

ADOPTION LEAVE POLICY

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RELEVANT DOCUMENTS

- Employment Rights Act 1996
- Paternity and Adoption Leave Regulations 2002 (SI 2002/2788)
- Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 (SI 2002/2822)
- Additional Paternity Leave Regulations 2010 (SI 2010/1055)
- Shared Parental Leave Regulations 2014 (SI 2014/3050)
- Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014 (SI 2014/3052)

RELATED POLICIES & DOCUMENTS

- Shared Parental Leave Policy
- Ordinary Parental Leave Policy
- Paternity Leave Policy (for babies due or children placed for adoption on or after 5 April 2015)
- Paternity Leave Policy (for babies due or children placed for adoption before 5 April 2015)
- Staff Handbook
- Request for Flexible Working Policy



ADOPTION LEAVE POLICY

Introduction to adoption rights and benefits

This policy sets out the rights of employees to statutory adoption leave and pay.

On or after 5 April 2015, an employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave from day one of his or her employment.

Before 5 April 2015, an employee who adopted a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave provided that he/she had at least 26 weeks' continuous service calculated as at the week in which notification of matching was given by the adoption agency.

The University recognises that, from time to time, employees may have questions or concerns relating to their adoption rights. It is the University's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the adoption provisions are complex, if an employee is adopting a child he/she should clarify the relevant procedures with his/her Business Partner to ensure that they are followed correctly.

Scope of this policy

Adoption Leave will be available to individuals who adopt and one member of a couple where a couple adopts jointly. 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.

This policy also applies to prospective adopters starting a concurrent placement. Concurrent planning is for babies and young children under 2 in care who are likely to need adoption, but who still have a chance of being reunited with their birth family.

Concurrent carers are dually approved as both foster parents and adoptive parents and perform the role of a foster carer while the courts decide whether or not the child can return to its birth family.

Adoption and Paternity Leave is available whether a child is being adopted from with the UK or overseas.

The employee's entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. The employee's maximum entitlement is therefore to take up to 52 weeks' adoption leave.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to their following the correct notification procedures as set out below.

Who qualifies for statutory adoption pay and how much will the employee receive?

Employees who take adoption leave will also qualify for statutory adoption pay (SAP), provided that they have 26 weeks' service calculated as at the week in which notification of matching was given by the adoption agency and have average weekly earnings not less than the lower earnings limit for national insurance contributions.

Statutory adoption pay is payable for up to 39 weeks. In relation to adoption pay periods beginning on or after 5 April 2015, statutory adoption pay is payable at 90% of normal earnings for the first six weeks, following which it is payable at the rate set by the Government for the relevant tax year (or 90% of normal earnings, if that is lower than the Government's rate).

Parents who will become the legal parents of a child under a surrogacy arrangement are entitled to take statutory adoption leave if the child's expected week of birth begins on or after 5 April 2015. Local authority foster parents who are also prospective adopters ("foster to adopt") are entitled to take ordinary adoption leave in relation to children matched for adoption on or after 5 April 2015.

Statutory adoption pay is reviewed and updated annually in April.

Statutory adoption pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Enhanced adoption pay

The University offers employees with more than one year's continuous service leading into the week in which the employee is notified of being matched with a child for adoption, will be entitled to enhanced (Occupational) adoption leave.

The University pays employees with the required one year's service their normal pay during the first four (4) weeks' adoption leave, followed by two (2) weeks at 90% of average weekly earnings, twelve (12) weeks at half pay plus flat rate SAP, or if less, 90% of average weekly earnings and twenty one (21) weeks at flat rate SAP or, of less, 90% of average weekly earnings.

Note: Half pay and the top up to full pay during the first 4 weeks of the adoption pay period will be reclaimed by LJMU if the individual is unable to return to work for a period of 13 weeks after the period of adoption leave/shared parental leave. (The

period remains at 13 weeks even if the individual reduces their working hours to part time).

Timing of adoption leave

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier.

Prospective adopters starting a Concurrent or Foster to Adopt placement are eligible for adoption leave and pay from the point that a child is placed with a family (when they are in the fostering phase), not at the point that they are formally placed for adoption.

To make administration as easy as possible, the employee should discuss the timing of his/her adoption leave with his/her line manager as early as possible.

Notice requirements

To be entitled to take adoption leave and receive statutory/enhanced adoption pay, the employee is required to give the University written notification of his/her intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. Notice, which must be in writing, must specify the date the child is expected to be placed with the employee for adoption and the date the employee intends his/her adoption leave to start.

The employee is permitted to bring forward his/her adoption leave start date, provided that he/she advises the University in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone his/her adoption leave start date, provided that he/she advises the University in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The employee must also provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.

Within 28 days of receiving the employee's notice of intention to take adoption leave, the University will write to the employee confirming the latest date on which the employee must return to work after adoption leave.

For either a concurrent or Foster to Adopt placement the member of staff will be requested to provide a proof of placement, this would be provided by the local authority confirming the date that a child will be placed with a family to evidence that carers are eligible for adoption pay/leave.

Time off to attend adoption appointments

From 5 April 2015, employees who are adopting a child are entitled to take time off to attend adoption appointments.

An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). The other can elect to take unpaid time off to attend up to two adoption appointments (under s.57ZL of the Employment Rights Act 1996).

The purpose of the appointment is to enable the employee [and his/her partner] to have contact with the child (for example, to bond with him/her before the placement) and for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee. [The right to time off for adoption appointments is capped at six-and-a-half hours for each occasion although employees should take only the time that they need to attend the adoption appointment.]

The University will ask the individual for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).

In addition, if the employee is adopting jointly, the University will ask the individual to sign a declaration, to be submitted alongside the documentary evidence, confirming that he/she has elected to exercise his/her right under either s.57ZJ (up to 5 paid adoption appointments) or s.57ZL (up to 2 unpaid adoption appointments) of the Employment Rights Act 1996 to take time off to attend an adoption appointment. The University will ask for the declaration on the first occasion on which the individual asks for time off to attend an adoption appointment.

Rights during adoption leave

During ordinary adoption leave and additional adoption leave, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by statutory adoption pay if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid whilst receiving adoption pay.

Employees are encouraged to take any outstanding holiday due to them before the commencement of adoption leave. Employees are reminded that wherever possible holiday should be taken in the year that it is earned. If this is not possible employees must liaise with their line manager to use up outstanding holiday as soon is practically possible.

Contact during adoption leave

The University reserves the right to maintain reasonable contact with employees during adoption leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

Keeping-in-touch days

Employees can agree to work for the University (or to attend training) for up to 10 days during their adoption leave without that work bringing their adoption leave to an end and without loss of a week's statutory adoption pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The University has no right to require employees to carry out any work and employees have no right to undertake any work during their adoption leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and the University.

Please refer to Keeping in Touch (KIT) Days Policy.

Returning to work after adoption leave

The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that he/she gives the appropriate notification. Alternatively, the employee may take his/her full period of adoption leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of adoption leave has elapsed, he/she must give at least eight weeks' notice in writing to the University of the Date on which he/she intends to return. The University encourages all adopters (including those who choose to take their maximum leave entitlement) to give at least 8 weeks written notification of their date of return to the payroll which will enable the payroll deadline date to be met.

If the child's placement is terminated during the employee's adoption leave, he/she will continue to be entitled to adoption leave and pay (if applicable) for up to eight weeks after the placement ends. (This also applies for concurrent placements). As the employee will be returning to work earlier than intended, he/she should give eight weeks' notice of the early return. In cases where no notice of the termination of the placement is given this will effectively mean the employee should notify the University of his/her early return on the day the placement ends.

The employee has the right to resume working in the same job if returning to work from ordinary adoption leave. If the employee returns to work after a period of additional adoption leave, he/she is entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the adoption leave period.

If the employee decides during adoption leave that he/she does not wish to return to work, he/she should give written notice of resignation to the University as soon as possible and in accordance with the terms of his/her contract of employment.

Please refer to note on page 2 regarding the repayment of enhanced adoption pay if the employee does not return intend to work for a period of 13 weeks after the birth. Enhanced (Occupational) adoption pay is only paid to an individual who is intending to return to work for a period of 13 weeks following adoption leave; this 13 week period of return applies to full and part time employees.

Transfer of adoption leave

Shared parental leave

Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date.

Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the University is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of separate blocks of leave (in which case the employee needs the University's agreement).

To be able to take shared parental leave, an employee and his/her partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the adopter curtailing his or her adoption leave.

Employees can refer to the University's policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how the adopter's adoption leave can be curtailed. The University's policy on shared parental leave sets out the notice periods with which employees must comply and what evidence they must provide to the University. The policy also contains more details on employees' entitlement to statutory/enhanced shared parental pay scheme.

The adopter and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

Please refer to Shared Parental Leave Policy.

Additional paternity leave

Additional paternity leave continues to be available in relation to children **placed for adoption before 5 April 2015**. If an employee proposes to return to work by giving proper notification, his/her spouse, civil partner or partner may be eligible to take additional paternity leave (and additional statutory paternity pay) once he/she has returned to work.

The earliest that additional paternity leave may commence is 20 weeks after the adopted child's placement and it must end no later than 12 months after the date of placement. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks.

Further details should be obtained from the employee's spouse's or partner's employer. He/she will be required to submit a written and signed declaration form to that employer, which may also make additional enquiries of the organisation to verify its employee's entitlement to additional paternity leave and pay.

Please refer to Paternity Leave Policy for further details.