



Keele University

Adoption Leave and Pay Procedures and Guidelines for Staff (2007)

Human Resources Department

Lead Director: Director of Human Resources, Organisational Development and Student Support
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ADOPTION LEAVE AND PAY PROCEDURES AND GUIDELINES FOR STAFF (2007)

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1 Introduction

These Procedures and Guidelines supports the University's Adoption Leave and Pay Policy agreed by Council on 6th December 2007 which can be obtained from the Human Resources Department or via the University Website. The Policy was agreed following consultation with the University's recognised Trades Unions, UCU, UNISON, and Unite and incorporates the relevant statutory provisions. For the avoidance of doubt, this document does not form part of your contract of employment.

These Procedures and Guidelines will be reviewed and updated from time to time in order to ensure that they reflect best practice and any legislative changes. The most up to date version of this document can be obtained by contacting the Human Resources Department or via the University Website.

To be eligible for adoption leave and pay under the statutory provisions and/or under the University Occupational Adoption Scheme, you are required to follow the Adoption Leave and Pay Procedures and observe the Guidelines.

The legislation governing adoption provisions is complex and is constantly evolving through case law decisions. You are advised to contact a member of your Link Human Resources Team if you are considering adoption. A confidential meeting will be offered in which you will be guided through your entitlements and the procedures you should follow.

As the statutory provisions, in particular, are fairly complex, you are advised to contact a member of your Link Human Resources Team as soon as you are considering adoption.

2 Notification

To exercise the right to adoption leave you are required to do the following:

Adoption within the UK

- (i) inform the University, in writing, of your intention to take adoption leave within seven days of having been notified that you (and/or your partner) have been matched with a child for adoption;
- (ii) provide documentary evidence in the form of a certificate provided by the adoption agency.

Adoption from Overseas

- (i) inform the University, in writing, of your intention to take adoption leave within 28 days of receiving an official notification from the relevant domestic authority;
- (ii) notify the University of the date on which the official notification was received and give the University a copy of the notification;

- (iii) inform the University of the date on which the child is expected to enter Britain;
- (iv) once the child enters Britain, you must provide the University with evidence (e.g. a plane ticket receipt) confirming the child's arrival.

You should complete and submit Notification of Adoption Leave Form (ALF1) to the Human Resources Department. The ALF1 should be accompanied by your Matching Certificate from the adoption agency (or Notification documentation from the relevant Domestic Authority for adoptions from overseas).

The University will write to you within 28 days of receipt of the ALF1 to confirm your adoption leave plans and to inform you of the date your adoption leave ends. You will be expected to return to work on your next normal working day after the end of your adoption leave, although if you have agreed with your line manager that you will take some annual leave immediately following your adoption leave, you will not attend work until after the annual leave.

After placement of the child has taken place, the member of staff should inform, as soon as reasonably practicable, the Human Resources Department, in writing, of the date the actual placement of the child took place.

2.1 Starting Adoption Leave

Adoption from within the UK

You can choose to start your adoption leave from the date of the child's placement (whether it is earlier or later than expected), or from a fixed date which can be up to 14 days before the expected date of placement.

Adoption from Overseas

You can choose to commence adoption leave from the day the child enters the United Kingdom or within the 28 days following their arrival.

2.2 Changing the Date on which you wish to start your adoption leave

You can change your mind about the date on which you want to start your adoption leave providing you give at least 28 days notice (unless this is not reasonably practicable). You must give at least 28 days notice of the date you expect any payments of Statutory Adoption Pay to start, unless this is not reasonably practicable. Requests for a change in the start date of Adoption Leave should be made, in writing, to the Human Resources Department.

If a placement is delayed and you have already begun Adoption Leave you cannot stop the leave and commence it again at a later date.

3 Statutory Entitlements: Adoption Leave & Pay

3.1 52 Weeks Adoption Leave

Providing you have been continuously employed for at least 26 weeks by the end of the week in which you (or your spouse or partner) were formally notified by an approved adoption agency of being matched with a child for adoption (this is known as the "relevant week") you are entitled to take up to one year's (52 weeks) adoption leave. Adoption leave is not available in circumstances where a child is not newly matched for adoption (e.g. when a ~~step-parent is adopting a spouse's or partner's children or where a foster parent adopts a~~

child they have previously fostered), or for a private adoption.

Adoption leave is a single continuous period and is made up of:

26 weeks' **Ordinary Adoption Leave (OAL)**

and

26 weeks' **Additional Adoption Leave (AAL)**

Additional Adoption Leave follows Ordinary Adoption Leave and there must be no gap between the two.

Unless you give notice to return to work before the end of your full entitlement of 52 weeks' adoption leave, the University must assume that you will take that full entitlement. However, you can choose to return earlier by giving the University Human Resources Department at least eight weeks written notice of the date you wish to return.

3.1.1 Ordinary Adoption Leave (OAL) - 26 weeks

Ordinary Adoption Leave lasts for 26 weeks and may begin on the date the child is placed with you for adoption or a pre-determined date no more than 14 days before the date on which the child is expected to be placed for adoption (and no later than the expected date of placement).

The contract of employment continues throughout the 26 weeks of Ordinary Adoption Leave, unless either you or the University expressly ends it, or it expires.

During Ordinary Adoption Leave you have a statutory right to continue to benefit from the terms and conditions of employment which would have applied to you had you been at work instead of on adoption leave, except for the terms providing for your wages or salary, although you may be entitled to receive adoption pay. You are entitled to benefit from any general improvements to the rate of pay, or other terms and conditions, which may have been introduced for your grade while you were away, as if you hadn't been away. You will accrue annual leave during OAL (further guidance regarding annual leave can be found in Section 8).

During your Ordinary Adoption Leave period you continue to be employed. This means that this period counts towards your period of continuous employment for the purposes of entitlement to other statutory employment rights (for example, the right to a redundancy payment). It also counts for assessing seniority, pension rights, and other personal length-of-service payments, such as pay increments under your contract of employment.

If you give notice to return to work immediately after the end of your OAL, you have the right to return to the same job on the same terms and conditions of employment as if you had not been absent, unless a redundancy situation has arisen, in which case you are entitled to be offered a suitable alternative vacancy.

3.1.2 Additional Adoption Leave (AAL)

Additional Adoption Leave lasts for 26 weeks and, if taken, must follow immediately after Ordinary Adoption Leave. There cannot be a gap between the two types of adoption leave.

The contract of employment continues throughout the Additional Adoption Leave, unless either you or the University expressly ends it, or it expires.

During your Additional Adoption Leave period you continue to be employed. This means that this period counts towards your period of continuous employment for the purposes of

entitlement to other statutory employment rights. However, unlike Ordinary Adoption Leave, the Additional Adoption Leave period is not required to be counted for the purpose of assessing benefits based on your length of service. In these circumstances the period of employment before the start of Additional Adoption Leave will be 'joined up' with the period of employment on your return to work as if they were continuous. You will not normally accrue annual leave during Additional Adoption Leave, although there are special provisions relating to statutory annual leave and further guidance can be found in Section 8.

If you return to work after some or all of your Additional Adoption Leave, you will normally be entitled to return to the same job on the same terms and conditions as if you had not been absent, unless a redundancy situation has arisen. However, if there is a reason, other than redundancy, which means that it is not reasonably practicable for the University to take you back to the same job, you will be offered suitable alternative work on terms and conditions which are no less favourable than your original job.

3.2 Statutory Adoption Pay (SAP)

If you meet qualifying conditions based on your length of service and average earnings and give the correct notice, you are entitled to receive up to 39 weeks' Statutory Adoption Pay (SAP). SAP is a State Benefit paid via the University payroll on your normal pay dates.

In order to qualify for SAP you must:

- a. have been continuously employed by the University for at least 26 weeks by the end of the week in which you (or your spouse or partner) were formally notified by an approved adoption agency of being matched with a child for adoption (this is known as the "relevant week").
- b. have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance Contributions, normally calculated for a period of eight weeks ending with the "relevant week";
- c. have provided evidence, in the form of a Matching Certificate from the adoption agency (or Notification documentation from the relevant Domestic Authority for adoptions from overseas), of the adoption within 7 days (if from UK) or 28 days (if from overseas) of receiving formal notification or as soon as is reasonably practicable (if that is later);
- d. have stopped working due to the forthcoming adoption.

If you are entitled to both SAP and Occupational Adoption Pay, SAP up to its full amount is included within your Occupational Adoption Pay. SAP is payable whether or not you intend to return to work for the University, so once entitlement to SAP is established it will be paid even if you leave employment before SAP starts or during the Adoption Pay Period.

3.2.1 SAP Rates

Providing that all conditions stated above have been satisfied, you will be entitled to receive 39 weeks' SAP, made up of the following:

STATUTORY ADOPTION PAY (SAP)	
Weeks 1-39	<i>The lesser of either the SAP Flat Rate (of £112.75 per week from 1st April 2007) or 90% of your average weekly earnings. The flat rate is subject to review every April.</i>

<i>Weeks 40-52</i>	<i>No pay</i>
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3.2.2 Events that disentitle you to SAP

There are a number of situations which may occur during the Adoption Pay Period which may disentitle you to receive SAP. The University will need to be informed as soon as possible of the following:

- a. you commencing employment with another employer after the Relevant Week;
- b. you are placed in legal custody or sentenced to imprisonment;
- c. your death.

3.2.3 Working For More than One Employer

If you work for more than one employer, you should contact the Human Resources Department so that you can be fully informed as to any possible effects on your eligibility for SAP. You may be eligible for SAP from both employers. In particular you have a legal duty to inform the University Human Resources Department if you commence work for a new employer after the Relevant Week, as this disentitles you to SAP.

4 Keele University Occupational Adoption Scheme

Keele University's Occupational Adoption Scheme incorporates all relevant legislation and statutory entitlement with regard to adoption leave and pay. Details of statutory entitlements to adoption leave and pay are addressed within Section 3. Where adoption leave is given with normal pay this includes any relevant Statutory Adoption Pay.

4.1 Criteria For Eligibility

The criteria for entitlement to the benefits of the Occupational Adoption Scheme are as follows:

- a. you have at least 52 weeks' continuous service with this University at the week in which notification of the match is given;
- b. you follow the notification requirements detailed in Section 2.
- c. you provide a written undertaking on the ALF1 to return to work for the University for a minimum period of three months following the end of your adoption leave (which is defined as actual attendance at work, i.e. discounts other forms of absence such as annual leave, parental leave and sick leave). This period is extended pro rata where staff return to work on a reduced hours basis. If you are employed on a fixed-term contract and should the expiry of the contract prevent you from returning to work for three months, you will not be expected to return for this period, unless you have been offered another contract (please refer to Section 4.4 and Annex A for further details).

If you meet the eligibility requirements for the University Occupational Adoption Scheme but are not sure that you can give the undertaking to return to work for three months, you are advised to apply for the statutory provisions only. Should you then decide to return to work

for the required period, the University will pay you the adoption pay you would have received under the University Occupational Adoption Scheme (i.e. the difference between and adoption pay you received under the statutory scheme and your entitlement under the University Occupational Adoption Scheme).

4.2 University Occupational Adoption Pay – 12 Weeks Normal Pay

Provided you have notified the University of your intention to take adoption leave in accordance with the statutory provisions (refer to Section 3), and provided you meet the eligibility criteria stipulated above, you will receive your normal pay for the first 12 weeks of your adoption leave period. Your Occupational Adoption Pay incorporates any entitlement you may have to SAP. If you are eligible for SAP, you will receive the Standard rate of SAP only for weeks 19-39.

OCCUPATIONAL ADOPTION PAY (OMP)	
<i>Weeks 1-12</i>	<i>Normal Pay</i>
<i>Weeks 13-39</i>	<i>Statutory Adoption Pay (if entitled)</i>

If you are not eligible for Statutory Adoption Pay you will be given an SAP1 Form by the University, to explain why the University is unable to pay Statutory Adoption Pay. You should contact your adoption agency for advice regarding eligibility for other benefits. If you are eligible for other benefits, you should send the University a copy of the notification so that the University can calculate the amount of Occupational Adoption Pay payable. This will be the difference between the amount of the benefit received and your normal pay for your 12-week entitlement to pay under the University Occupational Adoption scheme. If you are ineligible for other benefits, once notification of this is received, the University will ensure that you receive 12 weeks normal pay from the University. No Occupational Adoption Pay will be paid until the University has received this notification.

Normal pay is defined as the salary/wage that would have been received had you not been absent on adoption leave. It includes non-superannuable allowances but excludes pay in relation to voluntary overtime. University Occupational Adoption pay includes any entitlement to Statutory Adoption Pay (SAP). If SAP is greater than Occupational Adoption Pay, you will receive SAP.

4.3 Other Benefits

In addition to enhanced adoption pay, the other benefits of the University Occupational Scheme are:

- a. Accrual of annual leave throughout the adoption leave period. Please note that this does not include accrual of bank holidays or discretionary days that fall during adoption leave. Further information regarding annual leave can be found in Section 8.
- b. You will make normal pension contributions, (i.e. the same percentage) based on the pay you receive during his or her adoption leave. The University will undertake to pay both employer and employee pension contributions, if you are member of a pension scheme operated by the University, (excluding Additional Voluntary Contributions – AVCs) in respect of the difference between any adoption pay received and your normal pay for the entire adoption leave period (including any periods of unpaid adoption leave). Further information regarding pensions can be found in Section 9.

4.4 Requirement to Return to Work for Three Months

The University Occupational Adoption Scheme requires you to return to work following adoption leave for at least three months. This period is extended, proportionately, if you return to work on a reduced hours basis.

If you do not return to work for the required period, having received the benefits of the University Occupational Adoption Scheme, then the University has the right to reclaim the amount by which the University Occupational Adoption Pay & benefits you received exceeded the Statutory Adoption Pay & benefits you were entitled to receive. If you were not entitled to receive SAP, you will have to repay the full amount received under the University Occupational Adoption Scheme. This requirement applies regardless of the reason for you leaving University employment, and therefore includes dismissal. However, if you are employed on a fixed-term or temporary contract, the requirement for you to return for this period does not apply where the contract expires during adoption leave and the University does not offer you a further contract. Similarly, if your fixed-term or temporary contract expires within the required period, you would only have to return for the remainder of the contract to benefit from the Occupational Scheme, unless you were offered a further contract. Members of staff employed on fixed-term or temporary contracts should refer to Annex A for a detailed explanation of this requirement.

You should note that the minimum three-month period of service on return from adoption leave is calculated on the basis of actual attendance at work. If other types of leave are taken during this period (e.g. annual leave, sick leave, parental leave, etc), the minimum period of return will be extended by an equivalent amount. The Human Resources Department will assist in determining the required minimum period of service.

5 Keeping in Touch

5.1 Keeping In Touch Days (KIT Days)

At its discretion, the University may offer you the opportunity to work up to ten days during your period of adoption leave. These are known as 'Keeping In Touch days'. These may either be taken as separate days or as a single block. If you are offered this work you will not be under any obligation to accept it and you will not lose entitlement to either Statutory Adoption Pay or Occupational Adoption Pay if you decide to work. Working a Keeping In Touch day will not bring your adoption leave to an end.

Any Keeping In Touch days worked do not extend the period of adoption leave. Once the 10 Keeping In Touch days have been used up, you would lose a week's Statutory Adoption Pay for any week in which you agree to work for the University.

Whilst ordinarily payment will be made for working a Keeping In Touch day, you may prefer to bank the equivalent time off in lieu and, if this is your preference, you should discuss this with your manager. If your manager agrees to your request, the lieu time will be taken following your return from adoption leave at a time to be agreed with your manager. Where payment is made for working the Keeping in Touch day, if you are in receipt of adoption pay (Statutory Adoption Pay or Occupational Adoption Pay), the University can offset the adoption pay against pay due for the time worked. If you are in receipt of any other benefits you must send a copy of the notification of your benefits to the University so that your entitlement to pay for a Keeping In Touch day can be calculated.

Working for part of a day during adoption leave will count as a whole day's Keeping In Touch day allowance, although payment will only be made, or time off in lieu credited, for the actual number of hours you work.

When you complete your ALF1, you may express an interest in being offered the opportunity to work Keeping In Touch days should the University decide to offer them. This expression of interest does not oblige you to agree to work and it also does not oblige the University to offer you work during your adoption leave.

5.2 Reasonable Contact

The University may make reasonable contact with you during your adoption leave. This may, for example, be to discuss your plans for return to work, any special arrangements to be made, or training to be given to ease your return to work, or to update you on developments at work during your absence. If you have any concerns regarding contact, you are advised to consult the Human Resources Department at the earliest opportunity.

6 Returning to Work after Adoption Leave

6.1 Returning to Work At the End of Your Full Adoption Leave Entitlement

The legislation states that the University must assume that you will take your full entitlement to adoption leave. So if you wish to return at the end of your full entitlement to 52 weeks adoption leave you need not give any further notification, but should report for work on the first working day after the end of your adoption leave. If your adoption leave is followed by a period of annual leave that you have agreed with your manager, you will return from adoption leave but will be deemed to be absent on annual leave.

6.2 Returning To Work Early

If you wish to return to work before the end of your full entitlement to 52 weeks adoption leave entitlement, you are required to give at least eight weeks (i.e. 56 days) written notice to the Human Resources Department of an earlier return date. You may use the ALF2 for this purpose, unless you have already given written notice on ALF1 (this is an optional section in ALF1). If you attempt to return to work without giving proper notice, then the University may postpone your return to a date that secures eight weeks notice of your return. The University cannot, however, postpone your return to a date that falls after the expiry of your full adoption leave entitlement. If you do not give written notice of an earlier return date, you will be expected to return to work on the first working day after the end of your adoption leave entitlement.

6.2.1 Changing Your Mind about your Return Date

If you have notified the University that you wish to return to work before the end of your adoption leave, you are entitled to change your mind. However, in these circumstances you should give the University Human Resources Department written notice of this new, later, date of return at least eight weeks before the earlier date. You may use the ALF2.

For example, if, having started your adoption leave, you decide that you do not wish to take your full entitlement of 52 weeks and give the University notice that you will return after six months (for example, on 1 October), you can still change your mind and tell the University that you will take a longer period away – up to the full year of adoption leave – as long as you

give the University eight weeks' written notice before the earlier date (in this case, eight weeks before 1 October – i.e. 6th August).

6.3 If parental leave is taken immediately after adoption leave

A period of Parental Leave of four weeks or less has no impact on your right of return. If you take a period of parental leave of more than four weeks straight after the end of either OAL or AAL, it is treated as though you were returning to work after AAL.

Parental Leave is a separate entitlement available if you have completed one year's service with the University. It is a right to unpaid time off. Further information regarding the University's *Parental Leave Policy* can be obtained from the Human Resources Department or the University Website.

6.4 Changing Working Hours, Returning on a Part-time Basis & Flexible Working Arrangements

6.4.1 On a 'Permanent' Basis

There is no specific statutory right for you to change your working conditions, including hours of work, on return to work from adoption leave. However, parents of young or disabled children have the right to request flexible working patterns. The University is required to give such requests serious consideration under its duty to consider a valid request. Further information can be obtained from the Human Resources Department or the University Website.

If you wish to return on a part-time basis, or wish the University to consider flexibility in working arrangements, you should discuss any proposed changes with your Manager and contact your Link Human Resources Team, who should be involved in such discussions at an early stage. Any changes must be authorised by the Human Resources Department, as there are financial and contractual implications that must be considered prior to any agreement being reached.

ANY AGREEMENT REACHED WHICH HAS NOT BEEN AUTHORISED BY THE HUMAN RESOURCES DEPARTMENT WILL NOT BE VALID

An agreement to reduce hours following adoption leave will have no adverse effect on your entitlement to either Statutory Adoption Pay or Occupational Adoption Pay. However, if you have received the benefits of the University Occupational Adoption Scheme and you then return to work on a part-time basis, the minimum amount of time you will need to return to work in order to retain those benefits will be extended beyond three months, on a pro rata basis. The Human Resources Department will provide further advice where necessary.

6.4.2 On a Temporary Basis

Although there is no statutory right for you to reduce your hours on a temporary basis, the University may consider requests to "stagger" your return to work by returning initially on reduced hours with a view to building up to your normal hours and days over several weeks. You should consult the Human Resources Department, as it may be possible to make such flexible arrangements on a temporary basis. This will depend on the nature of the job and the requirements of the Unit.

If you have received the benefits of the University Occupational Adoption Scheme and such arrangements are made for you, the minimum amount of time you will need to return to work in order to retain your those benefits will be extended beyond three months, on a pro rata basis. The Human Resources Department will provide further advice where necessary.

6.5 Supporting Your Return to Work

The University understands that returning to work after adoption leave can be challenging, especially during the first few weeks. The University aims to provide appropriate support and encourages you to seek advice and support if you are in need of it. Such advice and support can be obtained by contacting, in confidence, a member of your Link Human Resources Team and/or Occupational Health, although you may prefer to speak directly with your manager.

7 Ill-Health/ Sickness Absence

7.1 During Adoption Leave

The Adoption Leave period cannot be broken by other types of absence. Therefore, if you become ill during this period, this will be treated as part of your adoption leave up to the end of that adoption leave.

7.2 After the End of Adoption Leave

If you are unable to attend work after the end of your adoption leave due to sickness, the normal rules for sickness absence will apply and you should notify the University in the normal way in accordance with the sickness reporting arrangements.

8 Annual Leave & Bank Holidays

8.1 Annual Leave

During your adoption leave you retain your entitlement to statutory annual leave (this is 4 weeks per year up to 30th September 2007; 4.8 weeks from 1st October 2007 and 5.6 weeks from 1st April 2009) throughout OAL and AAL. During OAL you will accrue any additional contractual annual leave to which you are normally entitled. You will not, however, have an entitlement to continue accruing additional contractual annual leave during Additional Adoption Leave, unless you are entitled to the benefits of the University Occupational Adoption Scheme.

It is not possible for you to take annual leave at the same time as adoption leave. However, it will usually be possible for you to use any untaken annual leave either before you start your adoption leave, or once your adoption leave has finished.

You are therefore advised to consider when you will take your annual leave and incorporate this into your leave planning. This is particularly important if you plan to take a whole year's adoption leave, or your adoption leave spans two University annual leave years, as it is not possible to carry over the first four weeks of your statutory leave entitlement from one leave year to the next, or to pay you in lieu of any untaken statutory annual leave (unless the contract is terminated).

If, because of adoption leave, you are unable to take all of your annual leave entitlement in a particular leave year, you may carry forward your annual leave to the following leave year, provided that accrued annual leave from the previous year is taken immediately following the adoption leave period (note that this is an exception to the normal University rules relating to annual leave). The law does not permit you to carry over your first four weeks of your statutory paid leave entitlement as this must be taken in the leave year to which it has been assigned.

Where the adoption leave completely spans an annual leave year, current legislation creates some difficulty and is unclear. In such a situation, you would legally be entitled to your statutory leave period but have no means of either taking the leave (due to being on adoption leave for the entire annual leave year), or to either carry it over to the next year or be paid in lieu. Until this quandary is solved, should you be unable to take your statutory leave in these circumstances, the University will offer you the opportunity to take an amount equivalent to your accrued but untaken statutory leave entitlement immediately following the end of your adoption leave. Please note that if the legislation is clarified at some point in the future, the University may need to reconsider this facility.

If you are absent on approved annual leave following your adoption leave, you will be regarded as having “returned to work” (for the purposes of the adoption arrangements) on the first day of your annual leave.

8.2 Bank Holidays and Discretionary Days

Bank Holidays and Discretionary days are not accrued during adoption leave and cannot be carried forward.

9 Pension

Pension rights and contributions shall be managed in accordance with the provisions of the relevant superannuation scheme in which the University participates, providing that these provisions do not conflict with any statutory requirements that may apply at the time. The University will continue to deduct employee contributions based on the adoption pay received by you and will also make appropriate employer contributions. You are advised to contact the University’s Payroll and Pensions Office in the Finance Department for details of how adoption absence will affect you. If you make Additional Voluntary Contributions (AVCs) you are advised to contact the Payroll and Pensions Office, in advance of you commencing adoption leave in order to discuss this.

For staff participating in *Payflex+*, no employee contributions will be deducted from pay and the University will maintain the same level of contributions and pension benefits for the adoption leave period. Further information on *Payflex+* can be found on the University website, or by contacting the link HR Administrator.

9.1 Keele University Occupational Adoption Scheme

If you are a member of one of the occupational pension schemes in which the University participates, you will make normal pension contributions, (i.e. the same percentage) based on the pay you receive during your adoption leave. The University will undertake to pay both employer and employee contributions (excluding AVCs) in respect of the difference between any adoption pay received and your normal pay for the entire adoption leave period (including any periods of unpaid adoption leave). If you make Additional Voluntary

Contributions (AVCs) you are advised to contact the Payroll and Pensions Office, in advance of you commencing adoption leave in order to discuss this.

For staff participating in *Payflex+*, no employee contributions will be deducted from pay. The salary exchange under *Payflex+* will continue for staff who are in receipt of sufficient occupational adoption pay but will cease for staff on Statutory Adoption Pay only. The University will maintain the same level of contributions and pension benefits for the adoption leave period. Further information on *Payflex+* can be found on the University website, or by contacting the link HR Administrator.

10 Fixed-Term and Temporary Contracts

It is the University's policy to treat staff employed on fixed-term contracts in the same manner with respect to their entitlement to adoption leave and pay as those on 'open' contracts. If your fixed-term or temporary contract is due to expire during the course of your adoption leave, provided you fulfil the criteria for SAP, you will continue to receive this even though you will no longer be in University employment. If you are entitled to the benefits of the University Occupational Adoption Scheme, please refer to Section 4 and Annex A.

Annex A: Guidelines on the Application of the Requirement to Return to Work for Three Months for Staff Employed on Fixed-term or Temporary Contracts

University Occupational Adoption Scheme Only

These guidelines are designed to give a detailed explanation of how, under the terms of the University Occupational Adoption Scheme, the requirement for staff to return to work for a minimum of three months applies to staff employed on fixed-term or temporary contracts.

Entitlement

If you are employed on fixed-term or temporary contracts and have at least 12 months continuous service with the University at the week in which notification of the match is given you are entitled to receive the benefits of the University Occupational Adoption Scheme. Under this Scheme, during the first 12 weeks of their adoption leave, eligible staff receive their normal pay (i.e. what they would have received had they not been on adoption leave). If the member of staff is entitled to Statutory Adoption Pay (SAP), this will be payable for the 39 week adoption pay period and the Occupational Adoption Pay he or she receives during the first 12 weeks of his or her adoption leave will include her or her entitlement to SAP. The member of staff will then receive SAP only for weeks 13 – 39. Of course if you return to work before the end of the 39-week Adoption Pay Period, your entitlement to SAP ceases.

Regardless of when your contract expires, provided you qualify for SAP in terms of length of service and income, you will be eligible to receive SAP for the full 39-week Adoption Pay Period. However, if when you leave University employment after the end of your contract, you then commence employment with a new employer during the 39-week Adoption Pay Period, you lose your entitlement to SAP.

The ‘Three-Month Rule’:

You have to return for a minimum of 3 months in order to retain entitlement to the additional University Occupational Adoption Pay, i.e. the amount received on top of the SAP. If you do not return for the required period of time, you will have to repay the additional amount back. If you return on reduced hours, the 3-month minimum period is extended on a proportional basis. Other forms of leave (e.g. annual leave, parental leave, sickness, etc) don't count towards the 3 months.

The University is committed to ensuring that fixed-term staff are not treated less favourably than comparable staff employed on indefinite contracts. The application of the *three month rule* is, however, more complex for some staff employed on fixed-term or temporary contracts. There are three basic scenarios detailed below and a description of how the rule is applied in each circumstance.

1. *The contract is due to expire more than three months after the end of the Adoption Leave.*

The member of staff will be treated in the same way as staff employed on indefinite contracts. The member of staff would be expected to return to work for at least three months following the end of his or her adoption leave. If he or she does not return, he or she will be required to repay the difference between his or her SAP and the additional University Occupational Adoption Pay.

2. The contract is due to expire after the end of the paid Adoption leave period, but before the end of the three-month period.

(a) If he or she is not offered a further contract, he or she will be expected to return to work after the end of his or her adoption leave to the end of his or her contract. If his or her contract ends whilst he or she is on unpaid adoption leave, he or she will not be expected to return to work at all. He or she will have received normal pay for the first 12 weeks of her adoption leave and she will not have to repay the additional University Adoption Pay.

(b) If he or she is offered a further contract, either as an extension or if suitable alternative employment is offered, he or she will be expected to return to work at the end of his or her adoption leave for at least three months (or less if the contract ends sooner and he or she is not then offered a further contract). If he or she does not return, he or she will be required to repay the difference between his or her SAP and the additional University Occupational Adoption Pay. This will apply even if the offer of further work occurs after adoption leave has commenced. The University cannot require him or her to finish his or her adoption leave early in order to return to work (i.e. he or she will still be entitled to the full 12 months adoption leave).

3. The contract expires during the paid Adoption Leave period.

(a) Where the contract expires during the first 12 weeks of adoption leave, if he or she is not offered a further contract, he or she will **only** receive normal pay under the University Occupational Adoption Scheme until the end of his or her contract. Thereafter, provided he or she qualifies for SAP, he or she will receive SAP until his or her entitlement expires (even though he or she will no longer be an employee of the University). He or she would not be required to repay the additional adoption pay offered under the University Occupational Adoption Scheme.

(b) Where the contract expires during the first 12 weeks of adoption leave, if he or she is offered a further contract, either as an extension, or if suitable alternative employment is offered, he or she will be expected to return to work at the end of her adoption leave for at least three months (or less if the contract ends sooner and he or she is not then offered a further contract). If he or she does not return, he or she will be required to repay the difference between his or her SAP and the additional University Occupational Adoption Pay. This will apply even if the offer of further work occurs after adoption leave has commenced. The University cannot require him or her to finish adoption leave early in order to return to work (i.e. he or she will still be entitled to the full 12 months adoption leave).

Annex B: Glossary of Terms

Additional Adoption Leave (AAL): Regardless of length of service, you are entitled to 26 weeks' Additional Adoption Leave (AAL) which immediately follows your 26 weeks Ordinary Adoption Leave (OAL) Period.

Average Weekly Earnings: For SAP purposes, they are calculated in most cases from the average of eight weeks' gross earnings (including overtime, etc) immediately prior to the end of the "Relevant Week". If you are paid monthly, the two pay dates prior to the end of the relevant week are used to calculate average earnings.

Keele University Occupational Adoption Scheme: Open to qualifying employees. Enhances certain statutory adoption provisions.

Keeping In Touch (KIT) Days: The University may offer you the opportunity to work up to 10 Keeping in Touch (KIT) days during your adoption leave. These are entirely optional – the University does not have to offer any and, once offered, you do not have to agree to work. You will not lose your right to receive Statutory Adoption Pay if you work a KIT day.

ALF1: The University's Application for Adoption Leave form which should be completed and returned to the Human Resources Department within 7 days of having been notified that he or she has been matched with a child for adoption if the adoption is within the UK or within 28 days of receiving notification from the relevant domestic authority if the adoption is from overseas.

ALF2: The University's Notification of Early Return to Work form, which you should complete and return if you wish to return to work before the end of your full entitlement to 52 weeks adoption leave. The Form must be submitted to the Human Resources Department at least eight weeks prior to the return date. You can also use this form if you wish to change the date you wish to return to work having previously notified the University of a return date.

Adoption Pay Period (APP): The Adoption Pay Period (APP) is the period during which Statutory Adoption Pay (SAP) is payable to an eligible employee. SAP is payable to an eligible employee for 39 consecutive weeks.

Notified Date: The date you nominate as the start of your adoption leave on your ALF1.

Ordinary Adoption Leave (OAL): The first 26 weeks of your adoption leave.

Return to Work: After the end of your adoption leave period, you will be deemed to have returned to work, even though you may be absent from work due to another type of authorised absence (e.g. annual leave; parental leave; sick leave, etc.). The return to work date is therefore important and should not be confused with your actual attendance at work following other forms of authorised absence.

Statutory Adoption Pay (SAP): Weekly payment made by the employer. Payable for maximum of 39 weeks to qualifying employees. Payable at the flat rate for 39 weeks.

Annex C: Application for Adoption Leave and Pay - A Step-by-Step Guide

1. You are advised to contact a member of your Link Human Resources Team at the earliest opportunity to establish your **rights and options**. All enquiries are dealt with in the strictest confidence.

You should decide when you would like to **start your adoption leave**. You can choose to start your adoption leave from the date of the child's placement (whether it is earlier or later than expected), or from a fixed date which can be up to 14 days before the expected date of placement. You may wish to take annual leave immediately prior to, or following, adoption leave, which should be agreed with your manager.

You must obtain a matching certificate/official notification confirming the adoption and submit this, together with the **ALF1** to the Human Resources Department within 7 days of receiving notification if the adoption is from within the UK and within 28 days of receiving notification if the adoption is from overseas. If you wish to **change your adoption leave start date** you should give at least **28 days notice**.

2. The Human Resources Department will acknowledge your adoption leave plans within 28 days of receipt of the ALF1. You will receive a separate notification regarding your eligibility to receive Statutory Adoption Pay from the Finance Department. Your notification certificate will be returned to you.
3. The University will assume that you will take **your full entitlement to 52 weeks adoption leave**, unless you give the Human Resources Department at **least eight weeks written notice** that you wish to **end your adoption leave earlier**. If you know the date you wish to return at the outset you have the option of giving the appropriate notice on ALF1; otherwise you can complete ALF 2 and submit it later. Having given notice of an early return, if you then change your mind about the date you wish to return, you must give the Human Resources Department written notice of this new, later, return date at least eight weeks before the original return date. You can use ALF2 for this purpose.
4. If you are hoping to return to work on reduced hours or on a different arrangement following your adoption leave, you should discuss this with your manager and your Link Human Resources Officer or Manager ideally before your leave commences. You may wish to make a formal application under the *University's Statutory Requests for Flexible Working Arrangements Procedure*, available from the Human Resources Department or the University Website. Please note that any new arrangements will not be valid unless they are authorised by the Human Resources Department.
5. If you have carried forward any accrued annual leave from one leave year to the next because of your adoption leave, you must take the accrued annual leave immediately following your adoption leave. In this case your adoption leave will have ended on the date you have given and you will be absent on annual leave.
6. The University may make reasonable contact with you during your adoption leave. In addition, the University may offer you the opportunity to work up to 10 Keeping in Touch (KIT) days during your adoption leave. These are entirely optional – the University does not have to offer any and, once offered, you do not have to agree to work.

Adoption Leave & Pay: What am I entitled to?

