

ROYAL HOLLOWAY University of London

ADOPTION LEAVE - ADOPTIVE PARENTS – RIGHTS TO LEAVE AND PAY

Contents List Number	Page
1. <u>Background information</u>	2
1.1 Rights to Adoption Leave	2
1.2 Rates	2
2. <u>The Policy</u>	3
2.1 Adoption Leave	3
2.1.1 Adoption leave details	3
2.1.2 Eligibility?	3
2.1.3 Length of Adoption Leave	3
2.1.4 When can Adoption leave start?	3
2.2 Adoption Pay	5
2.2.1 College Adoption Pay	5
2.2.2 Statutory Adoption Pay	5
2.3 Applying for adoption leave and pay	6
2.3.1 Notice of intention to take adoption leave	6
2.3.2 Matching certificate	6
2.3.3 Return to work after adoption leave	6
2.3.4 Occupational Pension Schemes: USS and SAUL	6
2.4 Paternity Leave and Pay (Adoption)	7
2.4.1 Eligibility	7
2.4.2 Length of Paternity Leave	7
2.4.3 Statutory Paternity Pay	7
2.4.4 Notice of intention to take paternity leave	8
2.4.5 Self Certificate	8
2.4.6 Return to work after paternity leave	8

1. Background Information

This policy is open to all members of staff whose children are placed with them after 6 April 2003. All rights described in this policy apply equally to both part-time and full-time employees, providing they meet any qualifying conditions.

Please note, where the staff member is referred to as 'his or he', the substitution of 'her or she' should be made where applicable.

1.1 Rights to Adoption Leave

The rights to Adoption Leave under the Adoption Leave Regulations 2002 fall into three categories:

- Time off around the time of the placement of a child;
- Pay during this time.
- Paternity leave around the time of the placement of a child.

1.1 Rates

The College will apply current rates of Statutory Adoption and Paternity Pay as given by the Inland Revenue.

2. Policy

2.1 Adoption Leave (Cross-Reference with section 2.2 for adoption pay)

2.1.1 Adoption leave details

The detail of this policy covers the leave and pay rights where a child is matched and placed for adoption within the UK. The entitlement will also be available where a child is adopted from overseas, although the detailed operation of the scheme will differ slightly for practical reasons. Staff are asked to see their Personnel officer should circumstances differ from those detailed here.

The rights to adoption and paternity leave and pay entitle eligible staff members 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 pay**.

2.1.2 Eligibility

To qualify for adoption leave, a staff member 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, for example when a step-parent is adopting a partner's children.

2.1.3 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.

Ordinary adoption leave is normally paid leave, details follow in section 2.2.

Additional adoption leave is unpaid.

2.1.4 When can Adoption leave start?

It can 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.

2.2 Adoption Pay

2.2.1 College Adoption Pay

The College's policy is to match Adoption pay to that given to women on maternity leave. This will be 18 weeks on full pay and the remaining 8 weeks leave at the Statutory Adoption Pay rate.

2.2.2 Statutory Adoption Pay (SAP)

Statutory Adoption Pay is paid by employers for up to 26 weeks.

Adopters who have average weekly earnings below the Lower Earnings Limit for National Insurance Contributions 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.

2.3 Applying for Adoption Leave

2.3.1 Notice of intention to take adoption leave

Adopters are required to inform the College 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 College:

- 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 the College at least 28 days in advance (unless this is not reasonably practicable). They must tell the College the date they expect any payments of SAP to start at least 28 days in advance.

The College must respond in writing within 28 days of the notification of leave plans. This letter will set out the date on which the member of staff would return to work if the full entitlement to adoption leave is taken.

2.3.2 Matching certificate

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

2.3.3 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 College.

Adopters who want to return to work **before** the end of their adoption leave period, must give the College 28 days' notice of the date they intend to return.

2.3.4 Occupational Pension Schemes: USS and SAUL

Paid Adoption Leave

During periods of paid adoption or paternity leave, the employer's pension contribution should be calculated as if the employee is working normally and receiving the normal remuneration payable for doing so.

Paid adoption or paternity leave is defined as being when the employee is in receipt of either statutory adoption/paternity pay or contractual adoption/paternity pay (or a combination of both).

As both the USS and SAUL pension schemes require the employee to contribute towards the occupational pension, the contribution should be based on the amount of contractual pay of Statutory Adoption/Paternity Pay that is being paid to him.

Accrual of pension rights during unpaid leave

Accrual of pensionable service continues during the period of adoption/paternity leave, providing that employees maintain their pension payments. Should they suspend them during the period of leave, there is normally an option to pay AVC contributions at a later date. This option should be confirmed with the appropriate scheme before deciding on action.

2.4 Paternity leave and pay (adoption)

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

2.4.1 Eligibility

Staff 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 College for 26 weeks ending with the week in which the adopter is notified of being matched with a child.

The College can ask their employees to provide a self-certificate as evidence that they meet these eligibility conditions.

2.4.2 Length of paternity leave

Staff 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 staff irrespective of whether more than one child is placed together.

2.4.3 Statutory Paternity Pay

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

Statutory Paternity Pay is paid by the College for either one or two consecutive weeks as the member of staff has chosen. The rate of

Statutory Paternity Pay is the same as the standard rate of Statutory Maternity 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.

2.4.4 Notice of intention to take paternity leave

Staff must inform the College 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 College:

- 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.

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

2.4.5 Self-certificate

Employees must give their employers a completed self-certificate as evidence of their entitlement to SPP.

The College can also request a completed self-certificate as evidence of entitlement to paternity leave. The self-certificate must include a declaration that the member of staff meets certain eligibility conditions and provide the information specified above as part of the notice requirements.

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

2.4.6 Return to work after paternity leave

Employees are entitled to return to the same job following paternity leave.

AGREEMENT

The College in consultation with trade union representatives may review its Adoptive Leave policy and procedures as required. Management and trade union representatives will normally review the contents and operation of this policy and procedure, within three years of the last review date.

Signed..... Date..... John Grimmer
Director of Personnel

Signed..... Date..... AUT Officer

Signed..... Date..... MSF Officer

Signed..... Date..... GMB Officer