

## **ADOPTION LEAVE GUIDE**

### **(Adoption from overseas)**

This Guide includes useful information that all adopting employees will need to know and takes you through these requirements in a clear step by step approach.

## **1 INTRODUCTION**

- 1.1** Preparing for a new child although exciting can be a very hectic time. The purpose of this Guide is to provide guidance regarding adoption rights, leave and pay and give some clarity as to the process you will need to follow.
- 1.2** This Guide will explain your legal rights and benefits as well as the Royal Veterinary College's policy and procedures; however, these may be subject to change.
- 1.3** This Guide is for information only. It is not a complete or authoritative statement of the law, nor does it form part of your contract of employment.
- 1.4** Human Resources can provide advice and information about any of the issues detailed in this guide including assistance in working out entitlements and dates. [The 'Adoption Checklist - Overseas' \(Appendix A1\)](#) will help clarify the things that need to be done.

## **2 RIGHT TO ADOPTION LEAVE**

- 2.1** The right to adoption leave is available to both men and women who adopt a child through an approved adoption agency. Adoption leave is a 'day one right' which means you do not need to have a qualifying period of service to be entitled to it. Where a couple jointly adopt a child, only one will be entitled to take adoption leave (you can choose which one). The other adoptive parent will normally be entitled to take [paternity leave](#). You may also wish to consider [Shared Parental Leave](#).
- 2.2** An employee who adopts a child from overseas and has received 'official notification' in respect of that child is entitled to a period of adoption leave. The entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave.

## **3 NOTIFICATION PROCEDURE FOR TAKING ADOPTION LEAVE**

- 3.1** In order to be entitled to take adoption leave and receive adoption pay, you must provide Human Resources with written notification of your intention to take adoption leave no later than 28 days after the date of receipt of the official notification. This written notification must include:
  - The date you received 'official notification' (permission from a UK authority that you can adopt from abroad)
  - The date your child is expected to enter the UK. (Please confirm this date with HR within 28 days of your child entering the UK);

- The date you intend your adoption leave to start. (You must give your line manager and HR 28 days' notice of this); and
  - Whether you intend to return to work after your leave entitlement.
- 3.2** You should discuss your proposed leave dates with your line manager at the earliest possible stage, so that they have as much time as possible to take appropriate action to cover your work during your absence.
- 3.3** Adoption leave can start on the day on which your child enters the UK or on a chosen date no later than 28 days after the child enters the UK.
- 3.4** In order to assist you in fulfilling your notification obligations, the College has an '[Application form for Adoption Leave and Pay - Overseas](#)' ([Appendix B1](#)) which you will need to complete and return to Human Resources no later than 28 days after the date of receipt of the official notification. On receipt of this form (or letter of notification) Human Resources will write to you (within 28 days) to confirm the date on which the College expects you to commence adoption leave and the date you are expected to return to work.
- 3.5** You are able to change your mind about when you want your adoption leave to start, however, you must give Human Resources and your line manager at least 28 days notice before either the new start date or the original proposed start date – whichever is sooner (unless this is not reasonably practicable).
- 3.6** Official Notification - In order to receive adoption leave and pay the College requests that you provide a certificate from the central authority confirming that you are eligible to adopt.
- 3.7** Failure to comply with the above requirements may affect your right to receive adoption leave and pay.

## **4 ARRANGING YOUR ADOPTION LEAVE**

- 4.1** Adoption leave can start on the day on which your child enters the UK or on a chosen date no later than 28 days after the child enters the UK.
- 4.2** Providing you are adopting a child through an approved adoption agency, you will be entitled to up to 52 weeks adoption leave. Your entitlement is to take up to 26 weeks ordinary adoption leave followed immediately by up to 26 weeks additional adoption leave.
- 4.3** During both ordinary and additional adoption leave, you are entitled to benefit from all your normal terms and conditions of employment except for remuneration (i.e. monetary wages or salary).
- 4.4** Entitlement to adoption pay during adoption leave is dependent upon your length of continuous service with the College (see section 5 below).

## **5 ADOPTION PAY**

- 5.1** Entitlement to be paid Statutory Adoption Pay (SAP) and also Occupational Adoption Pay (OAP) is determined by how long you have worked continuously for the College by the time you wish to begin your leave and pay. The amount of OAP which you are eligible to receive is also affected by your decision to return to work or not after your adoption leave.
- 5.2** Occupational Adoption Pay from the College (including statutory entitlements):

**For Employees with one year's paid continuous employment with the College by the week in which you receive official notification or by the time you want to start the Adoption Leave and Pay.**

If you satisfy this service condition, earn more than the lower earnings limit for National Insurance contributions and intend to return to work following your adoption leave then you will be entitled to adoption pay as follows:

<b>Weeks</b>	<b>Entitlement</b>
1-8	Full pay (inclusive of SAP, see section 6)
9-26	50% of full pay plus standard rate of SAP. However, if these two amounts add up to more than your normal full pay, your pay will be reduced so that you do not receive more than your normal full pay.
27-39	<a href="#">Standard rate of SAP</a> only.
40-52	Unpaid

Please note that if you subsequently decide not to return to work, or do so for less than three months, you will be required to repay your OAP.

**For Employees with between 26 weeks’ and 52 weeks’ paid continuous employment with the College by the week in which you receive official notification or by the time you want to start the adoption leave and pay, or employees with more than one year’s continuous employment with the College but who do not intend to return to work.**

If you fall into one of these categories and earn more than the lower earnings limit for National Insurance contributions then you will be entitled to receive SAP. SAP is payable for up to 39 weeks, regardless of whether or not you intend to return to work.

<b>Weeks</b>	<b>Entitlement</b>
1-6	Higher rate of SAP (this is equivalent to 90% of your average weekly earnings)
7-39	<a href="#">Standard rate of SAP</a> only.
40-52	Unpaid Leave

See section 6 below for details of SAP including eligibility criteria.

**For Employees with less than 26 weeks’ continuous employment with the College by the week in which you receive official notification or by the time you want to start the adoption leave and pay.**

You will not be entitled to adoption pay.

**6 STATUTORY BENEFITS**

**6.1 Statutory Adoption Leave and Pay**

To be eligible for Statutory Adoption Leave and Pay:

- You must have worked for the College for a continuous period of at least 26 weeks by the week in which you receive official notification or by the time you want to start the adoption leave and pay;
- You must be newly matched with a child by an adoption agency;
- Your average weekly earnings must be at least equal to the lower earnings limit for National Insurance contributions;
- You must have received ‘official notification’(permission from a UK authority that you can adopt from abroad);
- You must give the College proper notification of the adoption in accordance with the rules set out above.
- Must fill in the declaration on [form SC6](#) which confirms that you are not taking paternity leave or pay.

## 6.2 Statutory Adoption Pay

SAP is paid at the following rate:

Weeks	Entitlement
1-6	90% of average weekly earnings
7-39	<a href="#">Standard rate of SAP</a> (or 90% of average weekly earnings if less than standard rate of SAP)

Note: Statutory adoption pay is reviewed every April. To see the current rate of SAP please click the following link: <https://www.gov.uk/employers-adoption-pay-leave/entitlement>

## 7 WHILST ON ADOPTION LEAVE

- 7.1 Your contract of employment continues (unless you have a contract that was due to expire during your adoption leave) and adoption payments will be credited to your account on the last working day of every month. However, as adoption pay is calculated in weeks rather than months, you may notice a slight variation in your pay.
- 7.2 Your pay slips will be emailed to you in the normal way whilst you are on adoption leave. If you wish to change the email address to which your payslips are sent you can do so by logging onto the MyHR ESS system.
- 7.3 You will continue to be eligible to be considered for opportunities such as promotion that occur during your adoption leave; you may wish to ask a colleague to keep you in touch with events in your absence.
- 7.4 Your contract of employment continues whilst you are on adoption leave and in line with your contract of employment you are not permitted to work for another employer unless a prior agreement is reached with your line manager.

## 8 ANNUAL LEAVE

- 8.1 You will accrue contractual annual leave during both your 26 weeks ordinary and 26 weeks additional adoption leave. Leave entitlement is calculated according to the number of calendar months which fall between the beginning of the leave year and the end of your adoption leave.
- 8.2 You should where possible take all your leave entitlement prior to going on adoption leave. You may lose any leave not taken before the end of the leave year.

## 9 KEEPING IN TOUCH DAYS

- 9.1 You may carry out up to 10 days' work for the College during your adoption leave period without bringing your adoption leave to an end.
- 9.2 The purpose of this provision is to allow you to 'keep in touch' with the College. Work includes any work done under the contract of employment and may include training or any activity aimed at keeping in touch. Any work carried out on a day will constitute one days' work. This means that if you come into work for a one hour team meeting you will only get paid for the one hour but it will count towards one of the 10 days available. However, reasonable contact from time to time during adoption leave, for example to discuss the employee's return to work, does not bring the adoption leave period to an end.
- 9.3 There is no obligation for you to take part in a 'keeping in touch' day, nor is there any obligation on the College to provide them.

**9.4** Although a keeping in touch day is paid – any payment received will be inclusive of any statutory or occupational pay entitlement. Therefore, any keeping in touch day payment is not in addition to any occupational or statutory payment.

## **10 PENSION**

**10.1** If you are a member of one of the College's Pension Schemes, contributions will be deducted in accordance with pension scheme rules. These rules vary depending on which scheme you are a member of and further information should be obtained either from the website of the relevant scheme, or by contacting a member of the HR team.

**10.2** During any period of unpaid leave, your pension will be suspended. On your return to work you may elect, with the College's agreement, to pay additional contributions to make up your pensionable service. For further information please contact Human Resources.

## **11 RETURNING TO WORK**

**11.1** You will have been given written notification of your expected date of return to work by Human Resources prior to the commencement of your adoption leave. This is the date that you will be expected to return to work unless you seek to vary the date. You are requested to contact your line manager at least one month in advance of your return to discuss the arrangements for your return.

**11.2** If you want to return **before** the end of your adoption leave period or change your original return to work date, you are required to give the College 8 weeks' notice of the date that you want to return. This should be sent to Human Resources and your line manager.

**11.3** If you comply with the requirements above and return to work after ordinary adoption leave, you are entitled to return to the same job. If you return after your additional adoption leave you have the right to return to the same job or to another suitable job if that is not reasonably practicable.

## **12 SICKNESS DURING YOUR ADOPTION LEAVE**

**12.1** If you fall ill before the end of your adoption leave, and are unable to return to work on your notified date of return, you must inform your line manager immediately, in accordance with normal sickness absence reporting procedures, and submit a self certificate or medical certificate. The certificate should cover your absence from the date you were due to start work. You will be entitled to sick leave and pay as normal from your notified date of return.

## **13 REDUNDANCY**

**13.1** During your adoption leave you retain all your statutory rights in respect of redundancy, including the right to your contractual notice period.

**13.2** If there is a need for reorganisation during your adoption leave the Colleges' ['Redundancy Procedure'](#) will be followed and you will be given the opportunity to be included in any consultation that is taking place over the proposed redundancies/changes and how they are to be implemented.

**13.3** If, after the formal consultation process has been followed, you are selected for proposed redundancy, you will be given a written invitation to a meeting at which you may be accompanied (by a trade union representative or a workplace colleague) and, if appropriate, given an opportunity to appeal against your selection. If you were to be given notice of redundancy whilst on adoption leave, the College will endeavour to offer you any suitable alternative vacancy that exists. 'Suitable' in this context generally means work that would be appropriate for you to do, and is on terms and conditions not substantially

less favourable than those under your current contract. If no suitable alternative job exists at the time that your role is made redundant, you will be entitled to notice of termination of employment as specified in the Redundancy Procedure.

- 13.4** If you are selected for redundancy your entitlement to OAP will cease on the date your employment is terminated. You will still be entitled to your SAP. If you are made redundant you will not be required to repay OAP unless you unreasonably refuse an offer of suitable alternative employment.

## **14 CHANGING WORKING PATTERN (FLEXIBLE WORKING)**

- 14.1** Flexible working is a provision that can enable you to adjust, by agreement with your line manager, the balance between your home and work responsibilities subject to operational and business needs. For further details on eligibility and the procedure for applying for flexible working please refer to the [‘Flexible Working Guide’](#).

### **14.2 Flexible Working – How it affects your Occupational Pay**

If you return back to work following your adoption leave for a minimum of 3 months you will not be required to pay back any of your adoption pay. If you return back to work on reduced hours the time you will be expected to work in order to avoid having to pay back OAP will be increased in proportion to your new contractual hours.

- 14.3** For example, if you were working full time before your adoption leave but then returned back to work on a 50% contract you would need to work for 6 months in order to avoid having to pay back any OAP.

## **15 CHILDCARE VOUCHERS**

- 15.1** The College offers parents or carers of children up to the age of 15 (or the age of 16 if disabled) the opportunity to enter the College’s Childcare Voucher Scheme with Edenred.
- 15.2** Childcare vouchers offer an effective and flexible approach for working parents to save money on childcare and can be used to pay for any registered childcare provision including a childminder, nursery, crèche, nanny or out of school club.
- 15.3** If you would like more information on the College’s Childcare Voucher Scheme please contact one of the HR Operations Team or have a look on the Human Resources page on the intranet.

## **16 IF YOU DECIDE NOT TO RETURN TO WORK OR LEAVE AFTER RETURNING**

- 16.1** If you have notified the College that you will be returning to work, but subsequently decide not to, you will be required to pay back the OAP paid to you by the College. You will not be required to pay back any SAP which you have received.
- 16.2** You will also be asked to repay your OAP, if you leave within 3 months of returning to work.
- 16.3** If you decide not to return to work, you are required to give the appropriate notice as specified in your contract of employment.

## **17 CONTINUATION OF SERVICE**

- 17.1** Absence whilst on adoption leave, whether paid or unpaid will count as service with the College, and will be taken into account when calculating any entitlements based on length of service.