



<u>Policy Title</u>	<b>NCG Adoption Policy</b>
<u>Policy Category</u>	Compliant
<u>Owner</u>	Director of People
<u>Group Executive Lead</u>	Chief Executive Officer
<u>Date Written</u>	March 2023
<u>Considered By</u>	N/A
<u>Approved By</u>	Executive Board
<u>Date Approved</u>	March 2023
<u>Equality Impact Assessment</u>	The implementation of this policy is not considered to have a negative impact on protected characteristics and an assessment was carried out on December 2020 This policy is available in alternative formats, if required
<u>Freedom of Information</u>	This document will be publicly available through the Groups Publication Scheme.
<u>Review Date</u>	March 2025
<u>Policy Summary</u>	The purpose of this policy is to provide colleagues with an understanding of their entitlement and eligibility for Adoption leave.

<u>Applicability of Policy</u>	<u>Consultation Undertaken</u>	<u>Applicable To</u>
Carlisle College	Yes	Yes
Group Services	Yes	Yes
Kidderminster College	Yes	Yes
Lewisham College	Yes	Yes
Newcastle College	Yes	Yes
Newcastle Sixth Form College	Yes	Yes
Southwark College	Yes	Yes
West Lancashire College	Yes	Yes

<u>Changes to Earlier Versions</u>	
<u>Previous Approval Date</u>	<u>Summarise Changes Made Here</u>
	New NCG policy incorporating individual College policies into one Group policy, streamlining processes in line with current legislation.
	Updated section 5.1, 6, 9, 10, 13 in line with Maternity Policy
	Updated section 7 and Appendix B with correct HR information

<u>Linked Documents</u>	
<u>Document Title</u>	<u>Relevance</u>
NCG Flexible working Policy	
NCG Sickness Absence Policy	
NCG Non Sickness Absence Policy	



### 1. **Scope and Purpose of Policy**

This policy does not form part of Colleague's contract of employment and does not confer any contractual rights. It applies to all NCG colleagues who are employed either on a permanent or temporary basis.

### 2. **Introduction**

The purpose of this policy is to provide colleagues with an understanding of their entitlement and eligibility for adoption leave and pay.

### 3. **Referral to an alternative policy / procedure**

Where absence is due to an underlying health condition, then the matter will be managed in line with the NCG Sickness Absence Policy.

Where absence is due to leave including maternity, paternity, shared parental and parental leave, then the matter will be managed in line with the relevant NCG policy.

Where absence is due to non-sickness absence, then the matter will be managed in line with the NCG Non Sickness Absence Policy.

Where there is a request to amend a colleague's working week, then the matter should be managed in line with the NCG Flexible working policy.

### 4. **Adoption Leave**

Colleagues are entitled to 52 weeks' adoption leave regardless of the length of service. This consists of 26 weeks' ordinary adoption leave (OAL) and 26 weeks' additional adoption leave (AAL). Only one person can take adoption leave, the other may take paternity leave.

To qualify for adoption leave colleagues must:

- Be an employee,
- Be matched with a child for adoption by an approved adoption agency, or be one of a couple who have been jointly matched with a child for adoption, and
- Have notified the agency that the colleague agrees that the child should be placed with them and the date of placement.

Adoption leave can start:

- up to 14 days before the date the child starts living with them (UK adoptions).
- when the child arrives in the UK or within 28 days of this date (overseas adoptions).

- the day the child's born or the day after (if they have used a surrogate to have a child).

Where a colleague applies directly to a court for an adoption order, rather than via an adoption agency they will not be eligible for adoption leave. Parents who have a child through a surrogacy arrangement and are eligible for a Parental Order and foster parents who are prospective adopters are entitled to adoption leave and pay.

## 5. Adoption Pay

There are two types of pay that colleagues may be able to receive during their adoption leave:

### 5.1. Statutory Adoption Pay (SAP):

SAP is payable for a maximum of 39 weeks during adoption leave. It will be paid into a colleague's normal bank account.

To qualify for SAP colleagues must:

- Have at least 26 weeks' service by the week the colleague is matched with a child.
- Comply with the notification requirements.
- Have average weekly earnings in the eight weeks prior to the date the Adoption Agency informs them of a match, that are not less than the current lower earnings limit for the payment of National Insurance.
- Provide proof of the adoption or surrogacy. For those adopting from abroad, they must have official notification from a UK authority.

If a colleague qualifies, their entitlement to SAP is:

- Six weeks' pay at 90% of their normal weekly earnings.
- 33 weeks' pay at the current prescribed rate or 90% of normal earnings, whichever is lower.

The current SAP rate can be found on the [www.gov.co.uk](http://www.gov.co.uk) website. It is payable whether colleagues return to work or not. If colleagues do not qualify for SAP they may be able to receive an allowance from the local authority and they should contact their local Jobcentre Plus.

### 5.2. Occupational Adoption Pay (OAP)

Occupational adoption pay eligibility and entitlements are outlined in appendix A.



### 6. Foster to adopt

Fostering for adoption is in line with our adoption process and adoption policy. A dual approved prospective adopter is entitled to take adoption leave and pay from up to 2 weeks before the child joins the family, initially for fostering.

Adoption leave and pay is not available to other types of foster carers.

### 7. Notification

A colleague must discuss their intentions of adopting as soon as possible with their manager and keep them informed throughout the process.

A colleague is required to confirm their Expected Placement Date (EPD) and the date on which they intend to start their adoption leave. This must be done within 7 days of receiving the notification from the Adoption Agency that they have been "matched" with a child. Colleagues should complete the adoption notification form (appendix B) and submit to their manager. The manager should send the documentation alongside the agreed dates to their P&D Assistant. A confirmation letter will be sent to the colleague.

Colleagues will need to let their manager know in writing within 28 days or as soon as possible, if the date of placement (or UK arrival date for overseas adoptions) changes. The manager should send the updated information to their P&D Assistant.

### 8. Adoption Placement Meetings

If the colleague is the primary adopter, they have the right to take reasonable paid time off work to attend up to five adoption placement meetings.

A colleague's spouse / partner has the right to take unpaid time off to attend up to two adoption placement meetings if they are a colleague. Time off is capped at 6.5 hours per meeting.

### 9. Annual Leave

Where possible, colleagues should take annual leave accrued up to the point of their adoption leave, before their adoption leave commences. Colleagues will continue to accrue their full annual leave entitlement during their period of adoption leave including bank / public holidays. Any accrued annual leave carried over into the following year should be taken immediately up on their return from adoption leave. Any annual leave requests should follow the normal process.

For teaching colleagues in Newcastle Sixth Form College, any statutory leave accrued during adoption leave is offset against periods of College closures.

### 10. Reasonable Contact

The Manager will maintain reasonable contact with colleagues whilst they are on adoption leave, which will be agreed with the colleague prior to adoption leave commencing.

### 11. Keeping in touch days (KIT)

With the exception of the two weeks immediately after the placement of the child, up to 10 KIT days may be undertaken during their adoption leave period, without bringing the adoption leave to an end. Colleagues will be paid their normal daily rate for a KITday and NCG will offset any contractual pay for a KIT day against SAP / OAP.

Where a colleague is receiving an allowance from Job Centre Plus instead of SAP, they may work for up to ten KIT days without losing their allowance.

There is no obligation for the manager to provide work and there is no obligation for a colleague to carry out such work. KIT days must be arranged by mutual agreement and the purpose agreed in advance. Where a colleague works part of a day, they will be paid for the hours worked but this would still count as one of their 10 keeping in touch days.

### 12. Circumstances under which adoption leave and pay will cease

In certain circumstances, placements may end sooner than anticipated and so adoption leave and adoption pay will end after a prescribed time. The adoption leave will end if more than 8 weeks of adoption leave remain and one of the following circumstances applies:

- After having notified the colleague that they will be matched with a child, the Adoption Agency then notifies them that the child will not be placed with them.
- The child dies or
- The child's placement ends.

Adoption leave will end 8 weeks after any of the three dates referred to below:

- The week during which the colleague is notified that the placement will not take place.
- The week during which the child dies.
- The week during which the child's placement ends.

In these circumstances, OAP and / or SAP will also terminate in accordance with these timescales.

In any event, the manager will endeavour to offer all possible support to the colleague.



### **13. Returning to work**

Colleagues are entitled to take 52 weeks' adoption leave and are not expected to return to work until this time. Where a colleague wishes to return to work earlier than the expected return to work date, they should give 8 weeks' written notice to their manager. If notice is not provided of a colleague's early return, the manager may postpone their return by up to 8 weeks, as long as this is no later than the original expected return to work date.

Where colleagues decide not to return to work at the end of their adoption leave they will have to give notice of their resignation in accordance with their terms and conditions of employment.

### **14. Rights on return**

Where a colleague has taken adoption leave for six months or less (OAL), they have the right to return to their job on the same terms and conditions as before they left, if the job still exists.

Where a colleague has taken adoption leave for more than six months (AAL), they have the right to return to their job. However, if it is not reasonably practicable to do so, they may be offered a similar job where terms and conditions are no less favourable than would have been applied if they had not been absent.

### **15. Redundancy**

In the event of a redundancy situation and a colleague is on adoption leave, the manager will assist in trying to find a suitable alternative vacancy. Where a suitable alternative vacancy is found, the colleague will have precedence over other colleagues at risk of redundancy, who are looking for redeployment opportunities and who would otherwise be entitled to be considered for the vacancy.

NCG will not select any colleague for redundancy for a reason connected to their adoption leave.

### **16. Variations to this policy / procedure**

This procedure is intended as an overview of how adoption leave is managed, however, it may need to be adapted to suit the needs of each situation.

## **Appendix A OAP eligibility and entitlement**

### **Newcastle College, NSFC, West Lancashire College and Corporate Services, OAP entitlement & eligibility:**

To qualify for OAP you must:

- Have 1 year's continuous service at the date you are informed by the Adoption Agency you have been matched with a child.

If you qualify for OAP, you can receive the following payments:

- First six weeks' pay uplifted to full pay (offset by statutory).
- After the first six weeks, you will be paid 12 weeks at half pay in addition to SAP.
- 21 weeks at prescribed statutory rate.

### **Carlisle College OAP entitlement & eligibility:**

To qualify for OAP you must:

- Meet the qualifying criteria to receive SAP.

If you qualify for OAP, you can receive the following payments:

- After the first six weeks, you will be paid 12 weeks at half pay in addition to SAP.
- 21 weeks at prescribed statutory rate.

### **Kidderminster College OAP entitlement & eligibility:**

To qualify for OAP you must:

- Have one years continuous service by the 11th week before the date you are informed by the Adoption Agency you have been matched with a child.

If you qualify for OAP, you can receive the following payments:

- After the first six weeks, you will be paid 12 weeks at half pay in addition to SAP.
- 21 weeks at prescribed statutory rate.



### **Lewisham College OAP entitlement & eligibility:**

To qualify for OAP you must:

- Meet the qualifying criteria to receive SAP.

If you qualify for OAP, you can receive the following payments:

- After the first six weeks, you will be paid 18 weeks at half pay in addition to SAP.
- 15 weeks at prescribed statutory rate.

### **Southwark College OAP entitlement & eligibility:**

To qualify for OAP you must:

- Meet the qualifying criteria to receive SAP.

If you qualify for OAP, you can receive the following payments:

- After the first six weeks, you will be paid 18 weeks at half pay in addition to SAP.
- 15 weeks at prescribed statutory rate.

Please note, the payment of the 12-18 weeks half pay will only be made in addition to SAP if the sum does not exceed your normal average weekly earnings. In such circumstances your pay will be uplifted to an amount that does not exceed your normal average weekly wage.

Where applicable, in order to receive 12-18 weeks OAP you must return to work for 12 weeks (Newcastle, NSFC, West Lancs and CS) 13 weeks (Carlisle, Kidderminster, Lewisham and Southwark) at the end of your adoption leave. If you do not return to work the 12-18 weeks half pay will need to be repaid to NCG before your leave date.

Any variation in adoption entitlement is based upon current terms and conditions as part of a TUPE process when colleges joined NCG.





**Appendix B Notification of Adoption Leave Form**

**Guidelines for completion**

Please read the NCG Adoption Policy before completing this form. This form should be completed by colleagues within 7 days of the date on which notification of the match with a child is provided by the adoption agency. Once completed, please submit this to your manager.

Managers should send this form alongside a copy of matching certificate from the adoption agency to your People & Development Assistant

**Section A: Colleague Details**

Surname		Forename	
Payroll ID number		Department	

**Section B: Adoption Leave Information**

Date child is adopted:	
Matching certificate incl.: (please select)	Yes / No
Adoption leave start date:	

**Section C: For colleagues who are entitled to occupational adoption pay (OAP) in line with the eligibility criteria outlined in the policy and intend to return to work. (please select yes / no for the below)**

I intend to return to work after my adoption leave for the required period of time	Yes	No
I would like to receive my occupational adoption pay each pay period, <b>OR</b>	Yes	No
I would like to receive my occupational adoption pay as a lump sum when I return	Yes	No
I am aware that if I do not return or subsequently leave within the specified time as outlined in the policy, I will have to repay this sum of money.		

**Section D: For colleagues who are entitled to occupational adoption pay (OAP) in line with the eligibility criteria outlined in the policy and DO NOT intend to return to work.**

I do not intend to return to work at the end of my adoption leave	Yes	No
I am aware that I am not entitled to receive any occupational adoption pay in line with the entitlement specified in the policy.		

**Section E: Declaration**

Colleague signature		Date	
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