

Appendix 2

- Notification rules, qualification criteria, rates of statutory and occupational pay - adoption leave and pay

Please note in accordance with the Adoption Leave and Pay policy:

- An employee must be newly matched with a child for adoption by an approved adoption agency.
- Adoption leave and pay is available to eligible individuals who adopt and one member of a couple where a couple adopt jointly who meet the eligibility criteria. This person is known as the primary adopter through-out the policy.

Notification Rules	
Initial Notification	<p>In order to be entitled to take adoption leave and receive adoption pay where eligible, the employee must:</p> <ul style="list-style-type: none">• give written notification of his/her intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency, unless this is not reasonably practicable,• specify the date the child is expected to be placed with the employee for adoption,• specify the date the employee intends his/her adoption leave to start,• provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.
Notification to change dates	<p>The employee is permitted to bring forward his/her adoption leave start date, provided that he/she advises his/her line manager in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone his/her adoption leave start date, provided that he/she advises his/her line manager in writing at least 28 days before the original proposed start date, or, if that is not possible, as soon as reasonably practicable.</p>

Qualification criteria for adoption leave	
	A primary adopter who is newly matched with a child for adoption by an approved adoption agency is entitled to up to 26 weeks' ordinary adoption leave, followed immediately by up to 26 weeks' additional adoption leave, making a total of 52 weeks. This is regardless of the number of hours they work or their length of service.
Statutory Adoption Pay (SAP)	Statutory adoption pay is available to eligible employees (in accordance with the qualification criteria) when a child under the age of 18 is adopted
Qualification criteria	<p>An employee is entitled to SAP if:</p> <ul style="list-style-type: none"> • He/she has at least 26 weeks' continuous service with GBC ending with the week in which he/she is notified of being matched with a child for adoption; • His/her average weekly earnings for a period of 8 weeks ending with the week in which he or she is notified of being matched with the child for adoption are not less than the lower earnings limit for national insurance contributions; • He/she gives proper notification in accordance with the rules set out above in the "notification rules" information.
Rate of pay	
Statutory adoption pay	<p>An employee whose average weekly earnings are at least equal to the National Insurance lower earnings limit and who qualify as above will qualify for 39 weeks SAP as follows:</p> <ul style="list-style-type: none"> • 6 weeks calculated at 9/10ths of average weekly earnings. • 33 weeks based on the current SAP standard rate or 90% of employee average weekly earnings, whichever is lower. <p>Statutory adoption pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.</p>

Occupational Adoption Pay	Occupational Adoption Pay is available (in accordance with the qualification criteria) to an employee who adopts a child under 5 years old.	
Qualification criteria	Qualification period is at least 1 year continuous local government service (which includes continuous service with bodies covered under the Redundancy Payments Modification Order) into the week in which the employee is notified of being matched with a child for adoption.	
Rate of pay	6 weeks at 9/10ths of contractual pay, and 12 weeks at half contractual pay	
Combining Statutory and Occupational payments		
<p>Many employees will qualify under both payment types. In such cases the employee will be entitled to a combination of the two payments. Employees who are eligible under both the SAP and OAP schemes should note that any OAP payments will be offset against SAP (for example, Local Government Service Staff will not exceed 9/10^{ths} pay in weeks 1 – 6 and full pay in weeks 7 – 18)</p>		
Period of return to work to keep Occupational Adoption Pay		
(Requirement to repay occupational adoption pay)	<p>Employees must return to local government employment for a minimum of 3 months, or repay the 12 weeks' half pay received under the occupational adoption pay scheme.</p> <p>This repayment will be gross rather than net.</p> <p>Any period of return to work after adoption leave ends but in between blocks of shared parental leave (where taken) will count towards the length of return to work needed in order to retain the 12 weeks' half pay received under the occupational adoption scheme. Actual periods of shared parental leave taken by the employee will not count.</p>	

Returning to work

If the employee wishes to return to work earlier than the expected return date, he/she must give at least 21 days' notice of his/her date of early return, preferably in writing.

Further details are available in the policy.