



## Desktop Guide to HR - Adoption Leave

### Introduction

Any employee (irrespective of sex) who adopts a child from within the UK or from overseas can take Statutory Adoption Leave for up to 52 weeks. They can also claim Statutory Adoption Pay (which currently has a maximum of £128.73 per week) for up to 39 weeks\*.

One of a couple - the employee or their partner can decide who will take the paid leave. The other couple member, or adopter's partner, may be able to take paid paternity leave (refer to the section on Paternity Leave).

*\*As with Statutory Maternity Pay and Statutory Paternity Pay, a significant percentage of Statutory Adoption Pay can be reclaimed from the government. You should seek advice from your accountant if an employee asks to claim Statutory Adoption Pay.*

### Who is Eligible for Adoption Leave and Pay?

To qualify for leave, an employee must:

- be newly matched with a child by an adoption agency ('matched' means that the adoption agency has given the employee the details of the child they think is suitable for that employee to adopt)
- have worked continuously for their current employer for at least 26 weeks before the beginning of the week when they are matched with a child

To qualify for pay they must also:

- earn more than the lower earnings limit (LEL) for National Insurance contributions, which is currently £102 per week before deductions for tax and NI (previously £97 prior to the 4th April 2011)

The employee must give their employer documentary proof, usually a matching certificate from the adoption agency, to show that they have the right to paid adoption leave and that the adoption agency is one which is properly recognised in UK law.

***Important Note: There are no statutory rights to adoption leave or pay if a private adoption is arranged.***

### When is Adoption Leave Taken?

Adopters who meet the employment conditions have the right to up to 26 weeks' Ordinary Adoption Leave, followed by up to 26 weeks' Additional Adoption Leave.

Adoption leave can start:

- on the date the child starts living with the employee
- on an earlier date up to 14 days before the date the employee expects the child to start living with them

### --- PLEASE NOTE ---

The information set out in this document is correct at 1<sup>st</sup> May 2011. As the legislation that applies in this article/document is general in its context, your specific circumstances may require tailored advice for it to be effective. If in doubt, contact Crispin Rhodes on 01908 230969 or email [angela@crispinrhodes.co.uk](mailto:angela@crispinrhodes.co.uk) or [sharon.pugh@crispinrhodes.co.uk](mailto:sharon.pugh@crispinrhodes.co.uk)