at ASPH
Expected Date of Matching / Date of Entry of Child to UK / Date of Birth of Child <i>(please delete)</i>	

Applicant's Declaration

I have read the Adoption Leave and Surrogacy Policy and understand that these are a summary of the main regulations.

* I wish to commence Adoption / Surrogacy leave: On

* I intend to return to work: YES NO
(please delete as applicable)

* I have had over 12 months' continuous service and wish to have my occupational adoption pay (NOT Statutory adoption pay)

- *In the usual way*
- *As a fixed amount spread equally over the adoption / surrogacy leave period (the leave period ends on the anticipated date of return below)*

* Anticipated date of return:

* If I wish to return to work before the expected return date (based on entitlement of 52 weeks leave) I undertake to give at least **28 days'** notice to my manager.

* If returning, I undertake to continue in the National Health Service for a minimum period of three months subsequent to my actual return to duty after the expiration of this leave. If I decide to return onto the bank I am obliged to work for a minimum of one shift per week for a minimum of three months.

* I fully understand that if I fail to return to work or the bank for the stipulated period I shall be liable to refund any occupational adoption pay to which I am not entitled.

* I undertake to advise both my manager and the Human Resources Department in writing of any developments which may affect my intended date of return.

* I would like my manager to keep in contact with me by

* I have discussed my annual leave entitlement and agreed that

* I have discussed KIT days with my manager and have agreed that

Signed:

Print Name:

Dated:

If not returning

I enclose a letter of resignation:

Signed:

Print Name :

Dated:

Manager's declaration

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Signed:

Print Name & Job Title:

Dated:

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APPENDIX 3

CHECKLIST FOR THE EMPLOYEE

- To inform their manager as soon as they have been notified that they are to be matched with a child/ have a child
- To access this Policy and seek additional advice if necessary.
- To complete the Adoption Leave Application form
- To obtain the Matching Certificate from the adoption agency or produce the birth certificate/surrogacy agreement/parental order in cases of Surrogacy
- To forward the completed Adoption Leave Application form and required documentation to the line manager to sign
- To inform the line manager of their intention to return to work following leave
- To contact the Nursery Manager as soon as possible if needing a place at one of the onsite nurseries.
- To notify their manager of their intention to take KIT days

CHECKLIST FOR THE MANAGER

- To ensure that the employee has a copy of this policy and seeks advice from Human Resources if necessary.
- To countersign the employee's adoption leave application after discussing it with them and send with the required documentation to the Human Resources Department.
- To send a completed Staff Change of Employment Details Form to the Human Resources Department confirming when the employee starts adoption leave. Human Resources will then forward this on to Payroll.
- To agree with the employee how they would like to be kept up to date whilst on leave and to keep the member of staff informed about developments in the Trust and the ward/department by, for instance, forwarding copies of Aspire.
- To send a completed Staff Change of Employment Details Form to the Human Resources Department when the employee returns from adoption leave. Human Resources will then forward this on to Payroll.

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APPENDIX 4

Equality Impact Assessment Summary

Name: Assistant Director of HR – Business Partnering

Policy/Service: Adoption and Surrogacy Leave Policy

Background

- Description of the aims of the policy
- Context in which the policy operates
- Who was involved in the Equality Impact Assessment

The policy sets out the provisions for adoption and surrogacy leave and pay for employees. It exists as part of a suite of Family Friendly Policies. Its aim is to support staff who wish to take leave (and entitles eligible employees to pay) in order to adopt a child or have applied for a parental order following surrogacy arrangement.

Methodology

- A brief account of how the likely effects of the policy was assessed (to include race and ethnic origin, disability, gender, culture, religion or belief, sexual orientation, age)
- The data sources and any other information used
- The consultation that was carried out (who, why and how?)

Uptake was assessed by reporting from ESR.

Consultation was carried out with HR, management and staff reps and via our Employee Partnership Forum.

Key Findings

- Describe the results of the assessment
- Identify if there is adverse or a potentially adverse impacts for any equalities groups

This policy ensures that staff adopting or applying for a parental order are equally entitled to leave and pay as those who take maternity leave.

The policy undertakes to support those who step out of work for a period of time to adopt children by:

- Offering paid and unpaid leave
- Committing to maintaining continuity of employment and guarantee role on return
- Setting out keeping in touch processes and expectations
- Signposting employees to support on return such as childcare arrangements, flexible working etc

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In this way, the policy helps to remove barriers to employment faced by parents (this disadvantage disproportionately affects women).

This policy applies equally to every employee, regardless of their sexual orientation and gender identity. However, the language of the policy was previously gender specific and therefore was not inclusive of non-binary colleagues.

Recommendations

- State recommended changes to the proposed policy as a result of the impact assessment
- Where it has not been possible to amend the policy, provide the detail of any actions that have been identified
- Describe the plans for reviewing the assessment

- Policy should be maintained at current level of financial and leave benefits
- Policy should be regularly updated with any additional non-financial benefits and support available for staff and relevant to the policy
- Policy will be widely publicised to ensure staff are aware of entitlements and that managers understand their obligations.
- Gender specific language has been removed where possible
- EIA will be annually reviewed, and uptake of the policy monitored

Guidance on Equalities Groups

Race and Ethnic origin (includes gypsies and travellers) (consider communication, access to information on services and employment, and ease of access to services and employment)	Religion or belief (include dress, individual care needs, family relationships, dietary requirements and spiritual needs for consideration)
Disability (consider communication issues, access to employment and services, whether individual care needs are being met and whether the policy promotes the involvement of disabled people)	Sexual orientation including lesbian, gay and bisexual people (consider whether the policy/service promotes a culture of openness and takes account of individual needs)
Gender (consider care needs and employment issues, identify and remove or justify terms which are gender specific)	Age (consider any barriers to accessing services or employment, identify and remove or justify terms which could be ageist, for example, using titles of senior or junior)
Culture (consider dietary requirements, family relationships and individual care needs)	Social class (consider ability to access services and information, for example, is information provided in plain English?)