

The Employment Act 2002, which came into force on 6 April 2003 introduced statutory adoption leave and pay for parents. These new rights are available to parents adopting a newly placed child but not to those who are adopting the stepchildren of a partner.

Same-sex parents qualify for adoption leave, as can the either partner in a heterosexual relationship. The person who qualifies for the leave is the primary carer, whereas the other partner may qualify for up to two weeks' paid paternity leave at the time of placement, and subsequently, parental leave.

1. Eligibility for leave and pay

To qualify for adoption leave and pay an employee must:

- be newly matched with a child for adoption by an approved adoption agency (formally becoming a step-parent of a partner's child does not qualify)
- have 26 weeks' continuous service with Aberystwyth University by the week they are notified of being matched with a child for adoption
- have earned more than the lower earnings limit in the eight weeks prior to notification of placement.

2. Adoption Leave

The primary carer of the adoptive child may take up to 26 weeks' ordinary adoption leave, followed by a further 26 weeks of additional leave, giving an overall entitlement of 52 weeks' leave.

The employee can elect to start leave:

- from the actual date of the child's placement
- from a fixed date up to 14 days before the expected date of placement
- in the case of adoption of an overseas child, not before the child enters the United Kingdom and no later than 28 days after the child enters the United Kingdom

Leave can begin on any day of the week. Only one period of leave is permitted for each placement, regardless of how many children are placed at that time as part of the same arrangement. If for some reason the placement is not successful and ends during the adoption leave period, or the child dies, then the employee will be allowed to continue the leave for a maximum of eight weeks after the placement ends.

3. Contractual benefits

The contract of employment continues as normal during the period of ordinary adoption leave, with the exception of pay, in the same way as it would in the case of maternity leave.

4. Notification

Employees must notify their Head of Department of an intention to take adoption leave within seven days of being notified of a match by the adoption agency, unless this is not reasonably practicable. Employees may submit their application in Welsh or English. An

Application for Adoption Leave Form (see appendix i) must be completed and submitted to the Head of Department giving information relating to:

- when the child is expected to be placed with them
- when they wish their adoption leave to commence

The adopter can subsequently change their mind about the commencement date of leave provided that 28 days written notice is given to their Head of Department (unless this is not reasonably practicable).

The Head of Department will respond to the employee's request for adoption leave **within 28 days**.

Employees are required to provide documentary evidence of the placement for adoption. The adoption agency will supply the adopter with a 'matching certificate'; it is this certificate that qualifies the right to statutory adoption pay. Parents who adopt from overseas and do not use a registered adoption agency will not be able to secure a matching certificate and will not therefore be eligible.

5. Adoption Pay

There are two types of adoption pay:

- Statutory Adoption Pay (SAP)
- Contractual Adoption Pay (CAP)

5.1 Statutory Adoption Pay (SAP)

SAP is paid for up to 39 weeks. The rate of SAP is the same as the standard rate of Statutory Maternity Pay, or 90% of the average weekly earnings if this is less than the Statutory Maternity Pay.

Adopters who have average weekly earnings below the Lower Earnings Limit for National Insurance Contributions do not qualify for SAP.

5.2 Contractual Adoption Pay (CAP)

Employees with 12 months continuous service with Aberystwyth University by the week of notification of being matched with a child for adoption will be entitled to receive CAP.

Benefits will mirror the University Maternity Pay Scheme, as follows:

- 8 weeks full pay
- 16 weeks half pay and SAP (up to, but not exceeding average full pay)
- 15 weeks SAP
- up to 13 weeks unpaid leave

Please note: that the University may reclaim the whole, or part, of the Contractual Adoption Pay (CAP) if adopters fail to return to work and continue in employment for at least 3 months.

6. Keeping in Touch Days

An employee can agree to work for the University for up to 10 days during the adoption leave period, without bringing their adoption leave to an end. However, the University is not obliged to offer, nor the employee to accept, such work. Any days worked for the

University during the adoption leave period in accordance with this section will be paid the contractual rate of pay for the day/half day worked.

7. Arranging for returning to work

An employee who has opted to return to work may exercise this right at any time within 52 weeks of the commencement of the adoption leave period (or 26 weeks if the employee is only taking ordinary adoption leave). After ordinary adoption leave an employee will be entitled to return to their previous job. After additional adoption leave they will normally return to the job in which they were employed under the original contract of employment and on terms applicable to them if they had not been absent. Where this is not possible, alternative employment, on similar (no less favourable) terms and conditions will be offered.

Notification of return to work if earlier than the end of adoption leave entitlement should be given in writing in Welsh or English at least at least 8 weeks before the intended date of return. The employee continues to be employed during the adoption suspension period which therefore counts towards their period of continuous employment for the purposes of seniority, pension rights, redundancy rights and other similar rights.

In this connection it has been agreed that:

- Pension rights and contributions shall be dealt with in accordance with the provisions of the local superannuation scheme, provided that these provisions do not conflict with any relevant statutory requirements that may at the time apply;
- The employee shall be entitled to receive the normal annual increment on their scale in accordance with their contract of employment to take effect from the normal incremental date;
- Periods of ordinary and additional adoption leave shall count towards the calculation of annual leave entitlement. (For further information staff are advised to contact the Human Resources Department).

8. Policy Review

Human Resources will co-ordinate a review of this policy in order to maintain compliance with legislation and good practice. The review will be undertaken in liaison with the recognised trade unions and any proposed amendments will be submitted to the appropriate relevant committee, University Executive and Council if required.

9. Welsh Language – Employee Rights

In accordance with the Welsh Language Standards that came into effect on 1 April 2018 employees have the right to use the Welsh language to

- (a) make a complaint
- (b) respond to a complaint or allegation

and employees also have the right to use the Welsh language in meetings where they are the subject of

- (c) complaints and allegations (or have made the complaint)
- (d) disciplinary proceedings
- (e) effective contribution scheme discussions
- (f) individual consultation meetings

A simultaneous translation service from Welsh to English will be provided at the meeting when the meeting cannot be conducted solely in Welsh.

The university has, in conjunction with its recognised trade unions, incorporated the above requirements into all relevant HR policy and procedural documents.