



## ADOPTION LEAVE POLICY

### **Statutory Adoption Leave**

Statutory Adoption Leave is 52 weeks made up of:

26 weeks of Ordinary Adoption Leave

26 weeks of Additional Adoption Leave

Only 1 person in a couple can take adoption leave. The other partner may qualify for paternity leave instead.

### **Start date**

For UK adoptions leave can start up to 14 days before the date of placement (date the child starts living with a member of staff)

For overseas adoptions leave can start when the child arrives in the UK or within 28 days of this date

### **Changing dates**

Staff must notify the General Manager in writing within 28 days if the date of placement (or UK arrival date for overseas adoptions) changes.

Staff must provide at least 8 weeks' written notice of any intent to change the planned return to work date.

### **Pay**

The weekly amount of Statutory Adoption Pay is £151.20 or 90% of average weekly earnings before tax (whichever is lower).

Statutory Adoption Pay is payable for 39 weeks.

Payment is made in the same way as wages (ie monthly). Tax and National Insurance will be deducted.

### **Start date**

Statutory Adoption Pay starts when you take your adoption leave.

### **Eligibility**

The rules are slightly different if adopting from overseas.

### **Statutory Adoption Leave**

To qualify for Statutory Adoption Leave, you must:

- be an employee
- have worked for YCL continuously for at least 26 weeks by the week you were matched with a child
- give the correct notice
- provide proof of the adoption



### **Statutory Adoption Pay**

To get Statutory Adoption Pay you must:

- have worked for your employer continuously for at least 26 weeks by the week you were matched with a child
- earn on average at least £109 a week (before tax)
- give the correct notice
- give proof of the adoption

### **Exceptions**

Staff will not qualify for Statutory Adoption Leave or Pay if:

- arranging a private adoption
- becoming a special guardian or kinship carer
- adopting a stepchild
- having a child through surrogacy
- adopting a family member or stepchild

### **For staff who are not eligible:**

YCL will give you form SAP1 explaining why you cannot get Statutory Adoption Pay. Support may be available from your local council.

### **Overseas adoptions**

The conditions are the same except for both leave and pay staff must:

- have worked continuously for YCL for at least 26 weeks by the time the 'official notification' is received
- sign form SC6 if adopting a child with a partner

The official notification is permission from a UK authority that you can adopt from abroad. Form SC6 confirms you're not taking paternity leave or pay.

### **Employment rights when on leave**

Employment rights are protected while on Statutory Adoption Leave. This includes the right to:

- pay rises
- accrue holiday
- return to work

### **HOW TO CLAIM**

(The rules are slightly different if adopting from overseas).

### **Statutory Adoption Leave**

Within 7 days of being matched with a child staff must tell the General Manager:

- how much leave is being requested



- the intended leave start date
- the 'date of placement' - the date the child is placed with you

This must be provided in writing and be accompanied by proof of the adoption.

YCL must confirm within 28 days your leave start and end dates.

### **Statutory Adoption Pay (SAP)**

Staff must provide at least 28 days written notice stating that they wish to stop work to adopt a child.

YCL will confirm within 28 days how much SAP staff will get and when it will start and stop.

If staff are not eligible, YCL will provide the adopted with form SAP1 within 7 days of making the decision and explain why.

### **Proof of adoption**

Staff must provide proof of adoption to qualify for Statutory Adoption Pay and for Statutory Adoption Leave.

The proof must show :

- The name and address and that of the agency
- the match date - eg the matching certificate
- the date of placement - eg a letter from the agency
- the relevant UK authority's 'official notification' confirming you're allowed to adopt (overseas adoptions only)
- the date the child arrived in the UK - eg plane ticket (overseas adoptions only)

### **Overseas adoptions**

Staff must tell managers:

- the date of 'official notification'
- the estimated date the child arrives in the UK - within 28 days of getting the notification
- the actual date the child arrives in the UK - within 28 days of this date
- how much leave is intended and the planned start date – giving 28 days notice

Further guidance is available though [www.direct.gov.uk](http://www.direct.gov.uk)

YCL have agreed to offer employees the right to paid time off work to attend a maximum of 5 pre-adoption sessions at the discretion of the Nursery Manager.