

Campaign Against Arms Trade - Adoption Policy

June 2016

Statement of intent

No employee will be treated less favourably or dismissed for any reason relating to their expected or current adoption leave.

CAAT aims to provide a positive working environment for parents, and will strive to make all reasonable adjustments to support people during an adoption process. This should be discussed with the Office Coordinator and your static reviewer.

Statutory Rights for Adoption Leave

To qualify for adoption leave, a staff member must:

- have been matched with a child to be placed with them by a UK adoption agency, or have received official notification in the case of adoption of a child from overseas;
- have been continuously employed by the same employer for at least 26 weeks ending with the week in which they are notified of having been matched with the child
- notify their employer of when they want to take their adoption leave no more than seven calendar days after they are notified that they've been matched with a child.

Only one parent is entitled to adoption leave and pay; the other can take paternity leave and pay (regardless of gender).

Statutory Adoption Leave (SAL)

SAL is 52 weeks. This is made up of 26 weeks ordinary adoption leave (OAL) and 26 weeks additional adoption leave (AAL). During OAL and AAL the employee is entitled to all contractual benefits normally received, including annual leave and pension contribution.

Statutory Adoption Pay (SAP)

Employees whose average weekly earnings are at or above the Lower Earnings Limit for National Insurance (£112 in 2016) which applied at the end of the matching week qualify for statutory adoption pay. Employees who meet the qualifying conditions are entitled to 39 weeks Statutory Adoption Pay (SAP) at the rate of £139.58 per week (2016) or 90% of their average weekly earnings, whichever is the lower.

CAAT's Occupational Adoption Pay (OAP)

An employee at CAAT is entitled to occupational adoption pay if they are entitled to SAP. CAAT's OAP entitlement is:

- 8 weeks of leave on full pay, inclusive of SAP;
- 22 weeks of leave on half pay, plus SAP;
- 9 weeks of leave at SAP only
- 13 weeks of unpaid leave

on the condition that employees return to CAAT for at least six months following their adoption leave. Tax and National Insurance on OAP will be deducted in the same way as with regular wages.

Returning to CAAT

The employee is entitled to return to the job in which they were employed under the original contract of employment and on the same terms and conditions following the full statutory period of leave of 52 weeks (26wks of OAL and 26wks of AAL). However, if more than 52 weeks of leave has been taken, it may be difficult for CAAT to arrange return to exactly the same job. In this situation, CAAT will do its best to find a suitable alternative position, which is no less favourable than the original job.

Deciding not to return to CAAT

If a decision is made by the employee not to return to CAAT after their adoption leave the normal contractual period of notice must be given in writing and half the difference between SAP and OAP must be repaid to CAAT within a period of twelve months from the date the employee resigns (or a period of time and time-frame agreed by both parties). The employee will be paid an amount equivalent to this if they state they will not be returning when they start their adoption leave.

If the employee decides to leave CAAT within 6 months of returning to work after their adoption leave then the employee must repay CAAT a proportion of their OAP that relates to how much of the 6 months they worked. For example, if they leave after returning to work for 3 months then they would need to repay 50% of half the difference between SAP and OAP. This should be repaid to CAAT within a period of twelve months from the date the employee resigns (or a period of time and time-frame agreed by both parties).

Redundancy

An employee on adoption leave can still be made redundant. As with all redundancies the correct procedure must be followed and the normal rules relating to redundancies must be applied. Where a contract of employment ends, OAP will be paid up to the last day of the contract and any remaining weeks of paid adoption leave will be paid at the SAP rate.

Annual Leave and TOIL

Annual leave is accrued during the period of ordinary and additional adoption leave.

If an employee decides not to return to CAAT following their period of adoption leave, payment in lieu of annual leave calculated up to the last working day and not taken before the start of the adoption leave, will be given and, where relevant, this will be offset against the repayment of any OAP. Payment can also be made for TOIL not taken before adoption leave began.

Notice periods

The employee must inform the Office Coordinator; how much adoption leave they wish to take, the date the child will be placed, and the date they wish to start their adoption leave, within seven calendar days of being notified that they have been matched with a child. If this is not reasonably practicable, then as soon as possible.

The employee can change their mind about the dates on which they want to take adoption leave providing they give the Office Coordinator 28 days' notice, or as much notice as possible.

When leave and pay can start

The earliest that adoption leave and statutory adoption pay can begin is 14 days before the expected date of placement of the child and the latest it can start is on the date of placement itself. Pay and leave can start on any pre-determined date between these two dates.

In the case of a child being adopted from overseas, employees may choose to start their leave from the date the child enters Great Britain or from a fixed date no later than 28 days after the child enters Great Britain.

Paternity leave and statutory paternity pay in relation to adoption

Employees may (depending on their employment situation) be eligible for paternity leave and SPP if they are a couple and the other person decides to claim adoption leave and/or SAP. They may also be eligible if they are both the partner of an individual who is adopting and they intend to help care for the adopted child.

Keeping in Touch Days

An employee on ordinary or additional adoption leave can attend work under the terms of their contract for up to 10 days; these are called Keeping In Touch days (KIT). These days are optional. There are no

restrictions on when KIT days can be used.

Any work done under the employee's contract on any day will count as a full day – for example if an employee comes in for an hour training session this will mean they have used one of their KIT days.

KIT days will be paid according to contract, minus OAP or SAP already being paid. If the amount an employee has worked on a KIT day is less than the OAP or SAP due for that day (for example 1 hour) they will only receive the OAP/SAP they are entitled to for that day. If a KIT day is taken during unpaid adoption leave the employee will receive their usual contracted rate of pay for the time worked.

Conditions of Service

Adoption leave does not break continuity of employment for contract purposes. The period of paid adoption leave is used in the calculation of continuous employment at CAAT.