

GUIDE TO ADOPTION RIGHTS

Adoption leave and pay is available to both individuals who adopt and one member of a couple where a couple adopt jointly (the couple may choose which partner takes adoption leave). Employees must provide a 'matching certificate' from the adoption agency as evidence of their entitlement to Statutory Adoption Pay. Adoption leave and pay is not available where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's child.

In order to qualify for adoptive leave an employee must:

- Be newly matched with a child for adoption by an approved agency
- Have worked continuously for their employer for 26 weeks leading into the week in which they are notified of being matched with a child for adoption (or in the case of an overseas adoption – receiving official notification from the relevant authority)

ENTITLEMENT TO ADOPTION LEAVE

Those eligible will be entitled to Ordinary Adoption Leave (OAL) which lasts for 26 weeks and Additional Adoption Leave (AAL) which lasts for a further 26 weeks, giving up to 52 weeks leave in total. OAL begins on the day after AAL ends.

NOTIFICATION OF ADOPTION LEAVE

If an employee wishes to take adoption leave they must inform their employer when the child is expected to be placed with them and when they want the leave to start. This must be notified within 7 days of them being notified by the adoption agency that they have been matched with a child for adoption; or, in the case of a child adopted from overseas, within 28 days of receiving an official notification of acceptance for adoption by the relevant domestic authority.

The leave can commence from the date of the child's placement (whether this is earlier or later than expected) or from a fixed date which can be up to 14 days before the expected date of placement. If the employee wishes to change the date of their leave you must provide us with 28 days written notice.

STATUTORY ADOPTION PAY (SAP)

During this period the employee may be eligible to be paid Statutory Adoption Pay for 39 of the 52 weeks. The remainder of the 52 weeks is unpaid.

To qualify for statutory adoption pay the employee's earnings must be equal or greater than lower earnings limit for National Insurance contributions purposes. Statutory Adoption Pay is paid at the prevailing statutory rate.

CONTACT DURING LEAVE

Prior to an employee going on adoption leave, the employer may want to discuss the arrangements with the employee to keep in touch during their leave, should they wish to do so. The employer has the right in any event to maintain reasonable contact with the employee during their leave to discuss their plans for returning to work, any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

KEEPING IN TOUCH DAYS

An employee can agree to attend work or any training for up to 10 'keeping in touch' days during their leave period without losing any SAP or bringing their leave period to an end. Any work carried out on a day constitutes one day's work. Any work undertaken including the amount of salary paid on keeping in touch days is a matter of agreement between the employer and the employee. The employer has no right to require the employee to carry out any work and the employee has no right to undertake any work during adoption leave.

RETURNING TO WORK

If an employee is returning to work at the end of their adoption leave period, then no notice is required. They simply come back to work on the day due. If they wish to return back to work before the end of their leave period, they must give you at least 28 days written notice. If they do not wish to return to work they must resign in writing giving the notice required in the contract. If the child's placement ends during the adoption leave period, they will be able to continue adoption leave for up to eight weeks after the end of the placement.

If you would like more tailored advice on managing adoption leave or any other employment matter please contact Peopletime Ltd on 0845 127 1360 or email info@peopletime.co.uk