

# ADOPTION LEAVE SCHEME



## 1. Introduction.

The Students' Union has introduced this policy to entitle eligible employees to take 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 may choose which partner takes adoption leave)

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

This scheme is applicable to any employee whose will be adopting a child, which is due to be placed with them on or after 6th April 2003.

The Students' Union has an obligation to pay Statutory Adoption Pay (SAP) on behalf of the Social Security Benefits Office to all employees who are eligible to receive it. This scheme explains entitlements to both statutory and contractual adoptive leave benefits.

## 2. Adoption Leave.

To qualify for adoption leave, an employee must:

- Be newly matched with a child for adoption by an approved adoption agency
- Have worked continuously for the Students' Union for 26 weeks leading into 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 stepparent is adopting a partner's child.

Employees will be entitled to up to 26 weeks' "ordinary" adoption leave, which is followed immediately by up to 26 weeks' "additional" adoption leave, totalling 52 weeks. Adoption leave can start:

- From the date of the child's placement

- From a fixed date which can be up to 14 days before the expected date of placement
- On any day of the week

Only one period of leave is available regardless of the amount of children that are being placed for adoption as part of the same arrangement. If the child's placement ends during the adoption leave period, the employee will be able to continue adoption leave for up to 8 weeks after the end of the placement.

### **Requesting Adoption Leave - Obligations upon the Employee.**

Employees are required to inform the Students' Union 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. The employee must detail:

- When the child is expected to be placed with them and
- When they want their adoption leave to start
- Proof of the adoption with a "matching certificate", provided by the adoption agency

The Students' Union will respond to all requests within 28 days. The employee will be told of the date they will be required to return to work if full entitlement is taken.

### **3. Minimum Adoption Provision (Package A).**

This scheme covers all employees with less than 26 weeks service leading into the week in which they are notified of being matched with a child for adoption.

#### **Leave.**

The statutory entitlement of 26 weeks' SAP (statutory adoption leave) which may start any time within 14 days prior to the date of the child being placed with the adoptive parents.

The University College will assume that the employee will return to work after the 26 week adoption leave has been completed. If the employee wishes to return to work before the end of the 26 weeks, they must give the Students' Union at least 28 days written notice.

#### **Pay.**

Due to a short period of service the employee will not be eligible to pay from the Students' Union but may be entitled to claim financial support from the Social Security/Job Centre Plus Office.

#### **4. Ordinary Adoption Provision (Package B)**

This scheme covers all employees who have been continuously employed for a period of not less than 26 weeks leading into the week in which they are notified of being matched with a child for adoption and less than 52 weeks.

##### **Leave.**

In addition to the minimum period of 26 weeks OAL (ordinary adoption leave) the employee is also entitled to a further 26 weeks unpaid AAL (additional adoption leave). The adoption leave period totals a maximum of 52 weeks consisting of 26 weeks paid and 26 weeks unpaid.

The Students' Union will assume that the employee will return to work after the 52 weeks' leave has been completed. If the employee wishes to return to work before the end of the 52 week period, they must give the Students' Union at least 28 days written notice.

##### **Pay – Statutory Adoption Pay.**

The employee is entitled to receive 6 weeks at 90% of full pay followed by 20 weeks at the Statutory Adoption Pay standard rate of £100 (from 6th April 03) per week or 90% of average earnings which ever is less.

An employee who earns less than the lower earnings limit for National Insurance contributions (£75 per week) is not entitled to SAP but may be entitled to claim additional funding direct from the Social Security/Jobcentre Plus Office.

#### **5. Occupational Adoption Leave Provision (Package C)**

This scheme covers all employees with more than 52 weeks service leading into the week in which they are notified of being matched with a child for adoption.

##### **Leave.**

In addition to the minimum period of 26 weeks OAL (ordinary adoption leave) the employee is also entitled to a further 26 weeks unpaid AAL (additional maternity leave). The adoption leave period totals a maximum of 52 weeks consisting of 26 weeks paid and 26 weeks unpaid.

The Students' Union will assume that the employee will return to work after the 52 weeks' leave has been completed. If the employee wishes to return to work before the end of the 52-week period, they must give the Students' Union at least 28 days written notice.

### **Pay – Occupational Adoption Pay.**

If the employee has declared her intention to return to work following AAL she will be entitled to 100 per cent of normal weekly earnings for the first four weeks of absence followed by two weeks at 90% and 12 weeks at 50 per cent of normal weekly earnings plus SAP (subject to combined pay and SAP not exceeding full pay). The final 8 weeks will be paid at the standard rate of Statutory Adoption Pay.

### **Contractual Rights.**

An employee who resumes work after ordinary adoption leave is entitled to return to the same job on the same terms and conditions of employment as if they had not been absent, unless a redundancy situation has arisen, in which case they would be offered a suitable alternative vacancy.

After additional adoption leave an employee is entitled to return to work to the same job on the same terms and conditions as if they had not been absent. However, if there is some reason why this is not reasonably practicable they will be offered a similar job on the same terms and conditions not less favorable than her original job.

### **6 General Issues.**

Annual Leave does accrue whilst the employee is on ordinary and extended adoption leave. However any leave that is accumulated must be taken at the end of the maternity period i.e. before returning to work.