ADOPTION LEAVE

1. INTRODUCTION

Our Adoption Policy is part of our suite of family friendly policies, which together are designed to recognise your family and work commitments and to ensure a healthy work-life balance.

This policy applies to all employees who plan to adopt a child or children. It will normally include foster parents who go on to adopt a child. Please note that where a couple is adopting jointly, only one partner is entitled to Adoption Leave and/or Pay. The decision as to who takes Adoption leave is entirely that of the adopting couple. The other partner (regardless of gender) may be entitled to Ordinary and/or Additional Paternity Leave and/or Pay. Both benefits are available whether the child is adopted from within the UK or from overseas.

2. ADOPTION LEAVE ELIGIBILITY

You must have at least 26 weeks' service as at the week in which notification of matching is given by the adoption agency.

Domestic Adoptions

Only where adoption is through an approved UK adoption agency is this policy valid. A Matching Certificate from the agency must be provided as evidence of your entitlement.

Overseas Adoptions

If you are adopting from overseas you will be issued with 'official notification' and we will need to see appropriate evidence. This is likely to be written notification that the relevant domestic authority is prepared to issue a certificate to the overseas authority concerned with the adoption. Then, within 28 days of the child entering the UK, you must give further evidence of the date of entry e.g. copies of entry clearance documents.

3. ADOPTION LEAVE NOTIFICATION & PROCEDURE

All eligible employees are entitled to 52 weeks' statutory adoption leave (comprising 26 weeks' Ordinary Adoption Leave and 26 weeks' Additional Adoption Leave). You should advise POD/Line Manager of your intention to take adoption leave using the Adoption Leave Application Form, considering the following requirements:

Domestic Adoptions

You are required to notify your People Business Partner/Line Manager of your intention to take adoption leave no later than 7 days after the date on which notification of the match with the child is provided to you by the adoption agency. Your notice must specify the date the child is expected to be placed with you and the date you intend to commence your adoption leave.

Adoption leave cannot commence earlier than 14 days before the expected date of placement of the child and the latest it can start is the actual date of placement. Pay and leave can start on any pre-determined date between these dates.

Overseas Adoptions

You are required to notify your People Business Partner/Line Manager of your intention to take adoption leave within 7 days of receiving official notification. You must tell us the date you received your official notification and the date the child is expected to enter the country. You must give 28 days' notice of the date you want your adoption leave to start. Adoption leave may start from the date the child enters the country or from a fixed date up to 28 days later.

If you change your mind about when you want to start your adoption leave, you must let us know in writing, allowing at least 28 days' notice of the revised date of commencement. (If this is not reasonably practicable, in which case as much notice as is reasonably practicable is required).

4. ADOPTION PAY

Employees who meet the qualifying conditions based on length of service and average earnings are entitled to 39 weeks Statutory Adoption Pay (SAP). Most employees, as a minimum, will be entitled to SAP. You may also be entitled to receive Occupational Adoption Pay (OAP). If so, these types of pay are inter-related so that you cannot receive more than your normal weekly pay whilst on adoption leave. Please see Appendix 1 on page 5 of this document for a breakdown of adoption leave entitlements based on eligibility.

This calculator can help you establish and calculate your entitlement to Statutory Adoption Pay (SAP) and leave.

Entitlement to Occupational Adoption Pay (OAP) in addition to any entitlement to SAP is granted as long as you have at least one year's service with University of Suffolk as at the week in which the child is adopted. The maximum pay you are entitled to receive is equivalent to your normal full pay, which will be made up of SAP and the balance as OAP.

There is a maximum pay period of 39 weeks (reduced if you return to work within 39 weeks of commencing adoption leave). If you choose to take more than 39 weeks' leave, the remaining weeks will be unpaid; up to a maximum of 13 weeks unpaid if you take the full 52 weeks' adoption leave.

Payments will be made at your normal pay intervals, commencing on the first pay day following the start of your adoption leave. You may choose when to receive your Occupational Adoption Pay. It can be paid as it falls due or can be paid as a lump sum upon your return. In order to remain entitled OAP, you must return from adoption leave for a minimum period of 13 weeks. If you are paid OAP before the end of the 13 week return period, then do not return for the period required for whatever reason, all OAP becomes immediately repayable to the University.

If you have no entitlement to SAP or OAP due to insufficient service or you earn below the Lower Earnings Limit, you may be entitled to other statutory benefits. Please contact your local Job Centre for further information. You will be issued with an SAP1 form and you should forward this to the local Jobcentre Plus without delay.

5. KEEPING IN TOUCH WHILST ON ADOPTION LEAVE

Contact during Adoption Leave

Reasonable contact between your Line Manager and you should take place whilst you are on adoption leave. This would generally be to discuss changes that may be taking place at work or to discuss your return to work or any work-related issues that may be of concern.

Keeping in Touch Days (KIT)

You may carry out up to 10 'Keeping in Touch Days' during your adoption leave. This will not affect your adoption pay or bring your adoption leave to an end. Any work carried out on any one day will constitute a full day's work. Work in this context means any work done under your contract of employment and may include training, attending meetings or committees, or any work-related activity for the purposes of keeping in touch with the workplace.

You will usually receive your normal rate of pay for undertaking a KIT day. Therefore if a KIT day takes place whilst you are receiving adoption pay, your pay will be 'topped up' to your normal contractual daily rate of pay.

There is no obligation to undertake Keeping in Touch days and the University is under no obligation to offer them. However, if you wish to make use of these days, please let your manager know so that appropriate arrangements can be discussed.

6. NOTIFICATION OF RETURN TO WORK

If you intend to return to work at the end of your full (52 week) adoption leave period (or on the date you specified before you commenced adoption leave), you are required to give no further notice. We will expect to see you back at work on the first day of week 53 since you went on leave (or other date given in your notification). If you have agreed to take annual leave at the end of your adoption leave, you will then be deemed to be back at work for pay and benefits purposes for the duration of your leave. You will be expected back at the work on the first working day following the end of your annual leave.

However, if you wish to change your date of return (to either an earlier or later date or not to return at all), you must give 8 weeks' written notice of your revised return (or non-return) date. If you do not comply with this, your adoption leave may be extended for 8 weeks' after the date of giving notice of return (but no later than the beginning of week 53 since you went on adoption leave), to allow us to make appropriate arrangements for your return.

7. ENTITLEMENTS FOR OTHER MAIN CARERS

It might be possible, if the placement date of your child was on or after 3 April 2011 and you return to work early, ceasing claims for statutory adoption leave or statutory adoption pay that your spouse, civil partner or partner may be entitled to Additional Paternity Leave (APL). APL was introduced to enable others who also have the main responsibility for the child to take leave from work to care for their infant.

Applying for APL should be made via the person's own employer. To support his/her application you would be expected to sign a declaration in accordance with that employer's processes for APL. This declaration is likely to ask you to confirm your return to work date with us and that you are the primary adopter of the child.

To find out more about APL please refer to the person's employer for their Paternity Leave Policy. You may also wish to read our Paternity Leave Policy which outlines the expectations of the primary adopter or if your partner also works for the University of Suffolk.

If you are returning to work early to enable APL for another person, please confirm this within your letter when requesting an earlier return date, confirming the person's name applying for APL; their employer are likely to write to us to confirm arrangements.

8. NON-RETURN TO WORK

If, during your adoption leave, you decide you no longer wish to return to work, you should notify us as soon as possible. Early notification will not affect your Statutory Adoption Pay (where payable) and you will continue to receive it through your pay until the end of the 39th week of adoption pay.

This will affect your calculated leave entitlement. If you have overtaken your leave, you will be expected to repay the amount of the overpayment. Your leave date from University of Suffolk will be the date of the last day of SAP.

Where you have been receiving University of Suffolk Occupational Adoption Pay (OAP) and decide not to return to work before the end of your adoption leave (or you return to work but leave within 13 weeks of the date of return from adoption leave), OAP becomes immediately repayable. Repayment will need to be discussed and agreed with the People and OD team. If you have opted to receive OAP on your return, it will no longer be due to you.

If you simply 'do not turn up' without explanation, your absence may be treated as unauthorised and could be subject to disciplinary action. Leave will not accrue if there is any extended period of absence.

9. ANNUAL LEAVE ENTITLEMENT DURING ADOPTION LEAVE

Annual leave continues to accrue throughout the full period of adoption leave and can be taken up to one year after returning to work.

10. PENSION CONTRIBUTIONS DURING ADOPTION LEAVE (USS & LGPS)

Contributions are maintained in full for any period when you are in receipt of any pay, whether occupational or SAP. Member's contributions during this period are based on your actual income and any shortfall is made up by the University of Suffolk.

A member of either USS or LGPS on unpaid leave after the first 39 weeks is treated as being on suspended membership of the scheme and does not receive any service credits. On your return you may buy back this service by paying both employer and employee contributions.

Please refer to the relevant scheme guide for further information about pension contributions during periods of absence.

If you have been paying Additional Voluntary Contributions to buy added years of pensionable service prior to starting adoption leave you should continue to pay the same percentage of your full salary unless you want to terminate your contract. Please contact your AVC Administrator for further guidance.

11. TRADE UNION SUBSCRIPTIONS

You should contact your union directly to arrange to make payment.

Appendix 1

ADOPTION POLICY: ADOPTION PAY & LEAVE ENTITLEMENTS					
Minimum Length of Service	**Earnings Level**	**Adoption Leave Entitlement**	**Statutory Adoption Pay (SAP) Entitlement**	**Occupational Adoption Pay (OAP) Entitlement**	**Comments**
Employees with less than 26 weeks' service at the week in which notification of matching is given by the adoption agency.	N/a	No statutory entitlement. Some unpaid leave may be agreed on a case by case basis.	No entitlement	No entitlement	Financial assistance may be available (e.g Income Support) through statutory bodies- contact your local Job Centre for more information.

At least 26 weeks' service at the week in which notification of matching is given by the adoption agency.	Average weekly earnings of **more** than the lower rate of SAP (	52 weeks (26 weeks OAL* & 26 weeks AAL**)	6 weeks @ 90% of full pay 33 weeks @ lower SAP rate Up to 13 weeks unpaid Payable even if not returning	No entitlement where employee has less than one year's service at the week in which the child is adopted Where employee has one year or more service at the week in which the child is adopted 8 weeks' full pay 16 weeks' half pay Up to 28 weeks' unpaid	OAP only payable where employee has indicated their intention to return to work after adoption leave***. Where payable, OAP will be 'offset' by SAP so that pay does not exceed 100% of normal pay.
Minimum Length of Service	**Earnings Level**	**Adoption Leave Entitlement**	**Statutory Adoption Pay (SAP) Entitlement**	**Occupational Adoption Pay (OAP) Entitlement**	**Comments**
At least 26 weeks' service at the week in which notification of matching is given by the adoption agency.	Average weekly earnings of **less** than the lower rate of SMP	As above	6 weeks @ 90% of full pay 33 weeks @ lower SAP rate or at 90% of full pay which-ever is lower Up to 13 weeks unpaid Payable even if not returning	No entitlement where employee has less than one year's service at the week in which the child is adopted Where employee has one year or more service at the week in which the child is adopted: 8 weeks' full pay 16 weeks' half pay Up to 28 weeks' unpaid	OAP only payable where employee has indicated their intention to return to work after adoption leave***. Where payable, OAP will be 'offset' by SAP so that pay does not exceed 100% of normal pay.
Only where you have at least one year's service at the week in which the child is	Average weekly earnings of **less than**	As above	No entitlement as insufficient earnings	8 weeks' full pay 16 weeks' half pay	OAP only payable where employee has indicated their intention to return to

adopted will you have entitlement to OAP	**the lower earnings limit**			Up to 28 weeks unpaid	work after adoption leave***. Where payable, OAP may be 'offset' by statutory benefits so that pay does not exceed 100% of normal pay.

Notes:

* If you return during or at the end of 26 weeks' Ordinary Adoption Leave (OAL), you are entitled to return to the same job with the same terms and conditions.

** If you return during (between week 27 & 52) or at the end of the 26 weeks' Additional Adoption Leave (AAL) i.e. between week 27 and 52 of adoption leave, you are entitled to return to the same job with the same terms and conditions. However, where this is not reasonably practical, you are entitled to return to a suitable alternative job with terms and conditions at least as good as your previous job.

*** If you receive Occupational Adoption Pay, you must return to work for at least 13 weeks after the end of your adoption leave. If you do not meet the 13-week requirement, you will be required to repay any OAP received from University of Suffolk.