

## Adoption & Shared Parental Leave Policy

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### What is in this policy?

This policy is designed to make employees aware of their rights and entitlements during and after adoption. The policy outlines the process for applying for Adoption and/or Shared Parental leave.

University Hospitals Bristol and Weston NHS Foundation Trust's (UHBW, the Trust's) Workforce Diversity & Inclusion Strategy sets out the ambition to be 'committed to inclusion in everything we do'. Ensuring dignity and respect for patients and staff is a core principle within this strategy, and promoting equality, diversity and human rights while challenging any form of inequality, discrimination and harassment is central to the Trust's Values.

This Trust will not tolerate discrimination, harassment or bullying under any circumstances and particularly because of a protected characteristic. This is supported by the Trust's commitment to the Equality Act 2010 and its Public Sector Equality Duties as defined by the Act.

Our Human Resources policies are written with this commitment as a guiding principle, to ensure that the policies and their application are inclusive and supportive to all of our staff.

Document Change Control				
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June 2011	2	Director of WF&OD	Major	Legislation changes
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December 2017	5	HR Consultant	Major	Combined the Maternity and Shared Parental Leave policies. Added information about the new Tax Free Childcare Scheme
July 2021	6	HR Specialist	Minor	Scheduled Review - updated SPL to reflect NHS enhanced occupational pay. Updates to forms.

Sign off Process and Dates	
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## **1. Introduction**

This policy is designed to introduce the statutory rights and responsibilities related to applying for and taking Adoption and/or Shared Parental leave and the process to be followed.

It is recognised that adoptive parents need time to establish a relationship with their adopted child/children and to adjust to their caring responsibilities. To aid this process the Trust offers an entitlement to paid and unpaid leave to adoptive parents, which is equal to that of women taking maternity leave.

## **2. Purpose and Scope**

This Policy is designed to ensure that all new parents working for UHBW are treated both fairly and legally when applying for and/or taking Adoption or Shared Parental Leave. The policy aims to support and balance work and family life and to retain staff, thereby encouraging equality and diversity within the workplace.

## **3. Key Principles and Provisions**

All employees of the Trust who are matched with a child for adoption are entitled to 52 weeks adoption leave, consisting of 26 weeks of Ordinary Adoption Leave and 26 weeks of Additional Adoption Leave.

Employees must take at least two weeks adoption leave following the placement of a child but can otherwise choose to end their adoption leave at any stage.

Shared Parental Leave (SPL) is an entitlement allowing eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption. This could mean that the main adopter shares some of the leave with their partner, perhaps returning to work for part of the time and then resuming leave at a later date.

If they choose to do so, an eligible 'main adopter' can end their adoption leave early and, with their partner, opt for Shared Parental Leave (SPL) instead of Adoption Leave. This will enable them to share some of the 52 weeks leave with their partner, perhaps returning to work for part of the time and then resuming leave at a later date. It will also enable parents to take longer blocks of time off at the same time to care for the child. It should be noted that the main adopter ending Ordinary or Additional Adoption Leave will only qualify for Statutory Shared Parental Pay (paid at equivalent rate to Statutory Adoption Pay) during any residual SPL taken; no Occupational Adoption Pay will be due.

The amount of SPL available to a couple is calculated using the employee's entitlement to adoption leave, which allows parents to take up to 52 weeks leave between them. If both parents meet the qualifying requirements, they will need to decide how they want to divide their SPL and Pay entitlement.

Paid New Parent Support (Paternity) leave of two weeks will continue to be available to partners of the main adopter. All eligible parents will be entitled to apply for Shared Parental Leave. New Parent Support Leave will be a period of one or two weeks which must be used in a single block of leave and taken within 56 days of the birth or adoption. Please see the New Parent Support Leave policy (HR Web) for more detail.

## 4. Definitions of terms and entitlement

The guidance uses the following terms and abbreviations:

- (a) **Main adopter:** The parent who is eligible for adoption leave and/or pay. New Parent Support (Paternity) leave is available to partners of the adopter.
- (b) **Partner:** the partner of the adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the main adopter and the child.
- (c) **Ordinary Adoption Leave (OAL):** This is the first 26 weeks of adoption leave. The contract of employment continues for this period.
- (d) **Additional Adoption Leave (AAL):** This is the second set of 26 weeks and must follow directly on from Ordinary Adoption Leave. The contract of employment continues for this period.
- (e) **Compulsory Adoption Leave:** A minimum of 2 weeks must be taken as adoption leave immediately after placement of the child. This is included as part of Ordinary Adoption Leave.
- (f) **Matching week:** This is the week in which the member of staff is notified of being matched with a child for adoption.
- (g) **SPL:** Shared Parental Leave; The leave shared in the first year after a child is born or placed within a family.
- (h) **ShPP:** Statutory Shared Parental Pay; The pay shared in the first year after a child is born or placed within a family.
- (i) **Continuous leave:** A period of leave that is taken in one block e.g. four weeks' leave.
- (j) **Discontinuous leave:** A period of leave that is arranged around weeks where the employee will return to work e.g. an arrangement where an employee will work every other week for a period of three months.
- (k) **Curtail:** Where an eligible adopter brings their adoption leave and if appropriate, pay or allowance to an end early. This is sometimes referred to as reducing the adoption leave period.

## 5. Duties, Roles and Responsibilities

### 5.1 *Line managers are responsible for:*

- (a) Following the procedure as set out in section 9-13;
- (b) Ensuring all eligible SPL and Adoption requests are handled fairly and consistently.

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- (c) Supporting the employee with paid time from work to attend any pre-adoption assessments, subject to service needs and managerial agreement (see section 10. 6 for details).

#### **5.2 HR Services are responsible for:**

- (a) Ensuring that line managers are trained in the correct usage of this policy;
- (b) Supporting and advising line managers where queries arise before during or after commencement of Adoption or Shared Parental leave.
- (c) Providing 1:1 consultations with employees planning to adopt or take shared parental leave to discuss the provisions of the policy where requested.

#### **5.3 All staff eligible for adoption or SPL are responsible for:**

- (a) Following the procedure as set out in section 8.
- (b) Keeping the Trust informed of significant changes in their circumstances which may affect their safety, provisions or rights under this policy or statutory regulations.

### **6. Who is covered by the policy?**

This policy is applicable to the 'main adopter' and any eligible parent wishing to take Shared Parental Leave.

The Trust's New Parent Support Leave Policy will apply to the main adopters partner, providing they meet the eligibility criteria.

### **7. Adoption & Shared Parental Leave Entitlement & Pay**

#### **7.1 Entitlement to Adoption Leave**

The main adopter of the child is entitled to 52 weeks Adoption Leave consisting of 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL) regardless of length of service, hours worked or pay, provided that they continue to be employed 14 days before the placement date.

Adoption leave, Statutory and Occupational Adoption pay are not available in the following circumstances:

- (a) Where the employee's partner is the main adopter for this adoption,
- (b) Where the employee is adopting a family member or stepchild,
- (c) Where the adoption is arranged privately,
- (d) Where the employee becomes a special guardian,
- (e) Where the employee has had a child through surrogacy; unless this is through an approved adoption agency.

Members of staff applying for adoption leave will be asked to confirm that their partner is not also taking adoption leave from their work place. The partner of the main adopter, will be entitled to take paid partner leave (see New Parent Support Leave policy).

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During adoption leave, whether paid or unpaid, the employee retains all of their contractual rights except remuneration, and the period shall count as service for annual increments and for the purpose of any service qualification for additional annual leave.

Please note that the main adopter must take a minimum of two weeks adoption leave immediately after the placement of child, which is included as part of Ordinary Adoption Leave. This is called Compulsory Adoption Leave.

Please note that if staff do not physically return to employment with UHBW or another NHS employer for a minimum of three months then they will be required to repay all Occupational Adoption Pay that they have received. Please note that any accrued annual leave may be used as part of the three months.

## **7.2 Adoption Pay**

Adoption pay will vary depending on length of service with the NHS and UHBW. Please refer to the Adoption Leave/Pay Plan (HR Web) and use the Entitlements to Adoption Leave and Pay Flow Chart (HR Web) for more details.

### **Occupational Adoption Pay**

This is a benefit paid by UHBW for employees who have worked continuously for one or more NHS employers for 52 weeks by the end of the matching week. (Please note a break of three months or less will be disregarded, although it will not count as service).

To qualify for Occupational Adoption Pay staff must:

- Notify the Trust within seven days of being notified by their adoption agency that they have been matched with a child, unless this is not reasonably practicable;
- Submit documentary evidence in the form of a matching certificate from their adoption agency as proof of entitlement to leave;
- Intend to return to work with UHBW or another NHS employer following the adoption leave.

### **Occupational Adoption Pay will be:**

- eight weeks of full pay
- 18 weeks of half pay plus lower rate SMP, to a maximum of full pay.
- 13 weeks of lower rate SMP, to a maximum of 90% of full pay.
- 13 weeks of unpaid leave

Pay is based on the employees' average contractual earnings during:

- The eight weeks prior to the Saturday following the notice of adoption matching in cases of adoption (this is referred to as the Averaging or Relevant Period).

The exact eight week 'averaging' period' will depend on when Trust paydays fall.



## Average Weekly Earnings

Average contractual weekly earnings are based on the gross average National Insurance weekly earnings (including overtime i.e. all contractual income subject to Tax and NI) received in the eight weeks prior to the Saturday following the notice of adoption matching.

It is therefore important that staff are aware that if for any reason their earnings are reduced during that period, this will affect their average earnings. If an employee has transferred from another NHS Trust under a TUPE arrangement those earnings will also be used in this calculation.

In cases where employees who have service as indicated in the first paragraph **without** 26 weeks' continuous service by the week they are matched with a child; they will receive eight weeks of contractual full pay plus 18 weeks of half contractual pay (staff in these situations will not be entitled to statutory adoption pay).

### 7.3 Statutory Adoption Pay (SAP)

Staff will be eligible for Statutory Adoption Pay provided that they have been continuously employed by UHBW for at least 26 weeks by the week they are matched with a child.

To qualify for Statutory Adoption Pay employees of the Trust must:

- Have average earnings of not less than the lower earnings limit for National Insurance contributions.
- Notify the Trust within seven days of being notified by their adoption agency that they have been matched with a child, unless this is not reasonably practicable;
- Submit documentary evidence in the form of a matching certificate from their adoption agency as proof of entitlement to leave;

Staff will remain entitled to Statutory Adoption Pay if they leave UHBW 14 days before the match of a child provided that the earnings criteria have been met, as above.

Statutory Adoption Pay consists of:

- 39 weeks SAP at the statutory rate, to a maximum of 90% of full pay,
- 13 weeks unpaid leave.

Payment of SAP does not depend on the employee intending to return to work for the Trust after the baby is adopted. If employees qualify for SAP, employees are entitled to get it and keep it, even if the employee does not return to work.

### 7.4 Adoption Pay

**Occupational Adoption Pay (OAP) consists of:**

For those who have service as indicated in the above paragraph with 52 weeks continuous NHS service at the end of the matching week, Occupational Adoption Pay will be:

- eight weeks contractual full pay;
- 18 weeks contractual half pay, plus SAP, to a maximum of full pay;
- 13 weeks SAP, to a maximum of 90% of full pay;
- 13 weeks unpaid leave

### **Statutory Adoption Pay (SAP)**

To qualify for Statutory Adoption Pay, employees of the Trust must:

- Have a minimum of 26 weeks continuous NHS Service by the matching week.
- Notify the Trust within seven days of being notified by their adoption agency that they have been matched with a child, unless this is not reasonably practicable.
- Submit documentary evidence in the form of a matching certificate from their adoption agency as proof of entitlement to leave:

Statutory Adoption Pay consists of:

- 39 weeks SAP at the statutory rate, to a maximum of 90% of full pay,
- 13 weeks unpaid leave.

Pay is based on the employee's average contractual earnings during the eight weeks prior to the Saturday following the notice of adoption matching (this is referred to as the Averaging Period).

Payment of SAP does not depend on the employee intending to return to work for the Trust after the child is adopted. If employees qualify for SAP, employees are entitled to get it and keep it, even if the employee does not return to work.

## **8. Shared Parental Leave**

### **8.1 *Eligibility for Shared parental leave and pay:***

Shared parental leave and pay can be taken at any time within one year from the placement for adoption, providing two weeks' compulsory adoption leave has been taken first.

An employee working full-time or part-time will be entitled to paid and unpaid shared parental leave under the NHS occupational shared parental leave and pay scheme if:

They have 12 months' continuous service (see paragraphs 15.106 to 15.109 of the [NHS Terms and Conditions of Service Handbook](#)) with one or more NHS employers at the beginning of the or at the beginning of the week in which they are notified of being matched with a child for adoption, or by the 15th week before the baby's due date if applying via a surrogacy arrangement.

- (a) They notify their employer of their wish to take shared parental leave and provide a minimum of eight weeks' notice, through the submission of a booking notification form, which will confirm:
  - (i) Their intention to take shared parental leave;

- (ii) The date(s) they wish to access shared parental leave (noting that two weeks compulsory adoption leave must be taken by the main adopter before they can access shared parental leave).
  - (iii) That they intend to return to work with the same or another NHS employer for a minimum period of three months after their shared parental leave has ended;
  - (iv) That the main adopter has returned to work following adoption leave, or has provided the binding notice confirming that they intend to bring their adoption leave and pay entitlements to an early end.
- (b) They confirm that the other parent meets the statutory “employment and earnings test” by being an employed or self-employed earner in the UK for a total of 26 weeks (not necessarily continuously) in the 66 weeks preceding the week the child is due to be born or matched for adoption. The individual must have earned at least an average of £30 (gross) a week in 13 of those 26 weeks (not necessarily continuously). This amount can be amended from time to time by the Secretary of State.

## **8.2 Booking Shared parental leave**

In order to access enhanced shared parental leave employees will be required to complete the SPL Booking Notification form found on HR Web. [REDACTED]

The Trust may require the employee to provide additional information on their circumstances where this is reasonable and necessary to determine entitlements.

It is the responsibility of the employee to ensure that all information provided is accurate. Where inaccurate information is provided that leads to overpayment of statutory or occupational entitlements, the Trust have a right to reclaim any overpayment. Providing deliberately inaccurate information may also lead to the Trust to take disciplinary or other action against the employee.

### **Booking and varying shared parental leave**

Shared parental leave and pay must be taken within one year from the placement for adoption.

Following notification of their intention to take shared parental leave, an employee should provide notice to book a period of leave. The minimum period of notice to book or amend a period of leave is eight weeks.

An employee can provide up to three notices to book leave. This includes notices to vary a previously agreed pattern of leave.

Each of the three notices to book leave may include a single, continuous or discontinuous block of leave.

Requests for single blocks of leave cannot be refused.

Confirmed leave arrangements can be amended by the submission of a notice to vary the agreed period of leave. An employee can submit a notice to extend a period of leave, end it sooner than previously agreed or consolidate a number of discontinuous weeks in to a single block of leave using a variation notice. Eight weeks' notice must be given but flexibility should be provided in the event of early and late births.

In instances where discontinuous periods of leave are requested, the employees manager is not bound to agree the requested pattern. A two-week discussion period between the employee and manager will commence on the date the employee submits the booking notice. The review will look at the requested pattern of leave and discuss possible alternatives. In the limited circumstances where the manager refuses the requested pattern, they will explain the reason for the refusal. The employee cannot be prevented from taking the amount of leave they have requested within that notice, but the employees manager has authority over how and when it is taken.

In instances where a discontinuous period of leave has been refused and an alternative period has not been agreed during the discussion period, the total combined weeks' leave requested on that notice may be taken as a single continuous block. This should commence on a date specified by the employee but be no less than eight weeks from the date the original notice was provided to the Trust. The employee has five days from the end of the two-week discussion period in which to confirm the date their leave will commence. In instances where the employee specifies no date, leave will commence on the start date of the first period of discontinuous leave that was originally applied for.

An employee is not entitled to withdraw a notice for a single continuous block of leave but may do so with the Trusts express permission.

An employee may withdraw their notice to book discontinuous blocks of leave within 15 days of submitting their notice providing an agreement has not been reached with their employer about when they will be absent from work. Once the 15th day has passed any changes to a period of leave must be made by using a variation notice and a minimum of eight weeks' notice must be provided.

If a notice is withdrawn it will not count towards the three booking notifications cap.

### **Confirming shared parental leave and pay**

Following discussion with the employee, the manager should confirm in writing:

- (a) The employee's paid and unpaid shared parental leave entitlements under this agreement (or statutory entitlements if the employee does not qualify under the agreement);
- (b) The confirmed leave pattern, including start and end dates, for each block of shared parental leave the employee and employer have agreed will be taken;
- (c) Confirmation of the notification process and the required notice periods for instances where agreed blocks of leave need to be amended; and

- (d) The length of any period of accrued annual leave which it has been agreed may be taken following the end of shared parental leave.

**Paid shared parental leave: amount of pay**

Eligible employees will be entitled to claim up to 37 weeks of statutory shared parental leave pay (ShPP), less any weeks of statutory adoption pay that has already been claimed by either partner. ShPP can be claimed following the placement for adoption, but not at the same time as the compulsory two weeks of adoption leave. ShPP is paid at a rate set by the government each year.

Where an employee intends to return to work after a period of shared parental leave, the maximum joint entitlement of an eligible couple to occupational shared parental pay will be as set out below. The maximum entitlement will only apply where either parent has not already received statutory or occupational adoption pay in respect of the child. Where such pay (excluding pay during the compulsory two-week adoption leave period) has been received by either parent, the maximum joint entitlement set out below will reduce proportionate to the amount of adoption which has either been taken and paid to either parent, or notified as intending to be taken by either parent.

- (e) For the first six weeks of absence the employee will receive full pay. Full pay is inclusive of any ShPP. The total receivable cannot exceed full pay;
- (f) For the next 18 weeks of absence the employee will receive half of full pay plus any ShPP. The total receivable cannot exceed full pay;
- (g) For the next 13 weeks, the employee will receive any ShPP that they are entitled to under the statutory scheme.
- (h) For the final 13 weeks, the employee will receive no pay.

The Trust will not pay more than 26 weeks, eight weeks' full pay (including the two weeks' compulsory leave) and 18 weeks' half pay, to employees accessing occupational adoption or shared parental pay in aggregate to an eligible couple. This is irrespective of whether one or both parents are NHS employees as shared parental leave and pay is a joint entitlement.

**Calculation of shared parental leave pay**

Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Shared Parental Pay entitlements, subject to the following qualifications:

- (i) In the event of a pay award or move to a higher pay point being implemented before the paid shared parental leave period begins, the shared parental pay should be calculated as though the pay award or new pay point had effect throughout the entire Statutory Shared Parental Pay calculation period. If such a pay award was agreed retrospectively, the shared parental pay should be re-calculated on the same basis;
- (j) In the event of a pay award or move to a higher pay point being implemented during the paid shared parental leave period, the shared parental pay due from the date of the pay award or new pay point should be increased accordingly. If such a

pay award was agreed retrospectively the shared parental pay should be re-calculated on the same basis;

- (k) In the case of an employee on unpaid sick absence or on sick absence attracting half pay during the whole or part of the period used for calculating average weekly earnings, in accordance with the earnings rules for Statutory Shared Parental Pay purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.

### **Unpaid occupational leave**

Employees are also entitled to take a further 13 weeks as unpaid leave to bring the total for shared parental leave to 50 weeks. However, this may be extended by local agreement in exceptional circumstances.

### **8.3 *Deciding whether Shared Parental Leave (SPL) is suitable***

When an adoption has been confirmed, the couple need to consider what leave arrangements will work best and whether SPL is suitable option. Factors to consider include:

- (a) Whether one or both parents qualify for SPL and how they would like to share the care of the child
- (b) Whether the main adopter is prepared to reduce their adoption leave, opting to take SPL instead
- (c) Availability of other legal rights (such as flexible working request, annual leave and parental leave) and how they could work alongside SPL.

If both parents are employees and both meet the qualifying requirements then there will be a joint entitlement and the parents will have to determine how to divide the leave entitlement once the main adopter has decided to curtail their adoption leave.

If parents don't choose SPL at first, they have the option to use it at a later date while they are still eligible. For example, six months into an adoption leave period, the main adopter may choose to reduce their adoption leave by two months, giving their partner the chance to take those two months as SPL (provided they give eight weeks' notice to their employer and take the SPL within a year of the adoption).

Alternatively SPL can start for the partner while the main adopter is still on adoption leave if s/he's given binding notice to end his/her leave. E.g. A main adopter and their partner are both eligible for SPL. The main adopter goes on adoption leave 10 weeks before their child is adopted. They decide that they will take 16 weeks of adoption leave and they give their manager notice. Since the main adopter has given binding notice, their partner can start SPL as soon as the child has been adopted (as long as they've given at least eight weeks' notice).

## **9. Salary Sacrifice and Tax Free Schemes**

Until April 2018 employees will be able to join the Trusts Childcare Voucher (CVV) scheme through Kiddivouchers.com. Childcare Vouchers can be used as either full or part payment of fees at any registered childcare setting such as a day nursery, childminder, out-of-school club, Explore

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Learning, etc. The value of voucher(s) is taken from the employees' gross monthly salary which is exempt from tax and national insurance contributions, thus allowing the employee to save up to 41% of the value - depending on the level of tax they pay.

The maximum monthly salary exchangeable for childcare vouchers is £243 per person for 20% (normal rate) tax payers and £124 per person for 40% + tax payers. Childcare vouchers can be used to pay childcare costs up until a child reaches 15 years of age and they can be bought in advance – for later use.

For further details about the voucher scheme, go to [www.kiddivouchers.com](http://www.kiddivouchers.com) or telephone: 0800 612 9015. Please quote UHBW staff reference: S989981K

### **9.1 Tax Free Scheme (TFS)**

'Tax-Free Childcare' (TFC) is a new government scheme which will enable parents to save 20% of their childcare costs.

TFC will not replace the Childcare Voucher Scheme (CCV) for employees already in this scheme but the CCV scheme will be closed to any new joiners with effect from April 2018.

If an employee is currently participating in the childcare voucher scheme and wishes to join the new scheme, they must advise the Trust by providing a Childcare Account Notice (CAN) within 90 days of opening the TFC account. This is to be sent to Payroll department and the Trust will need to cease the Voucher option through pay with immediate effect: [PayrollEnquiries@UHBW.nhs.uk](mailto:PayrollEnquiries@UHBW.nhs.uk)

Please note an employee cannot be in both schemes and for one parent to claim Childcare Vouchers and the other parent to claim Tax-Free Childcare.

### **9.2 Eligibility for Tax Free Childcare**

Not all families are eligible for TFC. For example if one parent is not working, then neither parent is eligible for TFC and a family in receipt of universal credit cannot also get TFC.

To be eligible for TFC parents must be earning above the national minimum wage once the tax free benefit is deducted, but less than the upper earnings threshold.

The benefit applies to working families with children under 12 (or under 17 if disabled).

See <https://childcare-support.tax.service.gov.uk> and <https://www.childcarechoices.gov.uk/> for more information.

### **9.3 Deciding whether to opt out of Childcare Voucher scheme during qualifying/averaging weeks**

Employees who already participate in the Trust Childcare Voucher and/or any other Salary Sacrifice Schemes delivered by the Trust must decide whether to temporarily suspend from their respective scheme, opt out altogether, or to remain in the scheme(s) prior to and during the qualifying/averaging period.



The eight week qualifying/averaging period is the eight weeks prior to the Saturday following the notice of adoption matching.

Continuation in Salary Sacrifice during the qualifying period will result in reduced Occupational Adoption Pay (OAP) and so it is imperative that you communicate your decision to the relevant Salary Sacrifice scheme administrator prior to this period so as not to affect your adoption entitlement, if required.

Salary Sacrifice schemes provided at the Trust comprise; Childcare Voucher Scheme administered by Kiddivouchers, Cyclescheme, Car Parking Salary Exchange and Staff Accommodation.

This action may be taken by employees prior to notification to their line manager and completion of the Adoption/Shared Parental Leave Pay Plan. This requirement does not affect staff who are not yet participating in the Childcare Voucher or other Salary Sacrifice scheme(s).

N.B. Should an employee wish to be reinstated on to the Trust's Childcare Voucher and/or any Salary Sacrifice Scheme(s), they should contact the Trust Childcare And Benefits team for current registration instructions (email: [childcare@UHBW.nhs.uk](mailto:childcare@UHBW.nhs.uk) or telephone 0117 342 3749).

## **10. Pre Commencement of Adoption & Shared Parental Leave**

### **10.1 Introduction**

The procedure covers the information required by staff and managers and the legal framework with regards to Adoption Leave and Shared Parental Leave and pay.

The Adoption and Shared Parental Leave Process Calendar (HR Web) and Adoption and Shared Parental Leave - Manager's checklist (HR Web) are attached to this document to provide a useful structure for managers and staff on the stages and actions required to ensure applications are dealt with smoothly.

### **10.2 Pre-commencement of Adoption & Shared Parental Leave**

Employees planning to adopt will find that having early conversations with their manager regarding leave intentions will be beneficial, enabling them both to be clear regarding the entitlement, what leave arrangements are being considered and how any leave will be accommodated.

### **10.3 Notification/First Steps**

#### **(a) Adoption**

It is the responsibility of the member of staff to advise the manager as early as possible that they are in the process of seeking to adopt. The length of time it takes to adopt a child can vary significantly and often little notice of the child's arrival is given. This will be taken into consideration at all times when discussing leave requirement. The following steps should be taken as soon as possible after the member of staff has informed the manager of planned adoption.



- The member of staff must discuss with the manager the requirement for time off for appointments relating to the adoption process.
- As soon as confirmation has been given that the adoption process has been successful (notification is received of matching), the member of staff should meet with the manager to complete the Adoption Leave and Pay Plan (HR Web). A date of return should be given or where the employee is not returning this should be documented on the form. The pay plan should be completed as soon as it is reasonable practicable and at least 28 days before adoption is due to be taken or as soon as is reasonably practical. The meeting is also an opportunity for the employee to discuss with the manager any working arrangement alterations that the employee is considering on their return, if appropriate, such as flexible working and whether the employee intends to take Shared Parental Leave.
- The Matching Certificate should be shown to the manager and the manager should verify a copy and send to Employee Services department with the Adoption Leave Plan.
- Before adoption leave is due to commence, a change of condition e-form should be completed. This will be matched with the adoption paperwork in Employee Services and processed.

#### ***10.4 Time off for appointments***

##### **(a) Time off for pre adoption assessments:**

The main adopter will be entitled to take up to five days paid time off in a rolling 12 months for pre-adoption assessments.

The main adopter's partner will be entitled to take unpaid time off for up to two appointments. Unpaid leave or annual leave may also be used.

#### ***10.5 Notifying the Trust of entitlement to Shared Parental Leave***

An employee entitled and intending to take SPL must give their line manager notification of this at least eight weeks before they can take any period of SPL using the Shared Parental Leave Booking Form (HR Web).

The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of week of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave. SPL may begin on any day of the week but may only be taken in complete weeks.

The Trust may, within 14 days of the SPL entitlement notification being given, request documentation relating to the birth or adoption of the child and the name and business address of the partners employer if they do not work for the Trust.

It is the employee's responsibility to check that they are eligible for SPL and ShPP and the Trust will grant leave and pay based on the information and declarations provided by the employee. If it is subsequently discovered that ShPP was incorrectly paid, the Trust will correct their records and

may recover wrongly paid ShPP as an overpayment of salary, as applies to all statutory payments. Fraudulent claims may be investigated in accordance with the Trusts Disciplinary Policy.

### ***10.6 Discussions regarding Shared Parental Leave***

Upon receiving a SPL booking notice the employee's manager will usually arrange a meeting with the employee to discuss it (see HR Web for invite letter). Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employees notice booking form, a meeting may not be necessary, but the manager should confirm the outcome in writing (see HR Web for approval letter).

Meetings should be arranged in advance and should take place in a private place. If the employee is on adoption leave at the time of the request the meeting may be held over the telephone.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague, trade union representative, or a personal friend or family member not acting in a legal capacity.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work (see HR Web for guidance on conducting the meeting). Where it is a request for discontinuous leave, the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the organisation, and what the outcome may be if no agreement is reached.

Once a period of leave is agreed the employee's manager should raise an electronic change of conditions e-form to notify Payroll of the start and end date of the block of leave and how many weeks ShPP should be paid if applicable.

#### **Continuous leave notifications**

A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

An employee has the right to take a single block of leave notified in a single notification so long as it does not exceed the total number of weeks SPL available to them (as specified in the notice of entitlement). The employee must give at least eight weeks' notice.

#### **Discontinuous leave notifications**

A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks in between the leave where the employee returns to work (e.g. where an employee takes six weeks SPL and works every other week for a period of three months).

Where there is concern over accommodating the notification, the organisation or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the organisation (see HR Web for guidance on conducting a SPL meeting).

The organisation will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of requesting it, or can take the leave in a single continuous block.

### **Responding to Shared Parental Leave notification**

Once the employee's manager receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made (using outcome letters at Appendix F&G).

### **All notices for discontinuous leave will be confirmed in writing**

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the organisation against any adverse impact to the service.

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made (See Appendix F&G for booking request outcome letter). The request may be granted in full or in part: for example, the organisation may propose a modified version of the request.

If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

### ***10.7 Cancelling or varying booked Shared Parental Leave (SPL)***

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Trust in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the organisation requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the organisation.

The manager should raise a Change of Conditions e-form as soon as any variation or cancellation of leave is confirmed to notify Payroll of the change.

### ***10.8 Changing the start date of Adoption or Shared Parental leave***

If staff wish to change the date they are due to start adoption leave, they must give the manager 28 days' notice of the new intended date. If staff wish to cancel or vary an agreed or booked period of SPL they may do so provided they inform their manager in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

## **11. Commencement of Adoption Leave**

### ***11.1 Commencement of Adoption Leave***

Adoption leave can be taken up to 14 days prior to the expected date of placement. If this date needs to be amended the employee will need to give 28 days' notice of the new intended date.

### ***11.2 Early Placement of Child***

#### **Automatic Start to Adoption Leave**

Where adoption occurs before the agreed leave period was planned to commence, so long as there is a written request and agreement that adoption leave is granted, the leave will commence on the first day of adoption. The line manager should complete a change of conditions e-form with the date that the adoption leave started.

## **12. During Adoption Leave**

### ***12.1 Reasonable contact***

Reasonable contact allows employers and employees to keep up-to-date on changes within the workplace and to personal circumstances that can help ease the employee's return to work. The employer has legal obligations to the employee while they are away from work and therefore should keep the employee informed about everyday issues e.g. staffing changes and job opportunities.

How and when contact will take place should be discussed and agreed upon in advance of the leave period being taken.

### ***12.2 SPLIT & KIT days***

Before starting Adoption or Shared Parental Leave (SPL), the employee's manager will discuss voluntary arrangements for keeping in touch if the employee is planning to return to work. The employee is under no obligation to keep in touch or to maintain any contact discussed before adoption or shared parental leave begins.

The law allows employees to attend work on a maximum of 10 'Keeping in Touch' (KIT) days during Adoption Leave and/or 20 Shared Parental Leave Days (SPLIT days) during their Shared Parental Leave. By law, the employee may not work during the two weeks immediately following the birth of a child. KIT and SPLIT days can be consecutive and can be shorter than a normal working day, to allow the employee to attend a training session for example. KIT and SPLIT days can also be used

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for development or away days with the team, or to communicate significant changes within a department.

Working for a part of any day counts as one whole KIT or SPLIT day, however employees will only be paid for the hours they have worked that day. Any such SPLIT or KIT days and the arrangements for them must be agreed by both the employee and their manager and neither can insist on KIT or SPLIT days being used.

If taken during the unpaid part of adoption leave or SPL, SPLIT and KIT days will be paid at the normal hourly rate as if the employee were at work. If a SPLIT or KIT day is taken during paid adoption or SPL, the employee will be paid at the normal hourly rate with an adjustment made to the SMP, OAP or ShPP calculation for that week.

Payment of SPLIT and KIT days may be given on the return from adoption leave or SPL, or on the next monthly pay day, depending on when the employee wants to be paid for them. The employee's manager should complete a Change of Conditions e-form confirming the date(s) the SPLIT or KIT days were taken and the duration of each day in hours.

Where applicable Professional Registration must be maintained (or renewed if this has expired whilst an employee is on adoption leave or SPL), if the employee wishes to be eligible to work and be paid for KIT or SPLIT days.

### ***12.3 Medical Staff***

Whilst 'KIT days' specifically apply only to the statutory adoption leave period, it is recognised that trainees may wish to undertake similar activities prior to returning to work (such as those relating to Supported Return to Training) outside of the statutory leave period, for instance during their accrued annual leave period. In this case, they will in effect be giving up a day (or more) of this annual leave, so will be entitled to the equivalent number of days back later. They will not receive additional pay.

The employee will be paid at their basic daily rate for the hours worked, less the occupational adoption or shared parental leave payments.

Pay for a KIT and SPLIT day undertaken by a LTFT trainee should be the same as that of an equivalent grade full-time trainee, basic daily rate for the hours worked.

Following the most recent junior doctors contract review, trainees can now claim time back in lieu, to reflect the loss of adoption or shared parental leave and pay associated with taking KIT and SPLIT days.

If a KIT and SPLIT day is worked in the full pay period, the employer will make arrangements to ensure the employee receives a day of paid leave in lieu once the employee has returned to work.

### ***12.4 Sickness during Adoption Leave***

Staff are not entitled to sick pay whilst on adoption leave. However, if the member of staff is ill on or after the date they have agreed to return to work following adoption and submit a medical

statement from a registered medical practitioner, or a self-certificate to cover the absence, they will be entitled to sick leave in accordance with normal sick leave provisions. It is the employee's duty to keep their manager informed of any illness or changed circumstances that may affect current circumstances or anticipated date of return. An employee may also be referred to Occupational Health to seek guidance on their fitness to carry out normal duties. It is not possible for an employee to stop adoption leave and commence sick leave and then recommence adoption leave.

### ***12.5 Termination of an adoption placement***

Should the placement be terminated for any reason more than eight weeks before the end of either the paid or unpaid adoption leave period, the member of staff will be entitled to a further eight weeks of either type of leave that remained if the placement had not been terminated.

### ***12.6 Booking Shared Parental Leave (SPL)***

Eligible employees are entitled to book SPL while they are on Adoption Leave provided they give notice to their employer and take the SPL within a year of the birth.

Employees wishing to take SPL must notify their manager of their entitlement to SPL and Statutory Shared Parental Pay (ShPP), as well as giving at least eight weeks' notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

### ***12.7 Visa status checks***

The Trust carries out regular checks on employee visa status in order to ensure that all employees that require a visa to work continue to be legally allowed to do so. Should an employee's visa expire during adoption leave or SPL, the Trust maintains its right to request up-to-date evidence of their entitlement to work and to be employed by the Trust. It is the responsibility of the employee to ensure that this information is provided to the Trust. Failure to supply appropriate evidence that the employee has full legal entitlement to work at the Trust will result in immediate suspension (in line with the Trusts Right to Work Policy).

## **13. Prior to return to Work and Process on Return**

### ***13.1 Notification to Return***

It is good practice to indicate the estimated return date on the Adoption and SPL pay plan. The employee must give eight weeks' notice of the actual return to work date.

### ***13.2 Return to Work Process***

Before the employee returns to work, the manager will ensure that:

- (a) They calculate how much leave the employee has accrued during adoption and/or shared parental leave (in consultation with the employee) and agree when the employee plans take this block of leave and when they will physically return to the office. Conversations about returning to work should take place at least eight weeks prior to the start date of any accrued annual leave.
- (b) A change of conditions electronic form is completed advising of the date of return (this will be the start date of a block of accrued annual leave if applicable and the hours will remain at the level prior to adoption), and any changes to working conditions agreed e.g. a reduction in hours should be advised on an additional e-form with the effective date of the change and actual date of return to work. This should be forwarded to Employee Services. An alternative is that the employee returns on the lower hours with only one e-form required and the employee takes the accrued leave due over an extended period in agreement with the department.
- (c) A reorientation programme is drawn up prior to the employee's return and implemented over the first few weeks of return.
- (d) A full analysis of statutory and mandatory training requirements for the member of staff is undertaken and a programme of training established to ensure safe practice.
- (e) For staff who require statutory/professional registration to practice, the manager must ensure they are registered before the employee recommences duties. This should be done with reference to the Professional Registration Policy.

### **13.3 Job on Return**

Staff have the right to return to work under their original contract and on no less favourable terms and conditions.

Employees have a right to return to the same job after adoption leave and SPL if their adoption leave or combined leave period (comprising of adoption and SPL) totalled 26 weeks or less.

In the case where the number of weeks of adoption and SPL exceeds 26 weeks in aggregate, or the total number of unpaid parental week exceeds four weeks, an employer must allow an employee to return to the same job unless it is not reasonably practicable, in which case they must offer a suitable and appropriate job on terms and conditions that are no less favourable.

If staff wish to return to different hours or duties they must discuss and agree this with their manager and submit a Flexible Working Request (please refer to the Trust's [REDACTED]). This can be done at any time before or during adoption leave and preferably at the earliest opportunity.

These issues must be discussed between the manager and employee as soon as possible in conjunction with Occupational Health and Employee Services. Time frames for this situation will depend on individual circumstances and Occupational Health advice (where appropriate) and in some circumstances the Trust can also look at options of temporary change in work until a permanent resolution has been agreed.



### ***13.4 Use of annual leave as part of return to work***

Employees will accrue their normal annual leave entitlements during paid and unpaid adoption leave and SPL. For example, if an employee is entitled to 27 days annual leave and eight bank holidays a year and a year is taken for adoption leave, they will have 35 days accrued to take once adoption leave has ended, plus any annual leave owing until the end of their leave year and minus any leave taken at prior to adoption leave.

Employees, in agreement with their manager, should take the leave they have accrued during adoption leave immediately following the end of their adoption leave, prior to physically returning to their role. Accrued leave should be taken before any agreed reduction to the employee's contractual hours (unless otherwise agreed by the Division), to enable the employee to return to work within a reasonable timeframe.

Employees must give their manager at least eight weeks' notice of the date they will be ending their adoption leave and the start date of any accrued leave, and this block of leave must be approved by the manager.

Employees wishing to use accrued leave differently (for example be paid 37.5 hours a week, use two days annual leave a week, working 22.5 hours a week, until accrued leave is exhausted) will need to submit a business case to their line manager at least eight weeks before they propose to start taking the annual leave. Business cases will be considered by the Head of Division and HR Business Partner who will consider the service needs in line with any proposals made. If the request is refused, employees will need to take accrued leave in a single block before returning to work.

### ***13.5 Decision not to Return to Work at the Trust***

Following adoption leave and SPL (if applicable), the main adopter must physically return to work in a substantive post for a minimum of three months, in order to avoid paying back the Occupational element of adoption and (if applicable) Shared Parental Pay that they have received. If the employee leaves before this three month period they will still be entitled to receive any Statutory Adoption Pay and Statutory Shared Parental Pay (if SPL was taken). The method of repayment of Occupational Adoption/Shared Parental Pay will be determined in agreement with payroll. Staff must notify their Manager as soon as they know that they will not be returning to work. Any accrued annual leave taken immediately following the end of adoption leave will count towards the three months. Untaken annual leave and Bank Holiday accruals for the whole adoption period will be offset against the total Occupational Adoption Pay overpayment.

If the employee decides to work for another NHS employer up to three months after the end of their adoption leave for a minimum period of three months after their adoption leave has ended, they will not be liable to refund the Occupational Adoption/Shared Parental Pay they have received from the Trust. The employee's manager will need to see proof of the employee's employment with the new NHS Employer, which must also be in a substantive post and must confirm that they have seen this on the termination e-form.



### **13.6 *Adoption Leave and an early return to Bank***

Employees who are in the unpaid section of their Adoption leave or Shared Parental Leave may work on the Bank before returning to their substantive roles in the following circumstances:

- (a) They do not return until after the 39th week of adoption leave (i.e. there can be no return until the entitlement to SMP is exhausted).
- (b) If taking Shared Parental Leave, they have exhausted any entitlement to Statutory Shared Parental Pay (ShPP).

The return to Bank work should be communicated to Payroll via a Change of Conditions form. Subsequent return to a substantive role must also be communicated to Payroll via a Change of Conditions form.

In order to avoid repaying Occupational Adoption Pay, staff returning from adoption leave must physically return to work, to a substantive post within the Trust or another NHS Trust, for a minimum of three months. This can be at full time or part time hours. Staff who have received Occupational Adoption Pay cannot avoid repaying it by working Bank Shifts only.

## **14. Terms & Conditions and Other Provisions**

### **14.1 *Conditions of Service such as Annual Leave***

The employee's contract of employment continues for the duration of the adoption leave and Shared Parental Leave (if applicable) as these types of leave are not considered to be a break in service. During Adoption and Shared Parental Leave staff will be entitled to receive the benefits and accrual of these benefits for all terms and conditions, except remuneration.

Annual leave will continue to accrue during adoption leave and SPL, whether paid or unpaid. Where the amount of accrued annual leave exceeds normal carry over provisions, the employee may carry the leave over to the next leave year. It may be mutually beneficial to both the Trust and the employee for the employee to take a block of annual leave immediately before and/or after the formal (paid and unpaid) adoption leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and the line manager. In exceptional circumstances, payment in lieu may be considered as an option where accrual of annual leave exceeds the normal carry over provisions.

The employee is entitled to lieu days for any Bank holidays that fall within the period of adoption leave or SPL. For employees on Term Time Only contracts who receive annual leave as part of their monthly pay, an adjustment will be made to the employees pay for annual leave at the end of the entire adoption leave period or when the employee returns to work. The employee may choose whichever option is preferable to them, and they should notify Employee Services and Payroll of which option they would prefer.

### **14.2 *Continuity of Service***

Adoption Leave and Shared Parental Leave do not count as a break in service.

### **14.3 Pay Progression**

An employee on adoption or shared parental leave will progress through their pay step on the date the pay step is due unless a pay-step review meeting has taken place prior to the commencement of leave which confirmed that the required standards for pay progression would not be met. If a pay-step review cannot be conducted prior to the pay-step date the pay-step point should be automatically applied in the individual's absence.

For staff on medical or dental contracts that are covered by this section the general principle will apply that there should be no detriment to pay progression or annual leave accrual as a result of taking adoption/shared parental leave.

The full pay calculation of adoption pay uses the average weekly contractual element used for the calculation of statutory adoption pay entitlement, subject to the following qualifications:

In the event of a pay award or annual increment being implemented before the paid adoption leave period begins, the adoption pay should be calculated as though the pay award or annual increment had effect throughout the entire statutory adoption pay calculation period. If such a pay award was agreed retrospectively the adoption pay should be recalculated on the same basis.

In the event of a pay award or annual increment being implemented during the paid adoption leave period, the adoption pay due from the date of the pay award or annual increment should be increased accordingly. If such a pay award was agreed retrospectively, the adoption pay should be recalculated on the same basis.

### **14.4 Pension Scheme contributions**

During paid adoption leave or Shared Parental Leave, contributions are due on the amount of occupational or statutory adoption pay or Statutory Shared Parental Pay received. During unpaid adoption leave, or Shared Parental leave pension contributions cannot be processed.

Contributions due in the unpaid part of Adoption or Shared Parental leave will be deducted from the employee's salary on their return to work over a similar length of time as the period covered by the unpaid leave. Employees should contact the Pensions Department for further pension queries. The contributions are paid on the pay rate in force on the last day of paid adoption leave, this is normally the lower rate SMP pay rate and this significantly reduces the contributions due for the 'no-pay' period.

Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations.

### **14.5 Receiving Adoption Pay & Statutory Shared Parental Pay (ShPP)**

Any Statutory Adoption Pay or ShPP payments to which the employee is entitled will be paid in the same way as salary normally is. Staff do not have to do anything further to claim it.

Before an employee commences leave, or as soon as a period of Shared Parental Leave (SPL) is agreed, the manager will complete a change of conditions electronic - form, which Employee Services will forward to Payroll, notifying them of the date adoption pay or SPL should start. In the

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case of SPL the Change of Conditions form should state how many weeks of ShPP the employee should be paid and the start and end date of the block of leave. Employee Services will keep the original MATB1/Adoption documentation in the employee's personal file along with the Adoption/Shared Parental Leave plan and any relevant Change of Conditions forms.

If the employee is not entitled to receive Statutory Adoption Pay, the Payroll Section will send the employee a SAP1 form in cases of adoption. The employee may be entitled to support from the local council when adopting a child <https://www.gov.uk/find-local-council>.

#### ***14.6 Income Tax Deductions***

Tax will be automatically adjusted to its correct level, each month. At the start of the new financial year (April), tax refunds will cease for staff on no pay.

#### ***14.7 Mobile Phones, Laptops and Other Equipment***

Mobile phones, laptops and other equipment issued by the Trust should be returned before the commencement of adoption leave.

#### ***14.8 Trade Union Membership Deductions***

Deductions cease during the unpaid part of the adoption leave, but are reinstated upon return to paid employment unless otherwise instructed. Staff must advise their union so that their record can be amended.

#### ***14.9 Fixed Term or Training Contracts***

Staff on fixed term contracts which expire 14 days after the expected week of placement of the child and who satisfy the eligibility conditions, shall have their contracts extended so as to allow them to receive the 52 weeks which includes paid contractual and statutory adoption pay and the remaining 13 weeks of unpaid adoption leave. For further terms for fixed term staff, please refer to Part 3, Section 15, paragraphs 15.42-45 in the [NHS Terms and Conditions of Service Handbook](#).

Absence on adoption leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.

If there is no right of return to be exercised because the contract would have ended if adoption had not occurred, the repayment provisions will not apply.

#### ***14.10 Rotational Training Contracts***

Where an employee is on a planned rotation of appointments with one or more NHS employers as part of an agreed programme of training, she shall have the right to return to work in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if adoption had not occurred. In such circumstances, the employee's contract will be extended to enable the practitioner to complete the agreed programme of training.

#### ***14.11 Childcare Voucher, Tax Free Scheme (TFS) and Salary Sacrifice Schemes***

Once the decision has been made by a participating employee to either remain in or opt out of their respective scheme during the qualifying or averaging weeks (see section 6); the employee must inform either the Childcare Voucher Scheme provider (Kiddivouchers: 0800 612 9015) or the relevant Salary Sacrifice Provider.

This action may be taken by employees prior to notification to their line manager and completion of the Adoption/Shared Parental Leave Pay Plan. This does not affect staff who are not yet participating in the Childcare Voucher or Salary Sacrifice scheme(s).

Employees must decide prior to the qualifying or averaging period whether they wish to remain in or opt out of their respective scheme(s) as this will affect the value of adoption pay they will receive. This timescale enables Payroll sufficient time to make the necessary amendments in time for adoption pay calculation.

Existing childcare voucher participants who choose to remain in the scheme during the qualifying or averaging period will receive Occupational Adoption Pay (OAP) based on their salary, which is reduced by the value of childcare vouchers taken during this time. Under this arrangement, on receipt of Statutory Adoption Pay (SAP) and Additional Adoption Leave (if applicable), childcare vouchers will continue to be provided to the employee, the cost of which will be met entirely by the Trust.

### **15. Standards and Key Performance Indicators**

This policy will be monitored and updated/improved according to the types of adoption/SPL related calls and queries logged with HR Services and in line with any changes to family legislation.

### **16. References and Associated Internal Documentation**

Flexible Working Policy

Maternity and Shared Parental Leave Policy

New Parent Support Leave Policy

Annual Leave Policy

Special Leave Policy

[REDACTED]

[REDACTED]

Adoption Leave Pay Plan

SPL Booking Form

SPL Discontinuous Leave Refusal Letter

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## 17. Appendix A – Monitoring Table for this Policy

The following table sets out the monitoring provisions associated with this policy. Please ensure any possible means of monitoring this policy to ensure all parts are fulfilled are included in this table.

Objective	Evidence	Method	Frequency	Responsible	Committee
Monitoring of calls and cases to HR Services in relation to Adoption and SPL to identify clarity of documentation.	Incident reports from Case Management System and Call logs Reporting System.	Data extraction from incident reporting system.	Quarterly, Annually and Ad hoc as required.	HR Services	HR Services

## 18. Appendix B – Dissemination, Implementation and Training Plan

The following table sets out the dissemination, implementation and training provisions associated with this Policy.

Plan Elements	Plan Details
<b>The Dissemination Lead is:</b>	Head of HR Services
<b>Is this document: A – replacing the same titled, expired policy, B – replacing an alternative policy, C – a new policy:</b>	A
<b>If answer above is B: Alternative documentation this policy will replace (if applicable):</b>	[DITP - Existing documents to be replaced by]
<b>This document is to be disseminated to:</b>	All staff
<b>Method of dissemination:</b>	HR Web and Newsbeat
<b>Is Training required:</b>	Yes
<b>The Training Lead is:</b>	HR Specialist

<b>Additional Comments</b>
[DITP - Additional Comments]

## 19. Appendix C – Equality Impact Assessment (EIA) Screening Tool

Further information and guidance about Equality Impact Assessments is available here:

<http://nww.avon.nhs.uk/dms/download.aspx?did=17833>

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Query	Response
What is the <b>main purpose</b> of the document?	To inform employees who are planning to adopt of their rights and the process they need to go through.
Who is the target audience of the document?	Add <input checked="" type="checkbox"/> or <input type="checkbox"/>
Who is it likely to impact on? (Please tick all that apply.)	<b>Staff</b> <input checked="" type="checkbox"/> <b>Patients</b> <input type="checkbox"/> <b>Visitors</b> <input type="checkbox"/> <b>Carers</b> <input type="checkbox"/> <b>Others</b> <input type="checkbox"/>

Could the document have a significant <b>negative</b> impact on equality in relation to each of these characteristics?	YES	NO	Please explain why, and what evidence supports this assessment in relation to your response.
<b>Age</b> (including younger and older people)		X	
<b>Disability</b> (including physical and sensory impairments, learning disabilities, mental health)		X	
<b>Gender reassignment</b>		X	
<b>Pregnancy and maternity</b>		X	
<b>Race</b> (includes ethnicity as well as gypsy travelers)		X	
<b>Religion and belief</b> (includes non-belief)		X	
<b>Sex</b> (male and female)		X	
<b>Sexual Orientation</b> (lesbian, gay, bisexual, other)		X	
<b>Groups at risk of stigma</b> or social exclusion (e.g. offenders, homeless people)		X	
<b>Human Rights</b> (particularly rights to privacy, dignity, liberty and non-degrading treatment)		X	

Will the document create any problems or barriers to any community or group? YES / **NO**

Will any group be excluded because of this document? YES / **NO**

Will the document result in discrimination against any group? YES / **NO**

If the answer to any of these questions is YES, you must complete a full Equality Impact Assessment.

Could the document have a significant <b>positive</b> impact on inclusion by reducing inequalities?	YES	NO	If yes, please explain why, and what evidence supports this assessment.
Will it promote equal opportunities for people from all groups?	X		
Will it help to get rid of discrimination?	X		

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Will it help to get rid of harassment?		x	
Will it promote good relations between people from all groups?		x	
Will it promote and protect human rights?		x	

On the basis of the information/evidence so far, do you believe that the document will have a positive or negative impact on equality? (Please rate by circling the level of impact, below.)

Positive impact				Negative Impact		
Significant	<u>Some</u>	Very Little	NONE	Very Little	Some	Significant

Is a full equality impact assessment required? YES / **NO**

Date assessment completed: 29.7.21

Person completing the assessment: [REDACTED] HR Specialist