



CLEVELAND COLLEGE OF ART & DESIGN

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The policy or procedure will be reviewed by the date shown on the front cover sheet, or sooner if a change in legislation, best practice, or other circumstances indicate that this is necessary. If, for whatever reason, the policy or procedure is not reviewed by the date shown, the policy or procedure shall stay in force until formally reviewed.

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INTRODUCTION

- 1) This scheme describes adoption rights, entitlements and obligations for all employees at the College. Employees are also encouraged to refer to other related procedures such as parental leave, paternity leave, carer leave/time off for dependents etc.
- 2) The College 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 adoption benefits.

PURPOSE

- 3) The scheme describes adoption rights, entitlements and obligations for all employees of Cleveland College of Art and Design, whether employed permanently, temporarily, full time or part time.

DEFINITIONS

- 4) Statutory Adoption Leave (SAL) = Employees have the right to 26 weeks of Ordinary Adoption Leave and 26 weeks of Additional Adoption Leave making one year in total. The combined 52 weeks is known as Statutory Adoption Leave;
- 5) Statutory Adoption Pay (SAP) = This is a weekly payment from the College. Please read full procedure for qualifying guidelines;
- 6) Ordinary Adoption leave (OAL) = Employees have the right to 26 weeks of Ordinary Adoption Leave, all 26 weeks of Ordinary Adoption Leave will be paid;
- 7) Additional Adoption Leave (AAL) = Employees have the right to 26 weeks of Additional Adoption Leave, the first 13 weeks of Additional Adoption Leave is paid; the last 13 weeks of Additional Adoption Leave is unpaid.

PROCEDURE

Entitlement to Leave

Statutory Adoption Leave

- 8) An employee has the right to 26 weeks of Ordinary Adoption Leave and 26 weeks of Additional Adoption Leave making one year in total. The combined 52 weeks is known as Statutory Adoption Leave.
- 9) The leave may start from the date of the child's placement (whether earlier or later than expected) or from a fixed date which can be up to 14 days before the expected date of placement.

- 10) To qualify for adoption leave, an employee must:
- a) Be newly matched¹ with a child for adoption by an adoption agency.
- 11) The employee can take Statutory Adoption Leave no matter:
- a) how long they have been with the College;
 - b) how many hours they work;
 - c) how much they are paid.

Entitlement to Leave

Who is eligible for SAP

- 12) An employee taking Statutory Adoption Leave will be eligible to receive Statutory Adoption Pay (SAP) if they satisfy the following criteria:
- a) Have worked continuously for the College for 26 weeks ending with the week in which they are notified of being matched with a child for adoption.
 - b) They must be earning on average an amount which at least equals the lower earnings limit which applies on the Saturday at the end of their qualifying week. The lower earnings limit is the amount they have to earn before they are treated as paying National Insurance contributions. This is £112 a week.

Entitlement to Pay – Ordinary Adoption Pay

- 13) SAP is paid at the rate of 90% of the average weekly earnings. This is payable for the first 6 weeks of adoption leave. The remaining 20 weeks will be paid at the current SAP standard rate, either £139.58 per week or 90% of the employee's average weekly earnings if this is less than £139.58 per week (as from April 2015). Please note the SAP standard rate of pay that is paid will be the rate that is in force at the time. SAP is paid at the same rate as SMP.
- 14) Although eligible to take Statutory Adoption Leave, not all employees will be eligible for SAP. In this case they should apply to the Benefits Agency, to see whether they may be entitled to adoption allowance. An application form (SAP1) will be provided by the College.
- 15) An employee taking Statutory Adoption Leave is entitled to accrue all benefits not related to remuneration including the accumulation of paid annual leave allowance, (bank holidays will not be included in this accrual).

¹ Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, e.g. when a step-parent is adopting a partner's children.

- 16) Accrued annual leave should if possible be taken in one academic year and not carried over to the next year. However if this is not possible, e.g. if it meant the employee having to go off very early in order to take their accrued holiday before their adoption leave officially starts then authorisation must be obtained. This authorisation should be from the Vice Principal (Resources) or the Vice Principal (Academic) dependent upon which directorate the employee is under to carry their holidays over to the next academic year.
- 17) Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.
- 18) Where a couple adopt jointly the couple must choose which partner takes adoption leave. Adoption Leave and Adoption pay of any kind is only available to one partner in an adopting couple. The other partner may be entitled to get paternity leave/adoption support instead.

Entitlement to Pay - Contractual Adoption Pay

- 19) If the employee qualifies for Statutory Adoption Pay (see above) they will be entitled to receive contractual adoption pay. Contractual adoption pay is paid in addition to SAP, and is paid at the rate of half-pay for the 12 weeks of the adoption pay period immediately following the first 6 weeks (weeks 7-18 inclusive). This is subject to the combined SAP and half pay not exceeding the normal full pay.
- 20) Any employee who does not return to work for a period of at least 13 weeks service following their adoption leave, may be required to repay the 12 weeks half pay, or lesser amount if applicable, to be determined by the College. They cannot be required to repay any of the SAP. An employee who is uncertain about their return to work, may elect to have the 12 weeks half pay paid in one lump sum on their return to work.

Entitlement to Pay - Additional Adoption Leave (AAL)

- 21) An employee on Additional Adoption Leave is eligible to receive SAP for the first 13 weeks of AAL; for the latter period of the 26 weeks leave, (the last 13 weeks) they are not entitled to pay. They are however entitled to non-remunerative benefits e.g. the accrual of annual leave entitlement throughout the whole of the Statutory Adoption Leave.

Giving Notice to Start Adoption Leave

- 22) An employee who wishes to take OAL and/or AAL, must give the College notice, in writing, 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), of the following;

- a) When the child is expected to be placed with them,
- b) the date on which they wish to start their adoption leave (which may start on any day of the week;
- c) If the employee wishes to claim contractual adoption pay (see above), they should also confirm that they intend to return to work at the end of the adoption leave period;
- d) whether they intend not to take AAL. (Note: it is assumed that employees will take their full entitlement unless otherwise notified);
- e) They should also produce a 'matching certificate' from their adoption agency as soon as it is available;
- f) This notice should be sent to HR with the Matching Certificate if it has been received.

23) If it is not reasonably practicable for them to give this notice, then they must provide the information as soon as reasonably practicable.

24) If the employee changes their mind about when they want to start their adoption leave they must give the College notice, in writing at least 28 days in advance, unless this is not reasonably practicable (addressed to HR).

25) Where adoption occurs before the notified leave date or before the employee has notified such a date, they should notify the College that they have adopted as soon as is reasonably practicable after the adoption.

College Response

26) The College will respond to the employee's notification of the employee's leave plans within 28 days. This will involve a meeting between the employee and a member of HR to discuss a date which will best suit both the needs of the employee and the College. Once a concrete date has been decided, HR will issue the employee with a letter indicating start and end dates, holiday accrual and rates of pay.

The Right to Return to Work after Adoption Leave

27) An employee who wishes to return to work following AAL, has the right to return at any time up until the end of the 26 weeks immediately following her 26 weeks OML. She has the right to return to the same job, with comparable terms and conditions of employment, seniority and pension rights, or if this is not reasonably practicable, to another suitable position that carries no less favourable terms.

28) If returning from adoption leave (whether OAL or AAL), the employee does not have to give the College any notice, unless they wish to return early. In such case the employee must provide 8 weeks' notice if they intend to return to work before the Adoption Leave expires. This notice

does not have to be in writing but should be given to HR, who will record the notice.

- 29) Failure to provide the correct notice may result in the College postponing the employee's return by 8 weeks or the end of the Adoption Leave, whichever is sooner. There is no right to normal pay during the postponement period.
- 30) An employee who is unable to return to work at the end of their adoption leave due to illness, will be subject to the normal sick leave and pay procedure, and will receive sick pay according to their contract.
- 31) An employee who does not return after having received contractual adoption pay will be required to pay back all contractual adoption pay received.
- 32) If the employee's job becomes redundant during the course of their adoption leave, the College will offer them any other suitable alternative work that becomes available. They will have the right to be considered for such work, even though they are on adoption leave. The offer will be made before their previous employment ends and the new employment will commence immediately. It must involve suitable work and the terms and conditions will not be less favourable than the old contract. If there is no work available, then they will be made redundant, and receive redundancy pay in line with their statutory and contractual entitlements.
- 33) If industrial action or any other interruption of work makes it unreasonable for the employee to return to work on the date that they have specified, they may, instead, return when work resumes.
- 34) An employee returning from adoption leave who wishes to return on a part-time basis should follow the flexible working hours procedure.
- 35) An employee on either OAL or AAL who does not wish to return to work will be subject to their normal contractual period of notice.

'Keeping in touch' days

- 36) During the leave it is often helpful for the employee and the College to 'keep in touch'.
- 37) The College is entitled to make reasonable contact with the employee during statutory adoption leave, for reasons such as:
 - a) Updates on any significant changes in the workplace, including any opportunities for promotion or job vacancies.

- 38) The employee can work up to ten days' during their statutory adoption leave without losing statutory pay, adoption allowance or ending the leave.
- 39) These 'keeping in touch days' may only be worked if both the employee and the College agree.
- 40) Although particularly useful for things such as training or team events, keeping in touch days may be used for any form of work. They should make it easier for the employee to return to work after leave.
- 41) The employee will need to agree with the College what work is to be done on keeping in touch days. The employee will be paid at their normal rate of pay for these days less any adoption pay received for that day.

Pensions Contributions

- 42) An employee in receipt of remuneration, whether salary, or SAP, or both, will be treated as though they are working normally for the purposes of access to occupational pension scheme membership and benefits. The College will pay the normal contribution towards the pension scheme for the period of adoption leave. The employee is only required to pay contributions on the amount of actual remuneration, or SAP they are in receipt of.
- 43) Employees, who wish to continue contributions during any period of unpaid adoption leave, should contact the appropriate pension authority to obtain the advice on how to do so, as pension rights are suspended during unpaid adoption leave.

End of Placement

- 44) If the child's placement ends during the adoption leave period, the adopter can continue adoption leave for up to 8 weeks after the end of the placement.

Circumstances in which SAP is lost

- 45) An employee will lose their right to receive SAP if:
- a) They are taken into legal custody;
 - b) They start work for another employer;
 - c) They return to work.
 - d) The placement of the child is disrupted. SAP will usually come to an end 8 weeks after the disruption; or
 - e) There are differences in detail of SAP legislation in Northern Ireland. If an employee intends to go to Northern Ireland during the SAP period they should contact the local Inland Revenue Office to confirm whether SAP will be affected. Contractual adoption pay will not be affected.

General Issues

- 46) Adoption leave is not sick leave, and will not be taken into account when calculating any period of sick leave entitlement.
- 47) Employees entitled to SAP are not entitled to SSP even if they return to work early and then fall sick. In such cases SAP will be resumed.
- 48) Periods of adoption leave are regarded as continuous service for the purpose of calculating entitlements to employment benefits.
- 49) The partner of an employee taking adoption leave may be entitled to maternity support / paternity leave if employed by the College. Such employees should refer to the appropriate procedure.
- 50) Employees should also refer to the parental leave, paternity leave and carer leave/time off for dependents procedures for future reference.
- 51) Reasonable contact will be made to keep the employee informed of workplace issues e.g. job vacancies, training days, etc.

ROLES AND RESPONSIBILITIES

- 52) The College Principal/Chief Executive and management are responsible for ensuring that:
 - a) They are familiar with the adoption leave procedure, and that it is followed correctly;
 - b) They are aware of the College's legal responsibilities as an employer in relation to adoption leave.
- 53) The HR Manager is responsible for ensuring that:
 - a) Monitoring of the procedure is carried out and the procedure is reviewed accordingly; and
 - b) Appropriate training and development is provided to support managers' and employees' understanding of the adoption leave procedure.
- 54) Employees are responsible for ensuring that:
 - a) They familiarise themselves with the adoption leave procedure.

STANDARDS/KEY PERFORMANCE INDICATORS

- 55) Responsibility for monitoring and reviewing this procedure lies with the HR Manager. The procedure will be reviewed as part of an annual employment policies and procedures review. The review will include consultation with recognised trade union representatives specifically on this procedure at least every three years.

EQUALITY STATEMENT

56) This procedure will be implemented in line with the principles of the College's commitment to equality and diversity which is: Cleveland College of Art and Design is committed to the principles of equality and diversity and aims to ensure that all employees and College users are treated fairly and equally regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

DOCUMENT CONTROL INCLUDING ARCHIVING ARRANGEMENTS

Register/Library of Procedural Documents

57) The **Academic Registrar** is responsible for maintaining an index of policies and procedures in use and will act as archivist. A single library of College policies and procedures will be maintained. Any policies or procedures that are replaced or are no longer active will be archived.

58) All 'live' policies and procedures will be accessible to staff in hard copy via policy or procedure files, and will be published on the intranet site. Policies and Procedures will also be published on Cleveland College of Art and Design's external website.

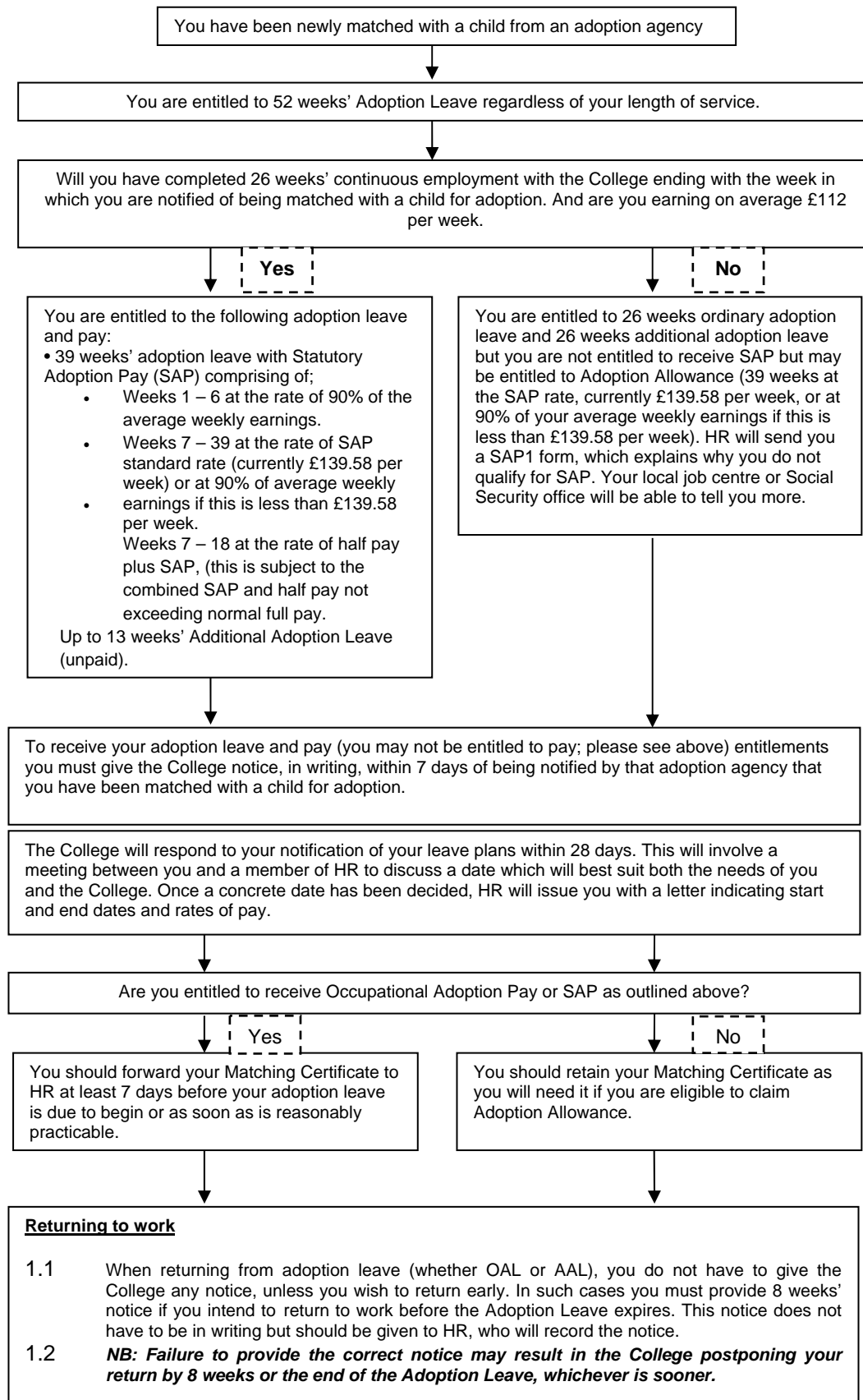
RELATED DOCUMENTATION

Appendix 1 – Adoption Leave and Pay Entitlements Flowchart

Appendix 2 – Adoption Timeline

Adoption Leave and Pay Entitlements Flowchart

Appendix 1



Adoption Leave Time Line **Appendix 2**

Type of Leave	Week	Possible Pay
Ordinary Adoption Leave	1	90% of Normal Contractual Weekly Pay
	2	90% of Normal Contractual Weekly Pay
	3	90% of Normal Contractual Weekly Pay
	4	90% of Normal Contractual Weekly Pay
	5	90% of Normal Contractual Weekly Pay
	6	90% of Normal Contractual Weekly Pay
	7	Contractual Adoption Pay = Half Pay + SAP (£139.58)
	8	Contractual Adoption Pay = Half Pay + SAP (£139.58)
	9	Contractual Adoption Pay = Half Pay + SAP (£139.58)
	10	Contractual Adoption Pay = Half Pay + SAP (£139.58)
	11	Contractual Adoption Pay = Half Pay + SAP (£139.58)
	12	Contractual Adoption Pay = Half Pay + SAP (£139.58)
	13	Contractual Adoption Pay = Half Pay + SAP (£139.58)
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	17	Contractual Adoption Pay = Half Pay + SAP (£139.58)
	18	Contractual Adoption Pay = Half Pay + SAP (£139.58)
	19	SAP (£139.58)
	20	SAP (£139.58)
	21	SAP (£139.58)
	22	SAP (£139.58)
	23	SAP (£139.58)
	24	SAP (£139.58)
	25	SAP (£139.58)
	26	SAP (£139.58)
Additional Adoption Leave	27	SAP (£139.58)
	28	SAP (£139.58)
	29	SAP (£139.58)
	30	SAP (£139.58)
	31	SAP (£139.58)
	32	SAP (£139.58)
	33	SAP (£139.58)
	34	SAP (£139.58)
	35	SAP (£139.58)
	36	SAP (£139.58)
	37	SAP (£139.58)
	38	SAP (£139.58)
	39	SAP (£139.58)
	40	Unpaid
	41	Unpaid
	42	Unpaid
	43	Unpaid
	44	Unpaid
	45	Unpaid
	46	Unpaid
	47	Unpaid
	48	Unpaid
	49	Unpaid
	50	Unpaid
	51	Unpaid
	52	Unpaid

NB: Entitlement of pay could change due to length of service and amount of normal contractual pay. Please see Adoption Leave Procedure for full details. Please note the SAP rate is subject to change.