



## Adoption Leave and Pay

### 1 Introduction

The right to Adoption Leave and Pay falls under the provisions of the Paternity and Adoption Leave (Amendment) Regulations 2006. This document relates to Adoption Leave and Pay for those adopting within the UK from 1 April 2007. (Further guidance on the rights in cases of inter-country adoptions or those adopting before 1 April 2007 should be sought from the Human Resources department).

The rights to adoption leave and pay entitle eligible employees to take paid leave when a child is newly placed for adoption. Adoption leave and pay are available to:

- individuals who adopt
- one member of a couple where a couple adopt jointly (the couple must choose which partner takes adoption leave)

The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to **paternity leave** and **paternity pay** (section 6).

### 2 Eligibility

To qualify for adoption leave, an employee must:

- be newly matched with a child for adoption by an adoption agency\*
- have worked continuously for their employer for 26 weeks ending with the week in which they are notified of being matched with a child for adoption

\*Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption e.g. when a step-parent is adopting a partner's child.

### 3 Length of Adoption Leave

Adopters are entitled to up to 26 weeks' **ordinary adoption leave** followed immediately by up to 26 weeks' **additional adoption leave** - a total of up to 52 weeks' leave.

### **3.1 When can Adoption Leave Start?**

- from the date of the child's placement (whether this is earlier or later than expected), or
- from a fixed date which can be up to 14 days before the expected date of placement.

Leave can start on any day of the week.

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If the child's placement ends during the adoption leave period, the adopter can continue adoption leave for up to eight weeks after the end of the placement.

## **4 Statutory Adoption Pay**

Statutory Adoption Pay is paid by the University for up to 39 weeks.

The University currently applies rates of Statutory Adoption Pay as given by the Inland Revenue, the current rate from 1 April 2012, is £135.45 a week or 90% of average weekly earnings if this is less than £135.45.

Adopters who have average weekly earnings below the Lower Earnings Limit for National Insurance Contributions (£107 a week from 6 April 2012) do not qualify for SAP. They should contact their adoption agency as they may be able to receive financial support in relation to their adoption payment.

Additional financial support may be available through Housing Benefit, Council Tax Benefit or Tax Credits. Further information is available from your local Jobcentre Plus office or Social Security office.

## **5 Applying for Adoption Leave**

### **5.1 Notice of intention to take adoption leave**

In the first instance, as soon as an employee knows that he/she is to be matched with a child for adoption he/she must inform their line manager. Adopters are also required to inform the Human Resources Department of their intention to take adoption leave within **7 days** of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. They need to tell the University:

- when the child is expected to be placed with them and
- when they want their adoption leave to start.

Adopters can change their mind about the date on which they want their leave to start providing they tell their employer at least 28 days in advance (unless this is not reasonably practicable). They must tell their employer the date they expect any payments of SAP to start at least 28 days in advance.

The University will respond within 28 days of notification of leave plans. The letter will detail the date on which they expect the employee to return to work if the full entitlement to adoption leave is taken.

## **5.2 Matching certificate**

Employees must give the University documentary evidence – from their adoption agency as evidence of their entitlement to SAP. The University can also ask for this as evidence of entitlement for adoption leave. Employees should ask their adoption agency for this documentary evidence, which may be provided in the form of a matching certificate which includes basic information on matching and expected placement dates

## **5.3 Return to work after adoption leave**

Adopters who intend to return to work at the end of their full adoption leave entitlement do not have to give any further notification to the University.

Adopters who want to return to work **before** the end of their adoption leave period, must give the University 8 weeks notice in writing of the date they intend to return.

## **5.4 Keeping in Touch Days**

Adopters may, with the agreement of the University, carry out up to 10 days' work during their adoption leave period without bringing the adoption leave to an end. In accordance with legislation, any work carried out on any day shall constitute a full day's work.

Work means any work done under the contract of employment and may include training, attending meetings and committees or any activity undertaken for the purposes of keeping in touch with the workplace.

It should be noted however, that this provision does not confer any right on the University to require any work to be carried out during the statutory adoption leave period, nor any right on a member of staff to request work during this period. Also, there is no obligation on either the University or the member of staff to make use of these days.

Any days' work carried out will not have the effect of extending the total adoption leave period.

## **5.5 Contact during Adoption Leave**

Reasonable contact between the University and the Adopter is encouraged to facilitate communication. Under legislation, either party is entitled to initiate this during the adoption leave period (for example to discuss the member of staff's return to work or potential work related issues that may concern them) and such contact will not bring the adoption leave period to an end.

## **5.6 Annual Leave**

Annual leave is accrued during a period of adoption leave.

Annual leave cannot be carried over from one holiday year to the next (with the exception of 5 days with the approval of the Head of School/Department) and cannot be taken during maternity leave. Therefore, if an employee's adoption leave will span over two holiday years it is advisable that he/she takes any outstanding entitlement before commencing their maternity leave.

Please note that where statutory or customary holidays fall during a maternity leave period it is not possible to accrue these holidays and take time off once the maternity leave has ended.

## **6 Paternity leave and pay (adoption)**

Following the placement of a child for adoption, the rights to paternity leave and pay give eligible employees the right to take paid leave to care for their new child or support the adopter.

### **6.1 Eligibility**

Employees must satisfy the following conditions in order to qualify for paternity leave. They must:

- have or expect to have responsibility for the child's upbringing
- be the adopter's spouse or partner
- have worked continuously for the University for 26 weeks ending with the week in which the adopter is notified of being matched with a child.

### **6.2 Length of paternity leave**

Eligible employees are entitled to choose to take either one week or two consecutive weeks' paid paternity leave (not odd days).

They can choose to start their leave:

- from the date of the child's placement (whether this is earlier or later than expected), or
- from a chosen number of days or week after the date of the child's placement (whether this is earlier or later than expected), or
- from a chosen date which is later than the date on which the child is expected to be placed with the adopter.

Leave can start on any day of the week on or following the child's placement but must be completed within 56 days of the child's placement.

Only one period of leave is available to employees irrespective of whether more than one child is placed together.

### **6.3 Statutory Paternity Pay**

During their paternity leave, most employees are entitled to Statutory Paternity Pay (SPP) from the University.

Statutory Paternity Pay is paid by the University for either one or two consecutive weeks as the employee has chosen. The rate of Statutory Paternity Pay is the same as the standard rate of Statutory Adoption Pay.

Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes do not qualify for SPP. Employees who do not qualify for SPP, or who are normally low paid, may be able to get Income Support while on paternity leave. Additional financial support may be available through Housing Benefit, Council Tax Benefit, Tax Credits or a Sure Start Maternity Grant. Further information is available from your local Jobcentre Plus office or Social Security office.

### **6.4 Notice of intention to take paternity leave**

Employees must inform the University of their intention to take paternity leave within seven days of the adopter being notified by their adoption agency that they have been matched with a child, unless this is not reasonably practicable. They must tell the University:

- the date on which the adopter was notified of having been matched with the child
- when the child is expected to be placed
- whether they wish to take one or two weeks' leave
- when they want their leave to start

Employees can change their mind about the date on which they want their leave to start providing they tell the University 28 days in advance (unless this is not reasonably practicable). Employees can tell the University the date they expect any payments of SPP to start at least 28 days in advance, unless this is not

reasonably practicable.

## 6.5 Self certificate

Employees must give the University a completed self-certificate as evidence of their entitlement to SPP (available from the Human Resources Office).

The self certificate includes a declaration that the employee meets certain eligibility conditions and provides the information specified above as part of the notice requirements.

By providing a completed self certificate, employees will be able to satisfy both the notice and evidence conditions for paternity leave and pay.

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