



University of the
West of England

Adoption Matters

A GUIDE TO ADOPTION PAY AND LEAVE

Effective from 1 April 2007

UNIVERSITY OF THE WEST OF ENGLAND - ADOPTION SCHEME

The following guide for adoption leave has been produced in line with The Work and Families Act 2006 in relation to a child newly placed for adoption. The guide is intended for children that are adopted on or after the 1 April 2007.

INTRODUCTION

The aim of adoption leave is to provide time for the adoptive child and parents to bond and adjust to their new surroundings and is available to those adopting a child up to the age of eighteen. Adoption leave applies only where the child is placed with new parents and does not apply to step-family adoptions or adoptions by foster carers where there is already an established relationship.

Leave is available to couples and individuals who adopt. However, in the case of couples, only one may take adoption leave. The other partner (irrespective of sex¹) may be entitled to take paternity / co-parent leave, provided the partner meets the qualifying requirement. Therefore, if you are adopting a child you and your partner will need to choose who is taking adoption leave and who paternity leave. The paternity & co-parent matters guide is available from the Human Resources website.

The University, through its Equal Opportunities Policy Statement, is committed to giving you as much help as it can to enable you to continue your career. These provisions are explained in this guide together with steps you should take before you go on adoption leave, what you should do whilst you are away, and options available to you when you return to work. However the regulations are rather complex and it is not possible to cover every eventuality. Therefore, the guide is written as a summary and your particular entitlements will be explained to you through a meeting with your HR Administrator. If you have not yet had this meeting, please contact us so that this can be arranged at a time convenient to you. For your HR Administrator's contact details, please visit the [Human Resources Website](#). We understand that you may wish to delay announcing your intention to adopt a child and therefore the meeting can be held in confidence. The latest date by which you will have to inform the University of the date you intend to start your adoption leave is **28** days before your child is placed for adoption.

Please feel free to contact Human Resources at any stage to discuss any aspects of adoption leave.

Therefore, the guide is written as a summary and your particular entitlements will be explained to you through a meeting with your HR Administrator.

¹ Partner refers a person you are in a relationship with, who is of the same sex, of the opposite sex, or is trans.

IMPORTANT DATES AND TERMS USED IN THE GUIDE

The government determines the rules which apply to the statutory provisions and the University's occupational provisions are based on these same principles. There are some key dates and important terms used throughout this guide which relate to adoption pay and leave, and these are explained below:

| | |
|--|--|
| CONTINUOUS SERVICE DATE | This is the date from which you have worked continuously for the University, or for another employer which we recognise for continuous service. This date will have been shown on your contract of employment. It is important as it is used to determine your entitlement to payments during adoption leave. |
| NOTIFICATION – 28 days before you intend to start your adoption leave. | You will need to inform the University of your intention to adopt a child, and the date on which you intend to start your leave at least 28 days before the child is placed with you for adoption. |
| ADOPTION QUALIFYING WEEK (QW) | The 8th week before the child is placed for adoption is your Qualifying Week. This date is important as it determines whether you are entitled to receive Statutory Adoption Pay. |
| 14 DAYS BEFORE THE CHILD IS PLACED FOR ADOPTION | This is the earliest date that you can start adoption leave. |
| STATUTORY ADOPTION PAY (SAP) | You receive this pay while on adoption leave which is provided for under law. All employers are required to pay it to each employee who meets the requirements. The University can reclaim most of it from the Government. |
| OCCUPATIONAL ADOPTION PAY (OAP) | This is pay you receive while on adoption leave which is provided for you by the University under your conditions of service. Sometimes it is paid on top of the SAP; sometimes the SAP is offset against part of this money. You need at least one year's service by the beginning of week in which an approved adoption agency notifies you that they have matched a child with you for adoption to qualify for OAP. |
| ORDINARY ADOPTION LEAVE (OAL) | The first 26 weeks of adoption leave. Every employee is entitled to 26 weeks Ordinary Adoption Leave. |
| ADDITIONAL ADOPTION LEAVE (AAL) | An additional 26 weeks of adoption leave that runs from the end of OAL. If you qualify for OAL you will also qualify for AAL. This would give a total of 52 weeks adoption leave. |

ADOPTION LEAVE AND PAY ENTITLEMENTS

The length of your adoption leave and the pay you are due during that leave depend on the amount of service you have. Every employee is entitled to 26 weeks Ordinary Adoption Leave and 26 weeks' Additional Adoption Leave making 52 weeks in total.

There are two types of adoption pay. Statutory Adoption Pay (SAP) is money we pay to you on behalf of the Department for Work and Pensions while Occupational Adoption Pay (OAP) is money due to you under your conditions of service with the University. Some staff who have only recently joined the University or whose earnings are below the level at which National Insurance is payable, may not be entitled to receive pay directly from us, others may receive statutory pay only.

Once you have more than one year's service by the beginning of week in which an approved adoption agency matches you with a child, then you will be entitled to OAP as well as SAP. When OAP is payable, then this is offset against SAP in the first 6 weeks, but paid in addition to SAP in the following 12 weeks. SAP will be paid throughout the 39 weeks.

The University Occupational Adoption Scheme

If you have at **least one year's service** by the beginning of week in which an approved adoption agency notifies you that they have matched a child with you for adoption then you qualify for both Ordinary Adoption Leave and Additional Adoption Leave and the Full Adoption Scheme as follows:

Leave: You are entitled to **52 weeks'** leave and the earliest point at which you may commence your leave is **14** days before the child is placed with you for adoption. Your adoption leave must commence no later than the day the child is placed with you for adoption.

SAP: Subject to the general SAP rules, you will receive **6** weeks of adoption pay at 9/10ths of a week's pay (this generally replaces most of the OMP due during this period), plus a further **33** weeks' pay at a set weekly rate (or 90% of your average weekly earnings if that is less). Please see the [Human Resources](#) website for full details of the current weekly rate.

OAP: If entitled to OAP you will receive **6** weeks of adoption pay at full pay, (some of which is offset by SAP) and will be entitled to a further **12** weeks' OAP at half a week's pay. This is payable in addition to SAP. The remaining **21** weeks you will receive SAP only at the set weekly rate (or 90% of your average weekly earnings if that is less). Please contact Payroll Section for details of the current weekly rate.

If you do not have one year's service as above, then you will be entitled to the Statutory Scheme described below:

The Statutory Adoption Scheme

- (A) ***If you have at least 26 weeks'** continuous service with the University by the week in which an approved adoption agency notifies you that they have matched a child with you for adoption then you qualify for both Ordinary Adoption Leave and Additional Adoption Leave as follows:*

Leave: You are entitled to **52** weeks' leave and the earliest point at which you may commence your leave is **14** days before the child is placed with you for adoption. Your adoption leave must commence no later than the day the child is placed with you for adoption.

SAP: Subject to the general SAP rules, you will receive **6** weeks of adoption pay at 9/10ths of a week's pay (this generally replaces most of the OMP due during this period), plus a further **33** weeks' pay at a set weekly rate (or 90% of your average weekly earnings if that is less). Please see the [Human Resources](#) website for full details of the current weekly rate.

OAP: You will not be entitled to OAP during your adoption leave.

*(B) **If you have less than 26 weeks** continuous service by the week in which an approved adoption agency informs you that they have matched a child with you for adoption:*

Leave: You are entitled to **52** weeks' adoption leave

SAP & OAP: You do not have enough service to qualify for any OAP or SAP during your leave, but you may be entitled to claim direct from the Department for Work and Pensions.

If the adoption is disrupted e.g. if the placement ends, or if the adoption pay period has begun prior to the adoption but the placement does not take place, then the adoption pay period shall terminate 8 weeks after the end of the week in which the disruption took place.

BEFORE YOU GO ON ADOPTION LEAVE

Checking your entitlements

You will need to find out about your entitlement to adoption pay and leave. These provisions are dependent on how long you have worked continuously for the University or other employer that we recognise for continuous service. Contact Human Resources as soon as you are ready and we will arrange to meet with you (confidentially if you wish) to discuss this with you and explain the procedures for managing your adoption leave. For your HR Administrator's contact details, please visit the [Human Resources Website](#)

Informing your manager and colleagues

You must decide when to inform your manager that you are intending to adopt a child and you will need to judge when it is the right time to do this. At some stage we will need to discuss with your manager how your job is to be covered during your leave, but we will always check with you first that you have already announced your intentions.

However, you do need to formally notify the University of the adoption and the date on which you intend to start your adoption leave; at the latest this should be 14 days before the child is placed with you for adoption.

Pre-adoption

You are allowed reasonable time off with pay to attend formal meetings associated with the final stages of adoption, however your manager may wish to see evidence of these appointments.

Deciding when to start adoption leave

The earliest date when you can start adoption leave is **14** days before your child is placed with you for adoption. However, your adoption leave must commence no later than the day the child is placed with you for adoption.

You need to give us at least **28** days' notice of the date on which you wish to start your adoption leave and you do this by submitting the "Application for Adoption Leave Form" which we will supply to you.

Providing the necessary paperwork

Once you have had your initial meeting with a member of staff from Human Resources, we will confirm your entitlements in writing and provide you with your "Application for Adoption Leave Form". On this form you need to show your chosen adoption leave start date. You need to complete and return the form at least **28** days before you intend to start adoption leave and at least **28** days before your child is placed with you for adoption.

You will need to supply your 'Matching Certificate', as we cannot pay any adoption pay until this is received. Only the adoption agency responsible for conducting the adoption of the child in question can complete this form. The dates given on this form are used in calculating your leave and entitlements.

Child care

If you do intend to come back to work, you need to start thinking about childcare - it is never too soon to start investigating the options. The government sets stringent standards for the regulation of nurseries and child minders and they often have waiting lists, particularly in relation to places for babies.

The University in conjunction with Busy Bees offers a child care voucher scheme which enables you to make savings on your tax and National Insurance contributions. Please visit www.busybees.com or call 08000 430 860 for further details.

If you are already claiming vouchers you should be aware that, as the scheme requires you to sacrifice part of your salary, it can have an effect on the amount of pay that counts towards your qualifying period with your current pregnancy. You may wish to consider suspending your salary sacrifice scheme during this period in order to increase your qualifying payments.

Annual leave

You should plan to take all your annual leave entitlement, which will have accrued to the end of your adoption pay period, prior to starting your adoption leave. It may be possible in some circumstances to pay for any outstanding annual leave up to this point.

If you do return to work, then you will have accrued further annual leave from the end of the paid period throughout your adoption leave and this will be available for you to take on your return by arrangement with your line manager. If you return near to the end of the leave year then your manager will allow you to carry over outstanding leave into the next leave year. You can ask to take annual leave immediately following your adoption leave.

If it is agreed that you are returning on reduced hours then we will need to discuss with you how your accrued leave can be most conveniently taken. For example, it may be appropriate to take that leave before the reduced hours come into effect at the end of your adoption leave.

DURING YOUR ADOPTION LEAVE

Receiving your adoption pay

Adoption pay will be paid on your normal payday. SAP and OAP will be identified separately on your pay advice slip, which will be automatically sent to your home address during your leave. Adoption pay is paid on a daily basis. However, this balances out over the whole pay period. Adoption pay is subject to normal deductions for Income Tax, National Insurance and Superannuation (if you are in the pension scheme).

The effect on pension contributions

If you are contributing to the pension scheme, then the paid period of your leave will count as reckonable service for the purpose of assessing pension benefits on retirement. Unpaid periods do not count as reckonable service, however you do have the option to buy back this service if you wish at a rate based on your normal monthly contributions. You should contact the Payroll Section in Human Resources towards the end of the paid period of your adoption leave (i.e. before the 39th week of your adoption leave).

Contact with your manager and “keeping in touch days”

You and your manager are encouraged to maintain reasonable contact whilst you are on adoption leave. This is to discuss your return to work and, where appropriate, special arrangements which help ease your return to work or any flexible working arrangements.

The Government has also introduced the provision for employees on adoption leave to return to paid work for up to 10 days without losing their entitlements to SAP/OAP or their adoption leave ending as a result of their return. Examples for which a keeping in touch day may be useful could include training or away days which help keep you in touch with the workplace.

Keeping in touch days cannot take place within 2 weeks of the adoption of your child nor can they be used to extend the adoption leave period.

Keeping in touch days will be by agreement with you and your line manager. These are not compulsory or automatically paid in addition to your adoption payments.

The effect on salary increments and pay awards

During your adoption leave you will continue to be due salary increments and pay awards in the normal way. Any increments due during your adoption pay period will be automatically activated through your pay. Similarly if a pay award becomes effective during your adoption pay period then your pay will be adjusted from the due date as soon as the award is agreed. If you have any queries regarding any payments you should contact the Payroll Section.

The effect on appraisal

If you are covered by an Appraisal Scheme and the normal timing of your appraisal coincides with your adoption leave, then you need to discuss the most appropriate timing of the appraisal meeting with your manager. If by the time you return you will have missed the appraisal cycle, then we recommend that, following discussions with your manager, one or two objectives be set for when you return to work.

Annual leave

You should plan to take all your annual leave entitlement that will have accrued to the end of your adoption pay period, (with your line manager's approval, in the usual way) prior to starting your adoption leave. It may be possible, in some exceptional circumstances, to pay for any outstanding annual leave up to this point.

If you do return to work, then you will have accrued further annual leave from the end of the paid period throughout your adoption leave and this will be available for you to take on your return by arrangement with your line manager. If you return near to the end of the leave year then your manager will allow you to carry over outstanding leave into the next leave year. You can ask to take annual leave immediately following your adoption leave.

If it is agreed that you are returning on reduced hours, then we will need to discuss with you how your accrued leave can be most conveniently taken. For example, it may be appropriate to take that leave before the reduced hours come into effect at the end of your adoption leave.

If you choose to resign

If you decide not to return to work after the adoption then you need to notify us in writing, giving your contractual period of notice. If you do not specify a date then your resignation will be effective from the end of the adoption pay period. You will not be required to pay back any SAP or OAP

RETURNING TO WORK

Should you wish to return early from adoption leave then you must give at least **8 weeks' notice of your return**, using the appropriate form, which we will provide.

You are entitled to remain absent for a period of 52 weeks and the law requires us to assume that it is your intention to take the maximum leave to which you are entitled, unless you notify us otherwise. You must give at least 8 weeks' notice if it is your intention to return early and a form will be provided for you to do this. Although it may be difficult to make a decision about when you will return to work, the more notice you can give your manager of your plans then the easier it will be for them to plan for your return.

In the event of your being incapable of returning to work at the required date because of illness, you must provide a Doctor's Certificate and the absence will be treated as sick leave, as from your return date - the normal conditions governing sick pay and sick leave will then apply.

Returning to your job

Every employee has the right to return to work after their period of adoption leave, but it is your decision as to whether you wish to take adoption leave and have your job held open, or whether you just want to resign before the adoption. We would strongly advise you to take the adoption leave - it is your right and you never know what might happen in the future. If you are thinking about resigning then contact us so that we can make sure you have considered all the options.

If you decide to return to work at the end of the Ordinary Adoption Leave (OAL) period (ie the first 26 weeks) then you are entitled to return to the same job that you were in when you started your adoption leave.

If you are taking Ordinary Adoption Leave followed by Additional Adoption Leave (ie 52 weeks) you will have the same rights or, if this is not possible, an entitlement to return to a similar job that is suitable and appropriate to the one you did before the start of your adoption leave.

There is no automatic right to return to work on different hours but you do have the right to request a change to your working arrangements and the University is required to give this request reasonable consideration, although it may not agree to it. If you are considering making a request to change your hours please discuss this with your manager as soon as possible so it can be considered informally and a decision reached. There is also a formal procedure for requesting flexible working should the matter not be resolved through informal discussion; your HR Adviser will be able to advise you further on this should such circumstances arise.

SUMMARY OF THE PROCESS

The action you need to take is summarised below:

1. First, read this guide and any other paperwork supplied thoroughly and if there are any points of concern, contact your HR Administrator for further advice.
2. If you have indicated that you intend to take Adoption Leave, you will receive an Adoption Leave Application Form - when you are ready, but at least **28** days before you intend to start your adoption leave, submit this form to Human Resources to inform us of the date you have chosen. The earliest date when you can start adoption leave is **14** days before your child is placed with you for adoption but not later than the day the child arrives.
3. If you intend to resign rather than take adoption leave you must still write to your department giving the required period of notice. Human Resources will still need to keep in touch with you as you may be entitled to SAP. If you are considering resigning we recommend you speak to us first for advice about the implications.
4. Your Adoption Agency will need to complete a Matching Certificate, which confirms the date that your child is to be placed with you for adoption. You need to send this to Human Resources as soon as you receive it, regardless of when you are taking your adoption leave. No adoption leave or pay can be arranged until this form has been received. If you are not due to receive any payment from us then the form will be returned to you once recorded.
5. If you are returning early you should confirm your date of return to work, giving a minimum of **2 months'** notice.
6. Finally, if there are any changes in your circumstances please let us know immediately so that we can provide you with the necessary advice.

Useful Contacts

CHILDCARE

There are currently two nurseries at the University to help you, if needed, with care of pre-school children. The Access funds can help with costs of childcare, so contact the Student Advice and Welfare Service for more information.

THE STUDENTS' UNION HALLEY NURSERY, ST MATTHIAS CAMPUS

The Students' Union run a nursery at the St Matthias Campus which has 28 places for children aged 6 months to 5 years. Children may attend on a full or part-time basis. All staff have appropriate child care qualifications. Costs are approximately £10 for the morning or afternoon session (depending on the age of the child). The nursery is open from 8.30am - 5.30pm for 34 weeks of the year (generally standard attendance dates).

Details from: Vadna Chauhan at the UWE Halley Nursery, St Matthias Campus.

term time: 0117 344 4452 vacations: 0117 344 2590

REDUCED NURSERY FEES SCHEME

The University operates a reduced nursery fees scheme to help full-time students with child care costs at either of the above nurseries. Part-time evening only students are not eligible for nursery fee remission; other part-time students are eligible for subsidised rates for twice the number of sessions for which they must attend UWE. For further details contact the nursery to which you are applying for a place.

OTHER NURSERIES

There are a large number of nurseries in and around Bristol. Some are private, others are run by Social Services and, in some areas, local authority nursery schools and classes attached to primary schools cater for children aged three to five.

Lists of nurseries from:

- **Local Social Services Office (see telephone directory for address)**
- **Avon Parents Network, telephone: 0117 941 3999**

CHILDREN INFORMATION SERVICES:

ENGLAND

| | | | |
|------------------------|---------------|-----------------|--------------|
| Bristol: | 0845 129 7271 | Somerset | 0845 6007171 |
| South Gloucestershire: | 01454 868666 | Wiltshire | 08457 585072 |
| Bath & NE Somerset: | 01225 395343 | Gloucestershire | 0800 5420202 |
| North Somerset: | 0125 888778 | Swindon | 01793 541786 |

WALES

| | | | |
|-------------------|--------------|-------------------|--------------|
| Monmouthshire | 01633 644527 | Blaenau Gwent | 08000 323339 |
| Newport | 0800 3288483 | Caerphilly | 01443 863232 |
| Torfaen | 08000 196330 | Merthyr Tydfil | 01443 694700 |
| Cardiff | 02920 520100 | Vale of Glamorgan | 01446 704732 |
| Rhondda Cynon Taf | 0800 1804151 | | |

CHILD MINDERS

Child minders care for children in their own homes and are required by law to register with the Social Services Department if they work for more than two hours per day. The numbers and ages of children that child minders can care for is controlled by Social Services.

Lists of registered child minders and advice from your Local Social Services Office (see telephone directory for the address).

OTHER CHILDCARE OPTIONS:

Government Website - Childcare Options: www.childcarelink.gov.uk Tel: 0800 096 0296

Kiddi Vouchers –Website: www.kiddivouchers.com

Adoption Leave Keeping In Touch Day Claim Form

Only applicable if the week of placement is on or after 1 April 2007

The Government has introduced the provision for employees on adoption leave to return to paid work for up to 10 days without losing their entitlements to SAP/OAP, or having to end adoption leave because of their return to the workplace. Examples for which a keeping in touch day may be useful could include training or away days which help keep you in touch with the workplace. They are not designed to be used to undertake your normal work duties.

Keeping in touch days cannot take place within 2 weeks of the placement of your child nor can they be used to extend the adoption leave period.

Keeping in touch days will be by agreement with you and your line manager. These are not compulsory or automatically paid on top or in addition to your adoption payments.

Please complete the following information after you have attended your Keeping in Touch day and return the form to your HR Administrator, Human Resources Frenchay Campus.

| | |
|--|-----------|
| Employee Number: | |
| Name: (please print) | |
| Faculty / Service: | |
| Date of Placement: | |
| Date of Keeping in Touch Day: (dd/mm/yy) | |
| Start time: | End time: |
| Please provide details of why you returned to work for a keeping in touch day: | |
| Signed (employee) | |
| Signed (line manager) | |
| Date: | |

For office use:

| | | |
|---------------|---|---------------|
| Date received | Update monitor sheet [] Administrator: SW [] TC/EL [] | Payroll notes |
|---------------|---|---------------|

Further copies of this form are available on the Human Resources Website – www.uwe.ac.uk/HR

Keeping in Touch days, where payment is applicable, will be shown on your pay slip as “KIT days”

Maternity/Adoption Payments

Occupational Maternity/Adoption Scheme (Full) – 1 year + service by week 29

| | 6 weeks | 33 weeks | | Total Of 39 weeks' maternity/ adoption pay and 52 weeks' maternity/ adoption leave |
|---------------------|-----------------------|--|---------------------------------------|--|
| <u>SMP/ SAP</u> | 6 weeks @ 9/10 pay | £124.88 per week (or 90% of average weekly earnings if that is less) | | |
| | | | | |
| | 6 weeks | 12 weeks | 21 weeks | |
| <u>OMP/ OAP</u> | 6 weeks @ 1/10 pay | ½ pay (The combined totals of OMP & SMP during this period will not exceed your normal full pay) | No OMP/OAP , only SMP/SAP as above | |

Statutory Maternity/Adoption Scheme A (Part) – Less than 1 year's service by week 29, but has 26 weeks service by week 25

| | 6 weeks | 33 weeks | | Total Of 39 weeks' maternity/ adoption pay and 52 weeks' maternity/ adoption leave |
|---------------------|---|--|--|--|
| <u>SMP/ SAP</u> | 6 weeks @ 9/10 pay | £124.88 per week (or 90% of average weekly earnings if that is less) | | |
| | | | | |
| | | | | |
| <u>OMP/ OAP</u> | You will not be entitled to OMP/OAP during your maternity/adoption leave | | | |

Statutory Maternity/Adoption Scheme B (Part) – Less than 26 weeks' service by week 25

| | 6 weeks | 33 weeks | | |
|----------------|--|----------|--|--|
| | | | | Claim Direct to DWP for Maternity/Adoption Allowance |
| <u>SMP/SAP</u> | You do not have enough service to qualify for SMP/SAP but you may be entitled to claim 39 weeks' 'Maternity/Adoption Allowance' from the Dept of Work and Pensions. We will issue you with form SMP1 so you can make the claim direct. | | | |
| | | | | Total Of 52 weeks' maternity/adoption leave |
| | | | | |
| | | | | |
| <u>OMP/OAP</u> | You will not be entitled to OMP/OAP during your maternity/adoption leave | | | |
| | | | | |