

Adoption Leave Policy & Procedure

Approved By:	Policy and Guideline Committee
Date Approved:	21 December 2012
Trust Reference:	B19/2012
Version:	3
Supersedes:	2
Author / Originator(s):	Tina Larder
Name of Responsible Committee/Individual:	Director of Workforce and OD
Latest Review Date:	31 July 2015 – Policy & Guideline Committee 3 February 2016 – Policy & Guideline Committee Chair's approval (minor amendments process) 18 November 2016 – Policy & Guideline Committee
Next Review Date:	November 2019

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REVIEW DATES AND DETAILS OF CHANGES MADE DURING THE REVIEW

Policy updated from previous Adoption Leave Policy and Procedure, December 2012, to include information on:

- Changes to qualifying period
- Wording of Director of Human Resources changed to Director of Workforce and Organisational Development.
- Wording of Transactional Team changed to Recruitment Services.
- Exclusion of Unpaid Adoption Leave (Adoption Allowance)
- Shared Parental Leave
- Surrogacy rights
- Inclusion of re-entry programmes
- Inclusion of time off to attend appointments
- Clarification of annual leave entitlement, bank holidays and carry-over of leave (Employee Handbook).
- Update on car parking permit information

- Returning to work on the Bank rather than Substantive Post (Employee Handbook).
- Update of AL1 form for inclusion of surrogate parents

KEY WORDS

Statutory Adoption Pay / Leave

Occupational Adoption Pay / Leave

Shared Parental Leave

Surrogacy Rights

1 INTRODUCTION

- 1.1 This document sets out the University Hospitals of Leicester NHS Trust (hereafter referred to as UHL) Policy and Procedure for applying for Adoption Leave.
- 1.2 The purpose of this policy is to assist managers and employees to understand individual adoption leave entitlements.
- 1.2 It is the duty of all employees wishing to take adoption leave to ensure they complete the appropriate forms and follow this procedure in a timely manner.
- 1.3 NHS Adoption Leave and payment provisions for non-medical staff are set-out in Section 15 of the [Agenda for Change \('AfC'\) Handbook](#). The notes below are for guidance only and in the case of any uncertainty or dispute reference should be made to the AfC Handbook.
- 1.4 **Medical Staff:** There are separate terms and conditions for medical staff which should also be consulted, although the adoption provisions therein are the same as those in the AfC Handbook and as outlined below.

2 POLICY AIMS

- 2.1 The aim of this policy is to provide managers and staff with procedural guidance and advice on the adoption leave process.
- 2.2 It will assist managers to ensure they take the relevant action when an individual informs them they intend to take adoption leave.
- 2.3 The policy will also advise individuals of entitlement of adoption leave / pay for both statutory and contractual adoption leave / pay.

3 POLICY SCOPE

- 3.1 This policy applies to all UHL employees (including those staff on fixed term contracts/secondments). It does not apply to medical staff, bank workers or agency workers.

4 DEFINITIONS

- 4.1 Statutory Adoption Pay / Leave – statutory adoption pay as per the statutory adoption leave provisions.

- 4.2 Occupational Adoption Pay / Leave – additional contractual adoption pay/leave as per the Agenda for Change terms and conditions.
- 4.3 Shared Parental Leave – enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to allow parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave.
- 4.4 Continuous Service - continuous service with UHL, or with UHL combined with previous service with another NHS employer (aggregated service). Breaks in employment of 3 months or more will normally constitute a break in continuous service for adoption leave and pay calculation purposes, subject to certain exceptions. See appendix 1 for further details.

5 ROLES AND RESPONSIBILITIES

5.1 Director of Workforce & Organisational Development

To ensure the development and implementation of appropriate advice, guidance and administrative procedures to ensure that adoption leave cases are processed effectively and efficiently.

5.2 Line Managers

Line managers must ensure HR paperwork is completed in a timely manner to ensure individuals are recorded as on adoption leave and to ensure they inform payroll of their return following adoption leave. Line Managers must also ensure the HR5 form is completed immediately on return to work via Recruitment Services, detailing any agreed change to working hours.

5.3 Staff

Individual employees should read the Adoption Leave Policy and Procedure and the Adoption Leave & Pay Employee Handbook (Appendix 1) before applying for adoption leave.

Individual employees are responsible for informing their line managers in writing of their intention to take adoption leave and should do this by completing and returning AL1 form as detailed in appendix 2.

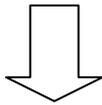
Staff are responsible for ensuring they inform their line manager if their intended return to work date is earlier than the end of the full Adoption Leave period, or if their proposed return date changes as soon as possible.

5.4 Recruitment Services Team

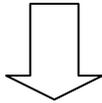
The Recruitment Services team are responsible for ensuring timely processing of AL1 forms to ensure prompt and correct payment of adoption entitlement.

6 QUICK REFERENCE FLOW CHART OF PROCESS

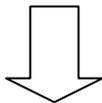
Upon notification from an adoption agency of being matched with a child for adoption, staff should inform their line manager as soon as possible (and within 7 days, unless this is not reasonably practicable). In the case of surrogacy arrangements individuals must notify their line manager at least 15 weeks before the expected week of birth.



Individuals should complete and submit AL1 form (appendix 2) together with documentary evidence to the Recruitment Services team at least 8 weeks in advance of commencing adoption leave. For adoption this would be the matching certificate from the adoption agency. For surrogacy this would be a copy of the MATB1 form provided to the surrogate mother.



Once the HR Recruitment Services team have received form AL1 and the evidence of adoption/surrogacy, they will send out a letter (within 28 days) confirming the individual's proposed adoption leave dates and outlining their adoption pay entitlement.



Recruitment Services Team will inform Payroll, who will send out a detailed statement of adoption entitlements.

7 POLICY STATEMENTS AND PROCEDURE

7.1 Adoption Leave and Adoption Pay Entitlements

- 7.1.1 All NHS employees are entitled to take up to 52 week's adoption leave, paid and/or unpaid when adopting a child who is newly placed for adoption, and if they are the primary carer/main adopter for the child. The secondary adopter may be entitled to Paternity leave and pay (see Paternity Leave Policy (B18/2012)).
- 7.1.2 For surrogacy arrangements, if the intended parents have applied, or intend to apply, for a 'Parental Order' then, subject to meeting qualifying conditions, the nominated primary adopter will be entitled to take adoption leave and pay. For further details on applying for a 'Parental Order' please visit <https://www.gov.uk/become-a-childs-legal-parent>
- 7.1.3 The primary carer may choose to end their adoption leave early and move on to Shared Parental Leave to share the leave with the secondary carer. Please refer to the UHL NHS Trust Shared Parental Leave Policy (B4/2015) for further information.
- 7.1.4 If there is an established relationship with the child, such as fostering, prior to the adoption, or when a step-parent is adopting a partner's children, time off only to attend official meetings will be considered by line managers.
- 7.1.5 Paid adoption leave can be for up to 39 weeks (the final 13 weeks following this being unpaid in all circumstances).

- 7.1.6 Where the partner/husband/wife works for another organisation offering a similar provision, employees must make this known to their manager when the consideration for entitlement is being made. Only one person in a couple can take adoption leave.
- 7.1.7 If both parents work for UHL the period of leave and pay may be shared. One parent should be identified as the primary carer and be entitled to the majority of the leave. The partner of the primary carer is entitled to paternity (maternity support) leave and pay, for which there are separate guidelines.

7.2 Calculating Adoption Pay Entitlements

- 7.2.1 If individuals have 12 months' or more continuous NHS service ending with the week in which they are notified of being matched with the child for adoption they will be eligible for **Occupational Adoption Pay**, if the individual is newly matched with the child by an adoption agency. See '7.3. Occupational Adoption Pay Scheme' below.
- 7.2.2 If individuals do not have the necessary continuous service to qualify under the Occupational Adoption Pay scheme but have attained 26 weeks continuous service **with UHL** ending with the week in which they are notified of being matched with the child for adoption, they may qualify to be paid **Statutory Adoption Pay**. See '7.4. Statutory Adoption Pay Scheme' below.

7.3 Occupational Adoption Pay ('OAP') Scheme

7.3.1 Staff intending to return to work following adoption leave

- a. Individuals may be eligible for this subject to having the necessary qualifying service (as per 7.2.1 above) and also provided that:
- b. They intend to return to work with UHL or another NHS employer for a minimum period of 3 months when their Adoption leave ends; and
- c. Their Contract of Employment entitles them to receive occupational sick pay (e.g. it is not a 'bank' contract); and
- d. They notify the Trust of their intention to take adoption leave within 7 working days of being notified by the adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable; and
- e. They complete and submit the AL1 form together with documentary evidence from their adoption agency as evidence of adoption or surrogacy arrangements (e.g. matching certificate or MATB1 form) **at least 8 weeks in advance** of commencing adoption leave, unless this is not reasonably practicable.

See section 8 below for the further conditions applicable to adoptions from outside of the United Kingdom.

7.3.2 Subsequent failure to return from adoption leave

If, having given an undertaking of intention to return to work with UHL at the end of adoption leave; or

Having stated that they intend to return to work with another NHS employer but fail to provide acceptable evidence of their new appointment within 15 months of the beginning of their adoption leave;

Individuals will be required to refund all of the OAP they have received, less the amount they would have received had they originally declared that they did not intend on returning to work (in line with 7.3.3 below).

7.3.3 Not intending to return to work following adoption leave

- a. If individuals do not intend to return to work with UHL or another NHS employer for a minimum of 3 months when their adoption leave ends, [option 2 on AL1 form] and provided they satisfy the other conditions set out in 7.3.1 above, they will be entitled to paid leave equivalent to Statutory Adoption Pay.
- b. Their contract of employment will be terminated on completion of their adoption leave.

7.3.4 Unsure whether or not intending to return to work following adoption leave

- a. If individuals are unsure about whether or not they intend to return to work with UHL or another NHS employer for a minimum of 3 months after their adoption leave has ended, and provided they satisfy the other conditions set out in 7.3.1 above, there is an option to state this on AL1 form.
- b. If staff select this option they will be paid either Statutory Adoption Pay or an equivalent amount which they will not be required to repay if they do not return to work on completion of their adoption leave.
- c. The Trust will retain any OAP (other than that an individual would receive if they were not going to return) on the understanding that if they should subsequently return to work with UHL or another NHS organisation for a minimum of 3 months following adoption leave, the balance of accrued OAP will be paid to them as a lump sum with the third month's pay following their return.

7.4 Statutory Adoption Pay ('SAP') Scheme

7.4.1 Individuals will be eligible for this (as per 7.2.2 above) providing that:

- They have the qualifying service requirement of 26 weeks' continuous employment with UHL NHS Trust by the week they are matched with a child (for overseas adoptions this will be by the date of the "official notification).
- Their average weekly earnings are above the lower earnings limit for National Insurance purposes.

- They give the correct notice to notify the Trust of their intention to take adoption leave within 7 working days of being notified by an adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable; and
- They complete and submit the AL1 form together with documentary evidence from the adoption agency as evidence of adoption or surrogacy arrangement (e.g. matching certificate or MATB1 form) **at least 8 weeks in advance** of commencing adoption leave, unless this is not reasonably practicable.

7.4.2 For staff who are becoming parents through a surrogacy arrangement to qualify for SAP they must have worked continuously for the Trust at least 26 weeks by the 15th week before the baby is due.

7.4.3 If staff are not intending (or fail) to return to work following their adoption leave they will not be required to repay any SAP and their contract of employment will be terminated on completion of adoption leave.

See section 8 below for the further conditions applicable to adoptions from outside of the United Kingdom.

7.4.4 Exceptions: You do not qualify for Statutory Adoption Leave or Pay if you arrange a private adoption, if you become a special guardian or kinship carer, if you adopt a stepchild or if you adopt a family member or stepchild.

See section 8 below for the further conditions applicable to adoptions from outside of the United Kingdom.

7.5 Fixed-Term and Training Contracts

7.5.1 Staff with more than 12 months' continuous service

- a. Staff on fixed-term or rotational training contracts which are due to expire **after** the planned commencement of adoption leave and who satisfy the continuous service qualification in 7.2.1 above and the other conditions in 7.3.1, (but not including the intention of returning to work with UHL for a minimum period of 3 months when their Adoption leave ends, if 7.6 below applies), shall have their contracts extended so as to allow them to receive the 52 weeks Adoption Leave. This includes paid OAP and SAP, and the remaining 13 weeks of unpaid adoption leave.
- b. If there is no right of return because your contract would have ended if you were not on adoption leave, the repayment of OAP provisions set out at 7.3.2 above will not apply.

7.5.2 Staff with less than 12 months' continuous service

Staff who do not satisfy the continuous service qualification in 7.2.1 above to receive OAP may still be entitled to SAP (as per 7.2.2 above) shall have their contracts extended so as to allow them to take the full 52 weeks Adoption Leave.

7.6 Rotational training contracts

Staff on a planned rotation of appointments with one or more NHS employer as part of an agreed programme of training have the right to return to work in the same post or in the next planned post irrespective of whether their contract would otherwise have ended if the adoption had not occurred. In such circumstances their contract will be extended to enable them to complete the agreed programme of training.

7.7 Commencement of Adoption Leave

7.7.1 Individuals can choose to start their Adoption:

- From the date 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.
- In the event of adoption of a child / children from overseas leave can only commence from the date the child arrives in the UK.

7.7.2 In the case of surrogacy arrangements individuals can choose to start adoption leave:

- The day the child is born

Or:

- The day after the child is born

7.7.3 Adoption Leave may commence on any day of the week staff choose.

7.7.4 If an individual subsequently wants to change the date from which they wish to commence their Adoption Leave, they should notify their manager 8 weeks beforehand (or if this is not possible, as soon as reasonably practicable beforehand).

7.7.5 An individual can end their adoption leave early in order to commence Shared Parental Leave. Please refer to the UHL NHS Trust Shared Parental Leave Policy (B4/2015) for further details.

7.8 Return to work

7.8.1 Individuals are legally entitled to return to work at the end of their full Adoption Leave (including additional Adoption Leave) without being required to give further notification to the Trust, although advance notification is appreciated.

7.8.2 If an individual intends to return to work earlier than the end of their full Adoption Leave period, they are required to agree this with their line manager, and give the Trust / Recruitment Services Team 8 weeks written notice of the earlier date they wish to return to work.

7.8.3 Individuals will have the right to return to their job under their original contract, and on no less favourable terms and conditions.

7.8.4 Requests to change working hours on return from adoption leave should initially be discussed with the individuals immediate Manager in line with the Trusts Flexible Working Policy (Trust Ref B7/2010). Any requests to return to work on reduced hours or a job share contract will be given careful

consideration but the appropriate manager, taking into account the needs of the service. Requests will not be unreasonably refused, but cannot be guaranteed.

Note: Migrant workers with 'Tier 2' sponsorship require UK Border Agency approval to reduce their working hours.

- 7.8.5 The line manager needs to inform the Recruitment Services Team if any changes to working hours are agreed by completing a HR2 form.
- 7.8.6 Staff or their line manager must inform the Recruitment Services Team in writing of their return to work date. This should be the date from which the individual is being returned to pay (i.e. their first physical day back at work, or the date from which they are taking annual leave directly after adoption leave). Failure to do so could result in staff not being paid, or being paid incorrectly.

7.9 Calculation of Occupational Adoption Pay

7.9.1 OAP is paid for up to 26 weeks:

The first **8 weeks** of leave at averaged full pay (calculated as per SAP, see 7.10.2 below), less any SAP or Adoption Allowance (or any dependents' allowances) receivable; and

7.9.2 The following **18 weeks** of leave for staff on AfC Contracts (**14 weeks** for staff on Trust Contracts) at half of averaged full pay plus SAP or Adoption Allowance (including any dependents' allowances) receivable, providing the total receivable does not exceed full pay;

7.9.3 A further 13 weeks with any SAP or Adoption Leave the individual may be entitled to.

7.10 Calculation of Statutory Adoption Pay

7.10.1 SAP is paid for up to 39 weeks, calculated as:

- The first 6 weeks of leave = $9/10^{\text{th}}$ of average weekly earnings.
- The next 33 weeks of leave = flat rate SAP or $9/10^{\text{th}}$ of average weekly earnings, whichever is lower.

For more information please visit <https://www.gov.uk/adoption-pay-leave/pay>

7.10.2 SAP is calculated on the amount of average weekly earnings during the 8 week period between the last normal pay date ('Date 1') on or before the Saturday of the matching week and last normal payday falling not less than eight weeks before the payday at Date 1). If the employee is on half-pay/unpaid sickness absence during this period, the average weekly earnings will be calculated on notional full pay.

7.10.3 Participation in any of the Trust's '**Salary Maxing**' schemes ('UHL's Childcare Voucher Scheme' 'Park and Save', 'Salary Maxing' for accommodation etc) will reduce the amount of salary liable to National Insurance contributions and will therefore also have the effect of reducing the calculated level of SAP (and OAP).

8 Further Conditions for Adoptions from outside of the United Kingdom

8.1 If an individual is adopting a child / children from outside the UK they must provide:

- Evidence of the adoption by confirming the name and address of the Adoption Agency and the date the child is expected to be placed together with the date the individual received the confirmation that the child is to be placed.
- Give official notification 28 days before they wish to claim SAP.
- A declaration that the individual is not also claiming Statutory Paternity Pay.
- Within 28 days of the child entering the United Kingdom provide further evidence of the child's date of entry, such as plane tickets or copies of UK entry clearance documents.

8.2 Adoption pay/ leave can only commence from the date the child / children arrive in the UK.

9. Surrogate Parents

9.1 For parents who have a child through surrogacy, and they have applied, or intend to apply for a 'Parental Order', providing they meet the qualifying conditions as detailed in section 7.4.2, the primary carer will be permitted to take adoption leave and pay and the secondary carer will be entitled to take ordinary paternity leave and pay (refer to Paternity Leave Policy). Both carers may also be entitled to move onto shared parental leave and pay. Please refer to the UHL NHS Trust Shared Parental Leave Policy (B4/2015).

9.2 Following a legal surrogacy arrangement, the intended parents will be required to submit a copy of the MATB1 issued to the surrogate mother prior to the birth of the baby when submitting the AL1 form (appendix 2). Following the birth of the baby a copy of the 'Parental Order' will also need to be submitted within 6 months of the baby's birth. If this is not submitted within 6 months of the baby's birth the Trust retains the right to reclaim any adoption leave payment made to the member of staff for the leave taken.

10 PROCESS FOR MONITORING COMPLIANCE

10.1 The audit criteria for this policy and the process to be used for monitoring compliance are given in the table below:

Element to be monitored	Lead	Tool	Frequency	Reporting arrangements	Acting on recommendations and Lead(s)	Change in practice and lessons to be shared
Submission of Adoption matching certificate or MATB1 28 days prior to when adoption leave commences.	Recruitment Services Manager		Annually	Reported to Director of Workforce & Organisational Development	Recruitment Services team to be notified of any areas of concern so they can review the process if necessary.	HR Recruitment Services team
AL1 forms processed by Recruitment Services team in a timely manner	Recruitment Services Manager	Manual audit of records	Annually	Reported to Director of Workforce & Organisational Development	Recruitment Services team to raise any problems with ESR Admin team.	Recruitment Services team / ESR Admin team.

11 EQUALITY IMPACT ASSESSMENT

- 11.1 The Trust recognises the diversity of the local community it serves. Our aim therefore is to provide a safe environment free from discrimination and treat all individuals fairly with dignity and appropriately according to their needs.
- 11.2 As part of its development, this policy and its impact on equality have been reviewed and no detriment was identified.

12 LEGAL LIABILITY

The Trust will generally assume vicarious liability for the acts of its staff, including those on honorary contract. However, it is incumbent on staff to ensure that they:

- Have undergone any suitable training identified as necessary under the terms of this policy or otherwise.
- Have been fully authorised by their line manager and their CMG to undertake the activity.
- Fully comply with the terms of any relevant Trust policies and/or procedures at all times.
- Only depart from any relevant Trust guidelines providing always that such departure is confined to the specific needs of individual circumstances. In healthcare delivery such departure shall only be undertaken where, in the judgement of the responsible clinician it is fully appropriate and justifiable and such decision is to be fully recorded in the patient's notes.

It is recommended that staff have Professional Indemnity Insurance cover in place for their own protection in respect of those circumstances where the Trust does not automatically assume vicarious liability and where Trust support is not generally available. Such circumstances will include Samaritan acts and criminal investigations against the staff member concerned.

Suitable Professional Indemnity Insurance Cover is generally available from the various Royal Colleges and Professional Institutions and Bodies. For further advice contact: Head of Legal Services on 0116 258 8960.

13 SUPPORTING REFERENCES, EVIDENCE BASE AND RELATED POLICIES

For Statutory Provisions:

- Paternity and Adoption Leave Regulations 2002 (as amended).
- Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 (as amended).
- The Statutory Paternity Pay and Statutory Adoption Pay (Amendment) Regulations 2004.
- Maternity and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2006.
- Maternity and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2008.
- The Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003.

- The Additional Statutory Paternity Pay (Adoptions from Overseas) Regulations 2010.
- Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002.
- Statutory Paternity Pay and Statutory Adoption Pay (General) and the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) (Amendment) Regulations 2006.
- Human Fertilisation and Embryology Act 2008.
- Paternity, Adoption and Shared Parental Leave (Parental Order Cases) Regulations 2014.
- Children and Families Act 2014.
- The Social Security Contributions and Benefits Act 1992.
- Equality Act 2010.
- Work and Families Act 2006.
- Shared Parental Leave.

For Occupational Adoption Leave / Pay:

- Agenda for Change Terms and Conditions of service handbook (section 35)

14 PROCESS FOR VERSION CONTROL, DOCUMENT ARCHIVING AND REVIEW

This document will be uploaded onto SharePoint and available for access by Staff through INsite. It will be stored and archived through this system.

This policy supersedes the Adoption Leave Policy 2012. This policy will be reviewed in 3 years or sooner should significant changes be required.

APPENDIX 1

ADOPTION LEAVE AND PAY

EMPLOYEE HANDBOOK

INTRODUCTION

Congratulations!

This handbook is designed to answer your questions as simply as possible. It should be read in conjunction with the UHL Adoption Leave Policy and Procedure (document B19/2012 on InSite)

The following guidelines apply to all staff that are newly matched with a child for adoption or are becoming parents through a surrogacy agreement.

SECTION 1 - ADOPTION LEAVE AND PAY – YOUR RIGHTS

Eligibility for adoption leave:

Any employee, no matter how much service they have is eligible for adoption leave. This policy does not apply to medical staff, agency workers and bank workers.

Eligibility for adoption leave and pay:

No matter how much service you have you will be entitled to take up to 52 week's **adoption leave**, paid and/or unpaid when adopting a child who is newly placed for adoption, and if you are the primary carer/main adopter for the child. The secondary adopter may be entitled to Paternity leave and pay (see Paternity Leave Policy).

To be eligible for **Occupational Adoption Pay (OAP)**, you will need to have more than 12 months' continuous service with the NHS when matched with a child/children for adoption.

For employees who are becoming parents through a surrogacy arrangement to be eligible for **Statutory Adoption Pay (SAP)** you must have continuously worked for the Trust for at least 26 weeks by the 15th week before the baby's due date.

In the case of adoption, for **Statutory Adoption Pay (SAP)** you must have the qualifying service requirement of 26 weeks' continuous employment with UHL NHS Trust by the week you are matched with a child (for overseas adoptions this will be by the date of the "official notification"). Your average weekly earnings also need to be above the lower earnings limit for National Insurance purposes.

Amount of time off you will be entitled to:

Statutory Adoption Leave is 52 weeks and is made up of 26 weeks Ordinary Adoption Leave and 26 Weeks Additional Adoption Leave.

Shared Parental Leave (SPL) entitlements:

SPL can only be used by two people:

- The primary carer **and**
- One of the following:
 - the spouse, civil partner or partner of the primary adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Both parents must meet the following criteria:

- They must have been continuously employed for at least 26 weeks by the end of the 15th week before the expected week of childbirth/matching.
- They must remain continuously employed until the week before any period of shared parental leave commences.

Please refer to the UHL NHS Trust Shared Parental Leave policy (B4/2015) for qualifying rules. Shared Parental Leave Pay (SPLP) is paid for a period of up to 37 weeks but ceases on return to work if you return sooner than 37 weeks.

Applying for adoption leave and pay:

You must ensure that your Notice of Intention to Take Adoption Leave Form (Form AL1 – appendix 2) is completed, signed by your manager and returned to the Recruitment Services Team at least 8 weeks before commencing Adoption Leave, and within 7 days of being notified that you have been matched with a child/ children for adoption. You must also provide your matching certificate from your adoption agency as evidence.

In the case of surrogacy arrangements you must notify your manager at least 15 weeks before the expected week of birth and must provide a copy of the MATB1 form provided to the surrogate mother when submitting the AL1 form. Without this, the Trust cannot pay your adoption pay.

Commencing adoption leave:

For children adopted from Great Britain you can start your Adoption leave:

- 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.

For children adopted from Overseas you can start your adoption leave:

- On the date that the child/ children enter Great Britain (If you are at work on this day, adoption leave can begin the next day).
- A pre-determined date, specified in writing that is no later than 28 days after the date on which the child / children enter Great Britain.

Only one period of leave is available, irrespective of whether more than one child is placed for adoption (as part of the same adoption arrangement). Adoption leave can start on any day of the week and employees should discuss the commencement of their adoption leave with their manager prior to completing the application to take adoption leave.

Commencing leave for surrogate parents:

You can chose to start your Adoption Leave:

- The day the child is born
- Or;
- The day after the child is born.

Only one period of leave is available irrespective of whether more than one child is placed for adoption (as part of the same surrogacy arrangement). Adoption leave can start on any day of the week and employees should discuss the commencement of their adoption leave with their manager prior to completing the application to take adoption leave.

Fixed term contracts and entitlements to adoption leave/pay:

If your contract is due to expire before the qualifying week, your contract will end at the fixed date.

If your contract is due to expire after the qualifying week but before the end of the 39 week period, then your contract should be extended to allow the 39 weeks adoption leave period (with or without pay).

Therefore, all employees are entitled to 39 weeks adoption leave (with or without pay) if their contract date expires after the matching date.

If you have at least 1 year's continuous service with the NHS at the qualifying week and your contract runs beyond the 39 weeks period of adoption leave, you will receive 39 weeks paid adoption leave (including SAP). You must return to work and complete your contract or you will have to repay any adoption pay received, which you are not entitled to.

If you are on a planned rotation of appointment with one or more NHS employers as part of an agreed programme of training, you have the right to return to work in the same post or in the next planned post irrespective of whether the contract would otherwise have ended if adoption had not occurred. In such circumstances your contract will be extended to enable you to complete the agreed programme of training

SECTION TWO - FINANCIAL ASPECTS

Payments during adoption leave:

Entitlement, calculated on average earnings, varies depending on length of service. For further details relating to SAP refer to the following website <https://www.gov.uk/employers-adoption-pay-leave/entitlement>

Calculation of average earnings:

The week in which you are notified you are matched with a child for adoption is called the qualifying week. Your average earnings are calculated using an 8 week pay period prior to the qualifying week. If you need more precise information about which pay periods are covered, or you use the *Salary Maxing Scheme* (e.g. childcare vouchers) you should contact *UHL Payroll Services*.

All earnings including allowances, overtime etc will be taken into account when calculating average earnings.

Pay Awards/Increases:

Any pay award occurring during the period of adoption pay calculation will increase your Trust adoption payments. In the event of late confirmation of a pay award, your adoption pay would be recalculated and any arrears due would be repaid.

Increments are recalculated during the paid period of adoption pay.

Childcare Vouchers:

If you are an existing user of the 'UHL's Childcare Voucher Scheme' before your adoption leave you can continue to receive your vouchers during your adoption leave.

You can choose to 'opt out' of the scheme during your adoption leave, but you must ensure you give the relevant notice.

If you are not a scheme user before commencing adoption leave you will have to wait until your return to work following adoption leave to join the scheme and can join anytime following your return to work, but there will be a time delay before you receive your first vouchers.

Participating in this scheme can have the effect the calculated level of SAP (and OAP). You can therefore choose to opt-out of the scheme during the calculation reference period but remember you will need to give the necessary notice.

Pension:

Whilst on paid adoption leave you will continue to pay contributions to your pension (pro rata when on half pay).

If you take a period of unpaid adoption leave superannuation contributions will become payable on your return to work. Payment will be deducted in a number of instalments equivalent to the number of weeks/months of unpaid leave, unless you have decided to opt out of the superannuation scheme for the period of unpaid leave and rejoin on your return to work.

For more information regarding the NHS Superannuation Scheme, please contact 'UHL Payroll Assistance' by dialling #6777 from a traditional internal extension or 0330 1235760 if calling externally.

SECTION THREE – RETURN TO WORK**Right to return to work following adoption leave:**

No matter how much service you have, you have a right to return to work on the basis of your existing contract with the same grade and status.

Although there is no right to return to fewer hours, there is a legal right to request a variation to working hours and/or flexible working, and your manager will give as much consideration as possible to a reasonable request to vary your hours. If this request is turned down your manager should provide you with written objective reasons for the refusal.

Your line manager needs to inform the Recruitment Services Team if any changes to working hours are agreed by completing a HR2 form.

Your line manager must inform the Recruitment Services Team in writing of your return to work date. This should be the date from which you are being returned to pay (i.e. your first physical day back at work, or the date from which you are taking annual leave directly after adoption leave). Failure to do so could result in you not being paid, or being paid incorrectly.

You must return and work for a minimum of 3 months. If you work for less than 3 months you will be treated as not having returned to work and will be required to pay back any occupational adoption pay to which you are not entitled.

You are entitled to a total of 52 weeks adoption leave. You can however return earlier by giving eight weeks (56 days) notice.

Failure to return to work at the end of adoption leave:

You will have to repay anything you would not have been entitled to if you had initially declared that you were returning after adoption leave. If you are in any doubt about whether you will return, you can request, when applying for adoption leave, to have some of your adoption pay withheld and only receive what you would receive if leaving. If you do return you receive the balance and if you do not return you do not owe anything to the Trust.

or;

You may want to return to work in another hospital or NHS Trust. If you do this and find a job and commence within one year of starting your adoption leave, you will not have to pay anything back. In these circumstances you have up to 15 months from the start of your adoption leave, to provide proof of appointment (this can be a letter of appointment or a copy of your contract).

Re-Induction:

On your return to work your manager will devise a re-entry programme to facilitate your return to work following adoption leave.

Your re-entry programme will be tailor-made to suit your individual circumstances and should as a minimum include a re-induction to the work environment.

Returning to Work on the Bank rather than a Substantive Post:

It is not permitted for you to return from Adoption Leave to a bank post for 3 months instead of your substantive post, as bank work is not employment and the Trust does not recognise it as such.

SECTION FOUR – OTHER INFORMATION**General Principles:**

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If the child's placement ends during the adoption leave period, you can continue adoption leave for up to eight weeks after the end of the placement.

If you are not the one with primary care responsibility, you will not be entitled to adoption leave and pay however you may be entitled to paternity leave (see Paternity Leave Policy).

Time off to attend adoption appointments for adoptive parents:

A member of staff who has been identified as the main adopter (primary carer) and has been informed that a child will or is expected to be placed for adoption with them, regardless of their length of service, will be entitled to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two adoption appointments.

Appointments may include having contact with the child prior to adoption, parenting classes with a registered medical practitioner, midwife or health visitor or any other adoption related appointment.

Members of staff should give their manager as much notice as possible of such appointments and should be able to produce evidence of the appointments when requested.

Time off to attend antenatal appointments for surrogate parents:

In the case of surrogacy both intended parents are entitled to unpaid time off to attend up to two antenatal appointments with the woman carrying the child.

Members of staff should give their manager as much notice as possible of such appointments and should be able to produce evidence of the appointments when requested.

Annual Leave:

You will continue to accrue annual leave (not bank holidays) throughout your adoption leave (paid and unpaid). With effect from 1 April 2016 this will include bank holidays.

Where the accrued annual leave would exceed normal carry over provisions (one working week), the person on adoption leave may wish to take annual leave before and / or after the formal (paid and unpaid) adoption leave period. This should be agreed between the manager and their member of staff (Non-Medical Annual Leave Policy Section 5.9.2).

Staff on 'Term-time'/'Annualised Hours' contracts, however, do not accrue annual leave whilst on adoption leave this is because annual leave is calculated as part of your contracted weekly hours and is included within your adoption pay.

Re-qualification for Adoption Leave:

There is no minimum period of service required to 're-qualify' for further adoption leave following return to work because adoption leave does not constitute a break in service. However, any changes to your contract on your return to work e.g. a reduction of hours, may affect the amount of pay and/or leave to which you would be entitled. There may be an effect on your SAP entitlement as this is dependant on your National Insurance contributions.

Working whilst on Adoption Leave:

You can work up to 10 days during your adoption leave. They are known as "Keeping In Touch (KIT) days". They are not limited to your usual job – they can be used for training or other events. The Trust cannot demand that you come into work at any time during your adoption leave nor can you be penalised for refusing to take up a KIT day.

You can work on the bank, but only during periods of unpaid Adoption Leave.

Car Parking Permits

If you are prepared to carry on paying for your car parking pass at the appropriate rate for the duration of the time you are on adoption leave, (even if your benefits have expired), you can keep the pass. You will be invoiced at your home address if necessary at the appropriate rate.

If you are not prepared to carry on paying and you have acquired the pass on the points system, your pass will be issued to another member of staff. On your return from adoption leave you will be given a car parking pass for one of the car park areas (this could be on or off site) depending on the circumstances. If you turn down the location offered you will be required to make a new application and await a permit in the normal way (joining the waiting list if necessary).

If you are not prepared to carry on paying and have acquired the pass by means of special circumstances, or by any other method than the points system, your pass will be issued to another member of staff. On your return from adoption leave you may be required to fill in a new application form, depending on all the circumstances and await a permit in the normal way

(joining the waiting list if necessary).

Please be aware that your car parking permit must be surrendered/returned in order for the payments to discontinue.

Options Available for Childcare

Childminders

Registered Child-minders are permitted to care for 6 children under 8 years of age, no more than 3 children under the age of 5 and out of the 3 no more than 1 child under the age of 1.

It is illegal for an un-registered person to be paid to look after a child, (other than a close relation), in their own home for more than 2 hours. In order to be registered, a childminder's house must meet with certain safety standards. Childminders medical history is checked, as are police records on every member of the minder's house over the age of 16.

The National Childminder's Association recommends that a contract be agreed and signed between the parent and the minder. This contract sets out the terms of the agreement e.g. fees, holidays, retainers, dietary requirements, etc.

Leicester Childcare Information Service and the Leicestershire Children's Information Service can give information on the following:

Child minders	Nannies/Au Pairs
Playgroups	Parent and Toddler Groups
Day Nurseries	Toy Libraries
Out of School Clubs	Working Families Tax Credit
Holiday Play Schemes	Special Educational Needs
Crèches	

Childcare website: www.childcarelink.gov.uk
<http://families.leicester.gov.uk/childcare/>

Day Nurseries

Day Nurseries must be registered by OFSTED who provide detailed reports of all registered nurseries and childminders. These are available on the OFSTED website: www.ofsted.gov.uk

Private Nurseries

Costs will vary depending on the services offered and the standard of premises. It is advisable to contact the nurseries in your area early as they may have waiting lists.

Nannies

A nanny is usually formally trained and many hold the NNEB qualification or equivalent. Finding a nanny is not easy but most people advertise in 'The Lady', 'Nursery World' or the local paper. You may also consider using a nanny agency, details of which can be found in the Yellow Pages.

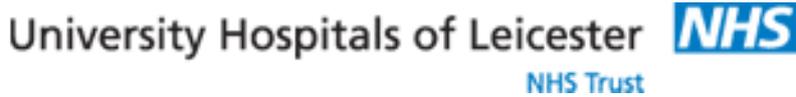
Useful Telephone Numbers

Child Support Agency	0845 7133133
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<i>For information on nannies</i>	
<p>Leicester Social Services 1 Greyfriars Leicester, LE1 5PH (0116) 2531191</p> <p>Leicestershire Social Services 27 Upper Bond Street Hinckley Leics, LE10 1RH (01455) 636964</p> <p>Leicestershire Social Services Penine House 2 Lemyngton Street Loughborough Leics, LE11 1UH (01509) 266641</p> <p>Leicestershire Social Services Bassett Street South Wigston Leicester, LE18 4PE (0116) 2787111</p>	
<i>Ask to speak to the Childminder and Playgroup Adviser for details on Childminders in your area</i>	
<p>OFSTED Compliance & Investigation & Enforcement Team 3rd Floor, Royal Exchange Buildings St Anne's Square Manchester, M2 7LA</p>	08456 404040
<i>For information on childcare in your area. They will provide a full list of all registered Day Nurseries.</i>	
<p>National Childbirth Trust www.nctpregnancyandbabycare.co.uk Leicester 0844 2436185 Loughborough 0844 2436193</p>	0870 4448707 National Enquiry Line

STATUTORY ADOPTION PAY (SAP) QUALIFICATIONS

- a) Statutory Adoption Pay (SAP) is a weekly payment made to an adoptive parent who is on adoption leave for up to a total of 39 weeks.
- b) You must provide evidence of the child's expected date of placement. This will be a Matching Certificate or Official Notification. No payment will be made until this is received.
- c) In cases of surrogacy you must notify the Trust at least 15 weeks before the expected week of birth and submit a copy of the MATB1 form issued to the surrogate mother prior to the birth of the baby when submitting Form AL1 (appendix 2). Following the birth of the baby you must submit a copy of the Parental Order within 6 months of the baby's birth. Failure to do so may result in any payments made to you being reclaimed by the Trust.
- d) Your average earnings must meet the lower earnings level for National Insurance purposes.
- e) You must not work for any other employer during the 39 week SAP pay period.
- f) You are allowed to work a maximum of 10 Keeping-in-Touch days during your SAP period without loss of SAP.



NOTICE OF INTENTION TO TAKE ADOPTION LEAVE

This form needs to be completed by any employees proposing to take adoption leave and submitted together with documentary evidence from your adoption agency (e.g. matching certificate) to the Recruitment Services Team at least 8 weeks in advance of commencing adoption leave (unless this is not reasonably practicable) to enable assessment of their eligibility for Occupational and/or Statutory Adoption Pay.

Employees should read the Trust’s Adoption Leave Policy and Procedure & Employee Handbook before completing this form.

Surname:	Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Mr <input type="checkbox"/> Dr <input type="checkbox"/>
Forenames:	Assignment No.:
CMG / Directorate:	Department/Ward:
Extn. No.:	Base: LGH <input type="checkbox"/> LRI <input type="checkbox"/> GH <input type="checkbox"/>
Line Manager:	Line Manager’s Extn:

Home Address:

.....

.....

Post Code: **Tel No:**

Date Notified of Matching for Adoption:/...../20.....	Expected Date of Placement:/...../20.....
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For Overseas Adoption, Date On Which the Child Will Be Entering the UK:/...../20.....	Date Commencing Adoption Leave:/...../20.....
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For Surrogate Parents, Expected Date of Birth of baby:	Date Commencing Adoption Leave:/...../20.....
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...../...../20.....

Start Date for Continuous NHS Service:/...../20..... (NB A period of 3 months or more outside of NHS employment constitutes a break in continuous service, subject to certain exclusions)	Fixed Term Contract: Yes <input type="checkbox"/> No <input type="checkbox"/> If 'Yes', Fixed Term Contract Expiry Date:/...../20.....
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You should read the Trust's Adoption Leave Policy and Procedure & Employee Handbook before completing the section below.

Please select one of the following four options:

If I am entitled to receive Occupational Adoption Pay:

1) I agree to return to work in substantive employment with the University Hospitals of Leicester NHS Trust (or another NHS organisation) within 12 months of commencing adoption leave and for a minimum period of three months following the end of my adoption leave. I understand that if I fail to return to employment as outlined above that I will be liable to repay occupational adoption pay less any amount to which I would have been entitled had I opted to not return in the first place
Yes or

2) I will not be returning to work and therefore wish to receive occupational adoption pay as provided for in Section 15.56 of Agenda for Change
Yes or

3) I have not decided whether or not I will be returning to work, but wish to be paid any occupational adoption pay on the understanding that if I fail to return to employment as outlined in 1) above then I will also be liable to repay occupational adoption pay
Yes or

4) I have not decided whether or not I will be returning to work and would like the Trust to retain any occupational adoption pay other than that I would receive if I was not going to return, on the understanding that if I should subsequently return then this will be repaid to me
Yes

I confirm that my wife/husband/partner is not also claiming Occupational Adoption Pay (or similar) or Statutory Adoption Pay from UHL or another employer/organisation and, whether or not I am entitled to Occupational Adoption Pay, I understand that I must inform the Trust in writing if I work for another employer or if I am taken into legal custody during my adoption leave.

Signed: **Date:**...../...../20.....

To be completed by manager/senior officer

Signed: **Date:**...../...../20.....

Please return the completed form to the Recruitment Services Team, Level 0, Jarvis Building, LRI.

Please note that this form will not be processed without a copy of the 'matching certificate' or MATB1 also being supplied.