



Adoption Policy

Date approved:	2 July 2013
Approved by:	Executive Board
Review date:	July 2016
Responsible Manager:	Director of Human Resources
Executive Lead:	Group Director (HR and Corporate Services)
Accessible to Students:	No

1. Consultation

Consultation undertaken with:

• Newcastle College	Yes
• Group Services	Yes
• Newcastle Sixth Form College	Yes
• West Lancashire College	Yes
• Intraining	No
• Rathbone	No

2. Applicability of Policy to Organisation

This policy applies to:

• Newcastle College:	Yes
• Group Services:	Yes
• Newcastle Sixth Form College	Yes
• West Lancashire College:	Yes
• Intraining:	No
• Rathbone	No

3. Scope and Purpose of Policy

This policy does not form part of staff contracts of employment, nor does it confer any contractual rights. It applies to any member of staff employed by Newcastle College, NCG Group Services, Newcastle Sixth Form College and West Lancashire College under a Contract of Employment and also covers “holders of senior post” as defined in the College’s Articles of Government. This Policy does not apply to independent contractors working for NCG.

The aim of this policy is to ensure that:

- everyone is treated fairly and consistently
- everyone is treated equally regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- everyone knows what to do and what will happen when employees are adopting a child or on adoption leave.

This adoption procedure sets out the rights and responsibilities of employees to statutory adoption leave and pay as an adoptive parent. These entitlements apply to employees who expect to have a child placed with them (within the UK) on or after 3 April 2013.

If you are adopting a child from overseas please contact the Human Resources Department as different arrangements apply.

4. Policy Statement

NCG supports the rights of adoptive parents and their entitlement to adoption leave and pay. NCG recognises that, from time to time, employees may have questions and concerns relating to their adoption rights. Open discussion is encouraged to ensure that questions and issues can be clarified and resolved as quickly as possible. Adoption provisions can be complex and although this procedure is intended to be comprehensive, it may not cover all of the issues that relate to an individual's circumstances.

5. Equality and Diversity Statement

In accordance with NCG procedures an equality impact assessment has been undertaken for this policy on 3 April 2013.

6. Linked Policies

Flexible Working Policy
Parental Leave Policy
Paternity Leave Policy
Maternity Leave Policy
Attendance Policy

7. Linked Procedures

Flexible Working Procedure
Parental Leave Procedure
Paternity Leave Procedure

Maternity Procedure
Attendance Procedure

8. Location and Access to the Policy

This Policy can be accessed:

- Newcastle College & Group Services Intranet - College Information / College Policies & Strategies
- West Lancashire College Intranet – Performance & Standards / HR / Policies & Procedures

If employees have no access to the Intranet, contact their Human Resources Department.

9. Person Responsible for the Policy

- Director of Human Resources

10. Variations

No variations to this policy have been made in relation to any division of NCG to which it applies. Intraining and Rathbone have separate arrangements which reflect their structure.

Adoption Procedure

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1 Key Definitions

The following definitions are used in this policy:

Adopter - The person(s) who are going to adopt a child. This may be as a single person or with their partner.

Ordinary Adoption Leave (OAL) – is the first 26 weeks of adoption leave.

Additional Adoption Leave (AAL) – is the additional 26 weeks adoption leave. This starts immediately after ordinary adoption leave (OAL).

Statutory Adoption Pay (SAP) - an employee's entitlement to pay whilst on adoption leave under the law.

Occupational Adoption Pay (OAP) – an employee's entitlement to payments whilst on adoption leave as an employee of NCG.

Placement - date on which a child is adopted by their adopter(s).

Matched – when the Adoption Agency provides the employee with the details of the child they believe to be suitable.

Matching Certificate - A certificate from the Adoption Agency which provides evidence of the adoption and the adoptive parent's entitlements.

Qualifying Week (QW) - the week, beginning on a Sunday, in which the employee is notified, in writing, by an Adoption Agency of having been matched with a child.

Expected Placement Date (EPD) – the date on which an adoption agency expects that it will place a child into the employee's care with a view to adoption.

Week Pay - for the purposes of occupational adoption pay, if the remuneration for normal working hours does not vary with the amount of work done in the period, a week's pay is the amount payable under the contract of employment for working your normal hours in a week. Where there are no normal working hours, for the purposes of occupational adoption pay, a week's pay is the average remuneration using the period of the last 3 calendar months prior to the adoption start date

2. Equality and Diversity

Where an employee has a disability or other specific requirement and reasonable adjustments are necessary, the employee should reach prior agreement about the nature of such adjustments. The manager may take advice from the Human Resources Department and will notify the employee of the agreed adjustments.

3. Adoption Leave Entitlement

The right to adoption leave is available to employees who adopt a child through an approved Adoption Agency.

The right to adoption leave is available to one member only of a couple who have had a child placed with them for adoption (the couple can choose which)

The employee is entitled to 26 weeks (OAL) followed immediately by up to 26 weeks (AAL).

The employee can choose to start his/her adoption leave on the day the child is placed for adoption (whether this is earlier or later than expected) or up to 14 days before the expected date of placement.

4. Adoption Pay

There are two types of payment that an employee may be entitled to during adoption leave: Statutory Adoption Pay (SAP) and Occupational Adoption Pay (OAP).

There are different qualifying conditions for SAP and OAP which are detailed below:

4.1 Statutory Adoption Pay (SAP)

To qualify for SAP an employee must:

- Have at least 26 weeks' service by the date the Adoption Agency informs him/her of a match.
- 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 Contributions (the lower earnings limit is reviewed annually). Employees will be informed if their normal weekly earnings are below the lower earnings limit.

Employees who qualify for SAP will receive the following payments:

- During the first 6 weeks of adoption leave the entitlement is 90% of normal weekly earnings.
- For the remaining 33 weeks of adoption leave the employee will receive SAP at the current prescribed rate or 90% of normal weekly earnings, whichever is lower. Average earnings are based on the employee's salary over the eight week period up to the matching notification.

If an employee qualifies for SAP, it is payable whether or not the employee intends to return to work. If an employee decides that they do not wish to return to work for any reasons they do not have to repay this. SAP is payable for a maximum of 39 weeks and is only payable when an individual is on adoption leave.

If an employee is not entitled to SAP, the employee will be given a form explaining why not (form SAP1) and the matching certificate will be returned.

The current rate of SAP can be found on the HMRC website www.hmrc.gov.uk.

4.2 Occupational Adoption Pay (OAP)

To qualify for OAP the employee must:

- Have 1 year's continuous service at the date they are informed by the Adoption Agency they have been matched with a child.
- Meet all of the qualifying criteria to receive SAP.

If an employee qualifies for OAP, they can receive the following payments subject to the conditions specified:

- During the first 6 weeks of adoption leave their pay will be uplifted from the 90% SAP to full pay.
- After 6 weeks at full pay, subject to the conditions below, the employee will be entitled to be paid 12 weeks at half pay and will also be entitled to be paid SAP in addition to this.

In order to receive 12 weeks' half pay, the employee must return to work for at least 12 weeks after the end of their adoption leave. If the employee does not return for the specified period, the 12 weeks' half pay will need to be repaid to NCG prior to the employee's leave date. Where possible, NCG will offset against any pay due to the employee in their final pay. Where this is not possible, the employee must make arrangements to repay the 12 weeks half pay within 4 weeks of the leave date.

The employee can elect on the 'Notification of Adoption Leave' form (Appendix A) to be paid the 12 weeks' half pay in each pay period or as a lump sum on their return to work.

Payment of the 12 weeks' half pay will only be made in addition to SAP if the total sum does not exceed the employee's normal average weekly earnings. In such circumstances, NCG will only uplift the employee's pay during these 12 weeks to an amount equal to their normal average weekly wage.

4.3 Payment of Adoption Pay

If an employee is entitled to be paid SAP and OAP, it will be paid automatically into their usual bank account. Payslips will be sent to their home address. Employees must ensure that they inform Shared Services in writing of any change of address during their adoption leave.

Payments will be paid for complete weeks only and employees need to be aware that this may affect their pay at the beginning of their adoption leave.

4.4 Salary Changes

If an employee becomes eligible for a pay rise between the start of the original calculation period and the end of the adoption leave (whether ordinary or additional adoption leave), average earnings will be recalculated to take account of the employee's pay rise and any backdated sum will be paid in the next available payroll.

5. Notification

To ensure that an employee qualifies for their adoption rights, they must follow this procedure carefully particularly when notifying NCG of their adoption match, anticipated adoption leave and intention to return to work.

Employees are encouraged to inform their line managers of their intentions at the earliest opportunity and keep their line manager informed of their adoption leave date.

In order to ensure that an employee complies with the legal requirements and that their pay and other conditions are correctly maintained, they must use the forms appended at the end of this procedure.

The employee should confirm their Expected Placement Date (EPD) and the date on which they intend their adoption leave to start. This must be done within 7 days of receiving the notification from the Adoption Agency that they have been 'matched' with a child (Appendix A).

The earliest an employee may commence adoption leave is 14 days before the EPD, or on the date of placement itself, but no later. SAL cannot commence more than two weeks before the child commences living with the employee.

The employee must provide the Human Resources Department with the relevant documents from their Adoption Agency as evidence of their entitlement to adoption leave and pay. It is the responsibility of the employee to request a Matching Certificate from their Adoption Agency to evidence their entitlement.

The employee will receive a confirmation letter from Human Resources within 28 days of receipt of their notification, detailing their entitlement to pay and return to work date.

The employee is entitled to change their adoption leave start date, provided they advise NCG at least 28 days before the new start date or as soon as reasonably practicable (Appendix B).

6. Returning to Work

The employee will have been formally advised in writing by the Human Resources Department of the date on which they are expected to return to work should they take the full 52 week entitlement to adoption leave. The employee is expected to return on this date unless they notify NCG otherwise.

While the employee is under no obligation to do so, it would assist NCG if the employee would confirm in writing, as soon as convenient during their adoption leave that they will be returning to work as expected.

If the employee wishes to return to work early than the expected return date, they must give NCG at least eight weeks' notice of their date of early return, preferably using the Notification of return to work form (Appendix C). If the employee fails to do so, NCG may postpone their return to such a date as will give NCG eight weeks' notice, providing that it is not later than the expected return date.

If the employee decides not to return to work after adoption leave, they must give written notice of their resignation to their manager in accordance with the terms of their contract of employment.

6.1 Rights on Return to Work

On resuming work after ordinary adoption leave (OAL), the employee is entitled to return to the same job as they had occupied before commencing adoption leave on the same terms and conditions of employment as if they had not been absent.

On resuming work after additional adoption leave (AAL), the employee is entitled to return to the same job as occupied before commencing adoption leave on the same terms and conditions of employment. However, if it is not reasonably practicable for NCG to allow the employee to return to the same job, NCG may offer the employee suitable alternative work on terms and conditions that are no less favourable than would have applied if they had not been absent.

6.2 Redundancy

NCG will not select any employee for redundancy for a reason connected with their adoption leave.

In the event of a redundancy situation, where an employee on adoption leave has been selected for redundancy, NCG will assist the employee in trying to find a suitable alternative vacancy.

Where a suitable alternative vacancy is found, the employee on adoption / maternity leave will have precedence over other employees facing redundancy, who are looking for redeployment opportunities and who would otherwise be entitled to be considered for the vacancy.

The Human Resources Department will develop appropriate measures to ensure that staff absent on adoption leave, receive general communications on the redundancy situation and are given the opportunity to engage in group and/or individual consultation.

7. Transfer of Adoption Leave

If an employee proposes to return to work by giving the proper notification of an early return in accordance with the rules set out in the 'Notification' section above, they may be eligible to transfer up to 26 weeks of their outstanding adoption leave to their spouse, civil partner or partner, to be taken as additional paternity leave.

The employee (the primary adopter) must make a written and signed declaration to their partner's employer, which confirms that they are returning to work early i.e. before the end of their 52 week adoption leave entitlement. The partner's employer may request further details from the employee and/or NCG to verify these arrangements.

If the partner of the primary adopter is also an employee of NCG, they should refer to the NCG's Paternity Policy.

The earliest that additional paternity leave may commence is 20 weeks after the date of placement of the child. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks. The employee must, therefore, have at least two weeks of their adoption leave that remains unexpired.

8. Holiday Entitlement

The employee will continue to accrue annual leave during their entire period of adoption leave. Public/bank holidays do not accrue during adoption leave.

Annual leave should be taken during the relevant holiday year. No holiday entitlement may be carried over from one year to the next year, only in exceptional circumstances and only where operational reasons have prevented the employee from taking their holiday entitlement will carryover of holiday be considered.

Employees going on adoption leave should give careful consideration to the use of annual leave prior to taking adoption leave and on their return from adoption leave to ensure that they do not lose any of their holiday entitlement

9 Keeping in Touch' (KIT) days

A KIT day may be used to enable the employee to attend work without losing their right to SAP or OAP. Up to ten KIT days may be undertaken during the adoption leave period without bringing the adoption leave to an end.

There is no obligation on NCG to provide such work or for the employee to undertake such work. KIT days must be arranged by mutual agreement and the purpose of such a day must be agreed in advance so that both parties are clear what an employee will actually do (this may include attending training, meetings or other activities).

KIT days must be taken in full days (part days are not permissible).

Payment during KIT days will be as follows:

The employee will be paid their normal daily rate for a KIT day. Please note that if he/she is still being paid SAP and/or OAP he/she will be paid the difference to take his/her pay up to their normal daily rate (if the KIT day is in the period when he/she is receiving OAP at full pay there will be no additional payment due).

Where an employee has variable earnings the normal daily rate will be calculated using his/her earnings over the eight week period up to the date of placement.

10. Reasonable Contact

NCG reserves the right, in accordance with relevant legislation and good practice, to maintain reasonable contact with an employee whilst on adoption leave.

NCG communicates key messages to employees via the e-mail system. Where an employee would like to retain access to the NCG e-mail system during their adoption leave they must make the necessary arrangements with their line manager prior to going on adoption leave.

11. Circumstances under which Adoption Leave and Adoption 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 an employee that they will be matched with a child, the Adoption Agency notifies the employee that the child will not be placed with the employee.
- 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 employee 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.

12. Flexible Working Requests

Employees going on adoption leave have no automatic right to return to work on a different working pattern from that which they currently have i.e. on a part time basis. NCG will seriously consider any such request.

An employee wishing to make such a request must submit a flexible working request by completing 'Form A' contained within the Flexible Working Policy (available on the Intranet). Please note that flexible working applications may take up to fourteen weeks to consider and employees are requested to ensure any such application is submitted in a timely manner.

13. Pension

The rules surrounding pensions whilst on adoption leave are determined by the pension scheme provider.

If an Employee is in the Teachers Pension Scheme:

When an employee receives SAP or at least half pay, then that period of adoption leave will be classed as pensionable employment. Where an employee does not receive SAP or at least half pay, that period will not be counted as pensionable. Contributions are paid on both Occupational and Statutory Adoption Pay.

If an employee decides not to return to work after their adoption leave, their pensionable service will be considered to have ceased at the end of their SAP or after they have ceased to receive any pay.

More information can be found on the Teacher's Pensions website www.teacherspensions.co.uk

If an employee is in the Local Government Pension Scheme (LGPS):

During any period of paid adoption leave, LGPS benefits will continue to accrue as if the employee was working normally on full pay. Contributions are paid on both Occupational and Statutory Adoption Pay.

However, any period of unpaid adoption leave will not count as pensionable service. Employees can choose to pay back pension contributions for the unpaid period. The cost of paying back is based on the last rate of pay they received, ignoring any increase in pay due to working a Keeping in Touch day. Applications must be made within 30 days of returning to paid employment.

More information can be found on the LGPS website www.twpf.info

**Appendix A
NOTIFICATION OF ADOPTION LEAVE**

Adoption Form 1

From:

To:

Human Resources Department

Name: _____

School/Service: _____

Extension No: _____

Manager: _____

PLEASE READ THE ADOPTION POLICY BEFORE COMPLETING THIS FORM

Date child is adopted: _____

Matching certificate is: enclosed

To follow

Date I intend to start adoption leave: _____

NOW COMPLETE SECTION A OR B DEPENDING ON YOUR SITUATION

A. EMPLOYEES WHO HAVE AT LEAST 1 YEARS' SERVICE AT THE DATE IN WHICH NOTIFICATION OF MATCHING IS GIVEN AND INTEND TO RETURN TO WORK

I intend to return to work after adoption leave following the adoption of my child.

If I return to work for at least 3 months, I am entitled to receive additional Occupational Adoption Pay (OAP) of 12 weeks half pay.

I would like to receive this:

Each pay period

As a lump sum when I return

I am aware that if I fail to return or subsequently leave within 3 months, I will have to repay this sum of money.

Signed: _____

Date: _____

B. EMPLOYEES WHO HAVE AT LEAST 1 YEARS SERVICE AT THE DATE IN WHICH NOTIFICATION OF MATCHING IS GIVEN AND DO NOT INTEND TO RETURN TO WORK

I do not intend to return to work and understand that I am not entitled to receive any payment other than 6 weeks at 100% pay plus 33 weeks Statutory Adoption Pay (if entitled)

Signed: _____

Date: _____

Please note

1. This form must be sent to your line manager who is responsible for forwarding it to the Divisional Human Resources Department no later than 7 days after the date on which notification of the match with the child was provided by the adoption agency or as soon as practicable after you have received notification
2. HR will forward a copy of the completed form to the Shared Services Department

CHANGE OF START OF ADOPTION LEAVE

From:

To:

Human Resources Department

Name: _____

School/Service: _____

Extension No: _____

Manager: _____

CHANGE OF DATE OF ADOPTION LEAVE

Following my completion of form **Adoption form 1**, I am writing to inform you that my adoption leave start date is now:

Date: _____

Signed: _____

Date: _____

NB

Please note

1. This form must be sent to the Divisional Human Resources Department at least 28 days before the first day of your Adoption leave, unless it is not practicable to do so. You must give at least 28 days notice of a change to the start of your adoption leave.
2. It is your responsibility to ensure that your manager is aware of these arrangements.
3. Human Resources will forward a copy of the completed form to the Shared Service Department

NOTIFICATION OF RETURN TO WORK

From:

To:

Human Resources Department

Name: _____

School/Service: _____

Extension No: _____

Manager: _____

PLEASE READ THE ADOPTION POLICY CAREFULLY BEFORE YOU FILL IN THIS FORM

Date of adoption: _____

My payroll return date is: _____

I intend to return to work on: _____

Signed: _____

Date: _____

Please Note

1. If you intend to return to work before the end of your additional adoption leave, this form must be received by the Divisional Human Resources Department 8 weeks in advance of your intended date of return.
2. If you are returning to work at the end of your ordinary or additional adoption leave then you are not required to complete this form, but it would be helpful if you could do so to ensure that you are reinstated on the payroll.
3. It is your responsibility to ensure that your manager is aware of these arrangements.
4. Human Resources will forward a copy of the completed form to the Shared Services Department.

NOTIFICATION OF NON RETURN TO WORK

From:

To:

Human Resources Department

Name: _____

School/Service: _____

Extension No: _____

Manager: _____

Following the adoption of my child on _____ I have decided not to return to work and therefore my last date of employment with NCG will be

I understand that I must repay the 12 weeks' half pay received as Occupational Adoption Pay (OAP) if appropriate.

Signed: _____ Date: _____

Please note

1. It is your responsibility to ensure that your manager is aware of these arrangements.
2. This form must be sent to the Divisional Human Resources Department, ensuring that the relevant notice has been given in line with the contract of employment.
3. Human Resources will forward a copy of the completed form to the Shared Services Department.