

Royal Northern College of Music

Adoption Leave Policy

Policy & Procedure

Department: Human Resources

Document owner: Head of
Human Resources

Approval Committee: HR
Committee

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1. **Introduction**

This document sets out the College's provision for adoption leave and pay, and associated procedures. The document sets out an individual's statutory entitlement to adoption leave and pay, and the further contractual benefits which the College provides for employees. Should the statutory entitlements be amended, the regulations currently in force will be applied.

2. **Eligibility**

Statutory adoption leave is available to:

- individuals who adopt
- one member of a couple where a couple adopt jointly (the couple may choose which partner will take adoption leave)
- dual approved prospective adopters who have a child placed with them under section 22C of the Children Act 1989 with a view to them adopting that child (this is sometimes referred to as fostering for adoption)
- the intended parents in a surrogacy arrangement where they are eligible for and intend to apply for a Parental Order (or where they have already obtained such an order) making them the legal parents of the child that they are having with the help of a surrogate mother.

NB. Where couples jointly adopt, adoption leave is only open to one partner but paternity leave may be available to the other partner, and if eligible, both may opt into Shared Parental Leave.

Adoption leave and pay is not available to employees in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's children.

3. **Time off to attend appointments**

Eligible employees are entitled to time off to attend adoption appointments in the period between being notified of a match and the child being placed with the family for adoption:

- Single adopters are entitled to paid time off to attend up to 5 adoption appointments.
- In the case of joint adoptions one of the adopters will be entitled to paid time off to attend up to 5 adoption appointments. The other adopter may be entitled to unpaid time off work to attend up to 2 adoption appointments. The adopter who took paid time off to attend adoption appointments cannot claim paternity leave and pay.

4. **Statutory Adoption Leave**

Eligible employees who are notified of being matched with a child for adoption will be entitled to take up to 26 weeks Ordinary Adoption Leave immediately followed by up to 26 weeks Additional Adoption Leave (bringing the total leave allowance up to 52 weeks).

Adoption leave can start 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. The notified date of the start of adoption leave may be

amended provided the College is given at least 28 days' notice of the change (or as soon as is reasonably practicable).

The College will confirm in writing, within 28 days of notification of the adoption leave, the employee's adoption leave and pay entitlement and the expected date of return to work if the full entitlement to leave is taken. The College will assume that the full leave entitlement will be taken unless notified otherwise.

An employee has the right to return to work at any time before the end of the adoption leave period provided they give 8 weeks' notice of the date they intend to return.

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

If a child's placement ends during the adoption leave period the adopter will be able to continue adoption leave for up to 8 weeks after the end of the placement.

5. Statutory Adoption Pay

During adoption leave an employee will be entitled to statutory adoption pay (SAP) provided that s/he:

- has been continuously employed by the College for at least 26 weeks continuing into the week in which they are notified of being matched with a child for adoption;
- has an average weekly earnings of not less than the lower earnings limit for National Insurance contributions;
- has provided documentary evidence from the adoption agency of entitlement to SAP by sending in their 'matching certificate';
- has stopped working.

Statutory adoption pay can start at any time from 14 days before the expected date of placement and will last for a period of 39 weeks.

SAP will be paid at the current standard rate, or 90% of average weekly earnings if this is less than the current standard rate of SAP.

6. Occupational Adoption Pay (OAP)

A member of staff who is eligible to receive Occupational Adoption Pay (OAP) will receive payments as set out in the table below (providing (s) he intends to return to work).

Less than 26 weeks continuous service at date of being matched for adoption with a child	More than 26 weeks continuous service at 15 th week before being matched for adoption but not eligible for SAP	More than 26 weeks continuous service at 15 th week before being matched for adoption and eligible for SAP
No entitlement to SAP or OAP May be eligible to claim a Social Security Benefit	<ul style="list-style-type: none"> ▪ 4 weeks at full pay ▪ 2 weeks at 90% of full pay 	<ul style="list-style-type: none"> a) 4 weeks at full pay (including SAP) b) 2 weeks at 90% of full pay (including SAP)

	<ul style="list-style-type: none"> ▪ 12 weeks at 50% of full pay <p>May be eligible to claim a Social Security Benefit</p>	<p>c) 12 weeks at 50% of full pay (plus SAP)¹</p> <p>d) 21 weeks SAP only²</p>
	Total 18 weeks	Total 39 weeks

Staff who leave the employment of the College will be required to repay any occupational adoption leave paid during the final 3 months of service.

7. **Notification**

To apply for adoption leave and pay, staff should complete the Adoption Leave notification and application form (appendix 1) and return to the Human Resources department at the earliest opportunity, but at least within 7 days of being notified by their adoption agency that they have been matched with a child for adoption within the UK, and at least 28 days before the leave is to begin, unless this is not reasonably practicable.

The employee must tell us:

- when the child is expected to be placed with them; and
- when they want their adoption leave to start; and
- must provide their 'matching certificate' from their adoption agency.

Overseas adoptions will also be covered by this scheme, although different arrangements may apply for practical reasons, and these will be discussed with the employee.

As soon as a manager is aware of an employee's intention to take adoption leave he/she must advise Human Resources so that the necessary action can be taken. The notified date of the start of adoption leave may be amended provided the College is given at least 28 days' notice of the change (or as soon as is reasonably practicable).

8 **Adoption leave and annual leave**

The period of both paid and unpaid adoption leave, up to a maximum of 52 weeks in total, shall be regarded as service for the purpose of calculating entitlement to leave and shall not affect the annual leave entitlement in the leave year(s) in which the adoption leave falls.

9 **Contact during adoption leave**

The College reserves the right to maintain reasonable contact with the employee from time to time during adoption leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

¹ Except where payment is in excess of payment in b) in which case employee will receive the same weekly amount as applicable in b)

² Except where payment is in excess of payment in c) in which case employee will receive the same weekly amount as applicable in c)

10. Keeping in touch days

An employee can agree to work for the College for up to 10 days during either ordinary adoption leave or additional adoption leave without that work bringing the period of adoption leave to an end and without loss of a week's SAP. These are known as 'keeping-in-touch' days. Any work carried out on a day shall constitute a day's work for these purposes.

The College has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during adoption leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between the College and the employee. Any keeping-in-touch days worked do not extend the period of maternity leave. Once the keeping-in-touch days have been used up, the employee will lose a week's SAP for any week in which he or she agrees to work for the College.

11. Shared parental leave

Where an employee meets the criteria for Shared Parental Leave they can give notice to end their adoption leave and opt in to Shared Parental Leave. 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 give 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. There may also be an entitlement to some Shared Parental Pay if the period of pay has not been exhausted.

Please refer to the Shared Parental Leave Policy for further detail.

Employees considering taking Shared Parental Leave should speak to a member of the Human Resources department at the earliest opportunity.

12. Return to work

A member of staff who intends to return to work at the end of their adoption leave, and has followed the requirements for notification stated above, will not have to give any further notification of their return to work. If the member of staff intends to return to work **before** the end of their full adoption leave they must provide 8 weeks' notice, in writing, of their intended date of return to their line manager and to Human Resources.

Nothing in this Adoption Leave Policy shall confer on an employee any right to return to work for a period extending beyond the expiry of a fixed-term contract of employment. In these circumstances the employee will be consulted about the renewal or non-renewal of his/her contract.

13. Contractual issues

During the 26 weeks of ordinary adoption leave and the 26 weeks of additional adoption leave, all contractual benefits, except for remuneration, will be maintained.

Employees taking adoption leave will be sent a letter setting out their rights, important dates, etc., and reminded of what they need to do at the appropriate time. These procedures are designed to set out an employee's statutory and contractual rights, and to try and ensure that the employee understands what his/her obligations

are. However, it should be noted that the College is entitled, at its discretion, to invoke the disciplinary procedure currently in force if an employee fails without good reason to give the required notice, or to return to work on the expected date.

RELATED POLICIES

Employees may also want to consider the following policies:

- Parental Leave
- Dependent Leave
- Paternity Leave
- Flexible Working
- Shared Parental Leave

APPENDIX 1



ADOPTION NOTIFICATION AND LEAVE APPLICATION FORM	
PERSONAL DETAILS	
First Name	
Last Name	
Position	
Address	
Manager	
ADOPTION DETAILS	
I hereby give notice of adoption, the details are as follows:	
Expected date of placement	
Adoption Leave start date	
Adoption Leave end date	
<ul style="list-style-type: none"> • I understand that if I wish to change the date on which I am going to commence my adoption leave I must give the College at least 28 days notice in writing (where practically possible.) • I understand that if I do not return from adoption leave or fail to return to work for a period of 12 weeks and have received Occupational Adoption Pay, that the College has the right to claim whole or part of the non-statutory element of the adoption pay. • I confirm that I am adopting as an individual / the only member of the couple to take adoption leave (delete as appropriate) (Paternity leave is available to the other member of the couple) • I have enclosed my Matching Certificate / I will forward my Matching Certificate to you within 7 days of receipt. (delete as appropriate) Please note that you must provide this before any payment can be made to you. 	
Signed:	Date: