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ADOPTION LEAVE AND PAY PROCEDURE

Introduction and Aim

The rules covering adoption leave and pay and surrogacy arrangements are fairly complex; this procedure ensures that employees of Cardiff and Vale University Health Board (the UHB) are informed of their entitlements and provides a straightforward summary of the actions they and their managers need to take.

Objectives

- To provide comprehensive information to employees on their entitlements with regards to adoption leave and pay when being matched with a child or are the intended parent through a surrogacy arrangement
- To provide the fair, consistent and effective application of adoption provisions

Scope

This procedure applies to all staff.

Equality and Health Impact Assessment	This Procedure sits under the Family and Parental Leave Policy and EHIA. This EHIA found there to be a positive impact
Documents to read alongside this Procedure	Family and Parental Leave Policy All Wales Flexible Working Policy Adaptable Workforce Policy Payroll Overpayment/Underpayment Policy Shared Parental Leave Procedure Working Times Procedure Neonatal Care Leave and Pay Procedure All Wales Pregnancy Loss Support Policy
Accountable Executive or Clinical Board Director	Executive Director of People and Culture
Author(s)	People Assurance and Experience Advisor / Union Representative

Disclaimer

If the review date of this document has passed please ensure that the version you ar using is the most up to date either by contacting the document author or the Governance Directorate.

Summary of reviews/amendments

Version Number	Date Review Approved	Date Published	Summary of Amendments
1	21.01.15	*TBA*	Content previously included within the Maternity, Adoption and Paternity Guidance Notes. A new policy has been developed and separate procedures written to support it.
2	09.01.2019	22.01.2019	Payslips are no longer posted to employee's home address during the Adoption Leave period as they are available online. References to 'confirmation of return to work forms' replaced with PIF forms Section on Special Guardianship Order added. Section on keeping in touch reworded to make it clearer
2a	03.04.2019	29.04.2019	Statement added to reflect monthly pay arrangements (section 2.5)
3	09.03.2022		• Adoption Leave and Pay arrangements for surrogacy arrangements incorporated • Clarity provided around what happens if the adoption is disrupted • Option for reasonable reimbursement of childcare costs or provision of childcare facilities when KIT days are worked included • If KIT days are worked in the full/half pay period the manager must make arrangments for the member of staff to receive paid leave in lieu once they return to work • New section of equality of access under rotational training contracts • New section on pay progression
4	30.09.2026	22/10/2026	• Documents to be read alongside procedure updated • Reference to HR changed to People Services

			• Statutory Adoption Pay section added • Reference to SMA App added • Reference to Lease Car Scheme implications added

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1	**RESPONSIBILITIES**
1.1	**Employee** • To inform their manager as soon as they know they have been matched with a child or they are the intended parent through a surrogacy arrangement • To access this procedure on the UHB website, from their manager or from People Services and seek additional advice if necessary • To make an application to take adoption leave • To provide the matching certificate or a parental surrogacy declaration that the intend to apply for a parental order in the case of a surrogacy arrangement • To inform their manager of their intentions regarding returning to work
1.2	**Manager** • Ensure the rules set out in the Procedure are followed without deviation as it can otherwise affect the employee's entitlements. Check with People Services if any elements are unclear. • To ensure that the employee is aware of their rights and obligations under this procedure and is afforded time off and all other entitlements • To ensure that the countersigned adoption leave application form is forwarded to the People Services along with original matching certificate • To keep the employee who is on adoption leave informed about developments in the UHB and the department • Inform Payroll when the employee goes on and returns from adoption leave • Instruct Payroll to pursue the overpayment procedure if the employee does not return to work and is liable to refund their adoption pay and do not complete the 18 shifts within the specified time period.
1.3	**People Services** • To advise the employee of their rights and obligations • To administer the adoption leave provisions in conjunction with payroll
1.4	**Payroll** • To ensure that payments are made in line with both current Occupational and Statutory regulations • To ensure that payments are made in line with normal salary crediting • To ensure that the employee's membership to the NHS Pension Scheme is protected during paid and unpaid adoption leave • To issue an SAP1 (non payment explanation) form promptly to employees not entitled to statutory benefits, to enable the employee to claim directly from Jobcentre Plus

2	**ADOPTION LEAVE AND PAY**
2.1	As soon as the member of staff is aware they have been matched with a child or are the intended parent through a surrogacy arrangement they must notify their manager. This provides the manager with time to plan for the anticipated absence. All employees have the right to take 52 weeks of adoption leave or to end their adoption leave and access shared parental leave. The amount of pay they will receive depends on length of service and are described in appendix 1.
2.2	**Eligibility to Adoption Payments** **Statutory Adoption Pay** If an employee has at least 26 weeks' continuous service at the week they are notified of being matched with a child, they will normally be entitled to receive Statutory Adoption Pay (SAP) whether or not they intend to return to work. **NHS Occupational Adoption Pay** Employees working full or part time are entitled to paid and unpaid adoption leave under the NHS Occupational Adoption Pay (OAP) scheme if: i. They are the primary carer in the adoption arrangements made by an official adoption agency, or they are the intended parent through a surrogacy arrangement and commit to applying for a parental or adoption order; and ii. They have 12 months continuous service with one or more NHS Employers by either: a. The beginning of the week in which they are notified of being matched with a child for adoption; or b. The 15th week before the baby's due date if applying via a surrogacy arrangement iii. They notify the UHB in writing (by completion of an Adoption Leave Form) before the end of the end 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. Of their intention to take adoption leave b. Of the date they wish to start their adoption leave c. That they intend to return to work with the same or another NHS employer for a minimum period of three months after their adoption leave has ended

	d. And provide written confirmation from their placing authority of the matching decision or a parental surrogacy declaration that they intend to apply for a parental order in the case of a surrogacy arrangement. (n.b. a copy of the matching certificate or a parental surrogacy declaration that they intend to apply for a parental order in the case of a surrogacy arrangement must be attached, and the application form must be countersigned by the line manager) Refer to section 2.12 on Statutory entitlements if the employee does not have 12 months continuous service.
2.3	**Confirming the adoption leave start date** Adoption leave can start: • up to 14 days before the date the child starts living with the employee (UK adoptions) • when the child arrives in the UK or within 28 days of this date (Overseas adoptions), or • the day the child is born or the day after (if applying via a surrogacy arrangement) If the employee subsequently needs to change the date from which they wish their leave to start, they should notify their manager at least 28 days beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand)
2.4	**Confirming adoption leave and pay** Following receipt of the signed Adoption Leave Application Form, People Services will confirm in writing: i. The employee's paid and unpaid leave entitlements ii. Unless an earlier return date has been given by the employee, their expected return date, based on their 52 weeks paid and unpaid leave entitlement iii. The length of any period of accrued annual leave which it has been agreed may be taken following the end of the formal adoption leave period iv. The need for the employee to give at least 28 days notice if they wish to return to work before the expected return date.
2.5	**Statutory Adoption Pay** Statutory Adoption Pay (SAP) is payable for a maximum of 39 weeks and is paid as follows:

	i. For the first six weeks the employee will receive 90 per cent of their average weekly earnings. ii. For the next 33 weeks the employee will receive the statutory SAP pay rate or 90 per cent of the average weekly earnings (whichever is lower).
2.6	**Occupational Adoption Pay** Where an employee intends to return to work the amount of occupational adoption pay receivable is as follows: i. For the first eight weeks of absence the employee will receive full pay (inclusive of any Statutory Adoption Pay receivable); ii. For the next 18 weeks the employee will receive half of full pay, plus any Statutory Adoption Pay receivable, providing the total amount does not exceed full pay iii. For the next 13 weeks the employee will receive any Statutory Adoption Pay that they are entitled to under the statutory scheme iv. For the final 13 weeks, the employee will receive no pay By prior agreement, occupational adoption pay may be paid in a different way, for example a combination of full pay and half pay, or a fixed amount spread equally over the adoption leave period. Employees who are interested in finding out more about this option should contact Payroll. Where occupational adoption pay has been paid in a different way, and the employee subsequently chooses to access shared parental leave and pay, the payments may need to be recalculated to ensure there has not been any over or underpayment of entitlements.
2.7	**Calculation of adoption pay** Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Adoption Pay entitlements i.e. by taking the average over the eight-week period prior to the qualifying week which is 15 weeks before the matching date or before expected week of childbirth for surrogacy arrangements. Monthly paid staff will have their average calculated using the two pay periods that precede the qualifying week (based on the pay date). Where the pay date falls prior to or during the qualifying week, this period will be included. The average weekly earnings rules 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 adoption leave period begins, the adoption pay should be calculated as though the pay award or new pay point had effect throughout the entire Statutory Adoption Pay calculation period. If

	such a pay award was agreed retrospectively, the adoption pay should be re-calculated on the same basis; ii. In the event of a pay award or move to a higher pay point being implemented **during** the paid adoption leave period, the adoption pay due from the date of the pay award of new pay point should be increased accordingly. If such a pay award was agreed retrospectively, the adoption pay should be re-calculated on the same basis; iii. 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, average weekly earnings for the period of sick absence shall be calculated based on notional full sick pay If the employee is on an Employment Break or is away from the workplace for any other reason (e.g. secondment, parental leave, maternity/adoption leave etc), or if their salary is reduced because of purchased Additional Annual Leave, Childcare Vouchers or any other salary sacrifice scheme during this eight week period, the amount of adoption pay they are entitled to may be reduced. For further information on implications if you are paying for a Lease Car please go to the Salary Sacrifice Web Page Adoption pay will be paid into the employee's bank account on the same day that they would receive their salary and will be subject to the usual deductions for tax, national insurance and pension contributions.
2.8	**Unpaid occupational leave** Employees are also entitled to take a further 13 weeks as unpaid leave to bring the total of leave to 52 weeks. However, this may be extended by local agreement in exceptional circumstances
2.9	**Fostering for adoption** Prospective adopters who have been approved by their adoption agency under a 'concurrent' or 'fostering for adoption' arrangement may choose to start their adoption leave when a fostering placement is made or when the child is matched with them for adoption. Only one set of adoption leave is payable per placement. Receipt of fostering allowances and payments during the fostering phase of the placement will not affect any adoption pay payable.
2.10	**Adoption disruption** Should the adoption break down ('be disrupted') the employee will be entitled to continue their adoption leave and receive the appropriate payment for that time.
2.11	**Overseas adoption**

	For an employee to qualify for adoption leave and/or pay resulting from an overseas adoption, they must: i. Tell their manager the date of the official notification (permission from a GB authority for an adoption abroad) and the estimated date that the child will arrive in the UK. This must be done within 28 days of receipt of the official notification; ii. Tell their manager the actual date the child arrives in the UK within 28 days of this date iii. Provide their manager with a minimum of 28 days notice of when they wish to commence their adoption leave and pay (noting that adoption leave can only commence after the child has entered the UK and must start no later than 28 days after the child has entered the UK) iv. Provide appropriate documentation and proof of the adoption to the employer including but not limited to the official notification and evidence that the child has entered the UK.
2.12	**Employees with less than 12 months' continuous service** If an employee does not satisfy the eligibility criteria set out above for occupational adoption pay, they may be entitled to Statutory Adoption Pay whether or not they intend to return to work. If an employee's earnings are too low for them to qualify for Statutory Adoption Pay, or they do not qualify for another reason, they are advised to contact their local Job Centre Plus to find out if they are entitled to any other possible benefits.
3	**KEEPING IN TOUCH DURING ADOPTION LEAVE** Before adoption leave commences, the employee and their manager should discuss and agree any voluntary arrangements for keeping in touch during the adoption leave period, including: i. Any voluntary arrangements that may help them to keep in touch with developments at work and, nearer the time of their return, to help facilitate their return to work; ii. Keeping the manager in touch with any developments that may affect their intended date of return To facilitate the process of keeping in touch, it is important that the employee and their manager have early discussions to plan and make arrangements for 'keeping in touch days' (KIT days), before the employee's adoption leave takes place

	To enable employees to take up the opportunity to work KIT days, departments should consider the scope for reimbursement of reasonable childcare costs or the provision of childcare facilities KIT days are intended to facilitate a smooth return to work for employees returning from adoption leave. An employee may work for up to a maximum of 10 KIT days without bringing their adoption leave to an end. Any days of work will not extend the adoption leave period. Work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace. Any such work must be by agreement and neither the employer or the employee can insist upon it. For KIT days worked the employee will be paid at their basic daily rate for the hours worked, less any occupational or statutory adoption pay. If a KIT day is worked in the full pay period, the manager must make arrangements to ensure the employee receives a day of paid leave in lieu once the employee has returned to work. If a KIT day is worked during the half pay period, the manager must make arrangements to ensure the employee receives a half day of paid leave in lieu once they have returned to work. Working for part of any day will count as one KIT day.
4	**RETURN TO WORK**
4.1	An employee who intends to return to work at the end of their adoption leave will not be required to give any further notification to the employer and must present themselves for work on their first working day after the date set out in the letter confirming their adoption leave and pay entitlements. If they wish to change the date they end their adoption leave, they must give at least 28 days' notice. An employee has the right to return to their job under their original contract and on no less favourable terms and conditions. If this is not reasonably practicable, they will be found suitable alternative employment, where the terms and conditions are not substantially less favourable than their original job. If the employee has stated on their Adoption Leave Application Form that they are undecided whether they intend to return to work, People Services will write to them to ask if they intend to exercise their right to return to work (see below). The manager must complete the SMA App to inform Payroll that they have returned from adoption leave. Failure to do this may result in a delay in their pay. If they have worked KIT days their manager should indicate this on the SMA App.

	Employees taking annual leave at the end of the adoption leave will be deemed to have returned to work on the first day of annual leave.
4.2	**Returning on flexible working arrangements** If, at the end of adoption leave, the employee wishes to return to work on different hours, the UHB has a duty to facilitate this, where possible. The employee will return to work on different hours, in the same job. If this is not possible the manager must provide written, objectively justifiable reasons for this and the employee will return to the same pay band and work of a similar nature and status to that which they held prior to their adoption leave. If it is agreed that the employee will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period, this will not affect their right to the return to their job under their original contract at the end of the agreed period. To apply for a change in hours employees should refer to the Flexible Working Procedure. It is recommended that they discuss this with their manager in the first instance and apply as soon as possible as the process can be lengthy.
4.3	**Employees not returning to NHS employment** All employees have the right to take 52 weeks adoption leave whether or not they return to NHS employment. An employee who satisfies the conditions for eligibility set out above, except they do not intend to work with the same or another NHS employer for a minimum period of three months after their adoption leave has ended, will be entitled to pay equivalent to Statutory Adoption Pay.
4.4	**Employees who are undecided about returning to NHS Employment** On the Adoption Leave Application Form employees are given the opportunity to indicate that they are undecided about whether or not to return to work following their adoption leave. If an employee indicates that this is the case, and they meet the qualifying criteria set out above, they will receive Statutory Adoption Pay. They will then be contacted by People Services 12 weeks before the end of their adoption leave to ask if they intend to exercise their right to return to work. Failure to respond to this correspondence within 28 days of receipt may jeopardise their return to work. If an employee decides to return to work, they will then be eligible to claim the Occupational Adoption Pay that they would have received if they had indicated

	that they would be returning to work (assuming they meet the eligibility criteria). They are obliged to return to work within this UHB or another NHS organisation for a minimum period of 3 months to receive this money. If an employee decides to exercise their right not to return to work, they should contact their manager and inform them of this decision to enable them to make arrangements for ending their contract of employment. Employees will not have to pay back any of their Statutory Adoption Pay to the UHB should they decide not to return to work as long as they indicated on their application form that they were undecided about their intentions
4.3	**Sickness following the end of Adoption Leave** In the event of illness following the date the employee was due to return to work, normal sickness absence provisions will apply as necessary. Employees who return to work prior to the end of the 39 weeks Statutory Adoption Pay and then take sick leave of more than 3 calendar days are entitled to receive SAP. In this instance they will see a mixture of Occupational Sick Pay and SAP on their payslip.
4.4	**Postponing a Return to Work** Employees will not ordinarily be able to postpone their return to work following adoption leave. However, the return to work may be postponed in exceptional circumstances. The extension of unpaid contractual leave should be discussed on a case-by-case basis and decided by the manager (with advice from People Services if appropriate).
4.5	**Failure Return to work** If an employee has notified their manager of their intention to return to work for the UHB or another NHS Employer, they must do so within 15 months of the beginning of the adoption leave and are required to work for a minimum of 3 months. If they fail to do, they will be liable to refund the whole of their adoption pay less any Statutory Adoption Pay received. However, the UHB has some discretion to waive their rights to recovery if it is believed that the enforcement of this provision would cause undue hardship or distress. In addition, the UHB may waiver the rights to recovery if the employee returns to work via the Temporary Staffing Office (see Appendix 3 for details).
4.6	**Employment Break** It may be possible for an employee to take an employment break immediately after their adoption leave. However, if they do not return to work within the NHS

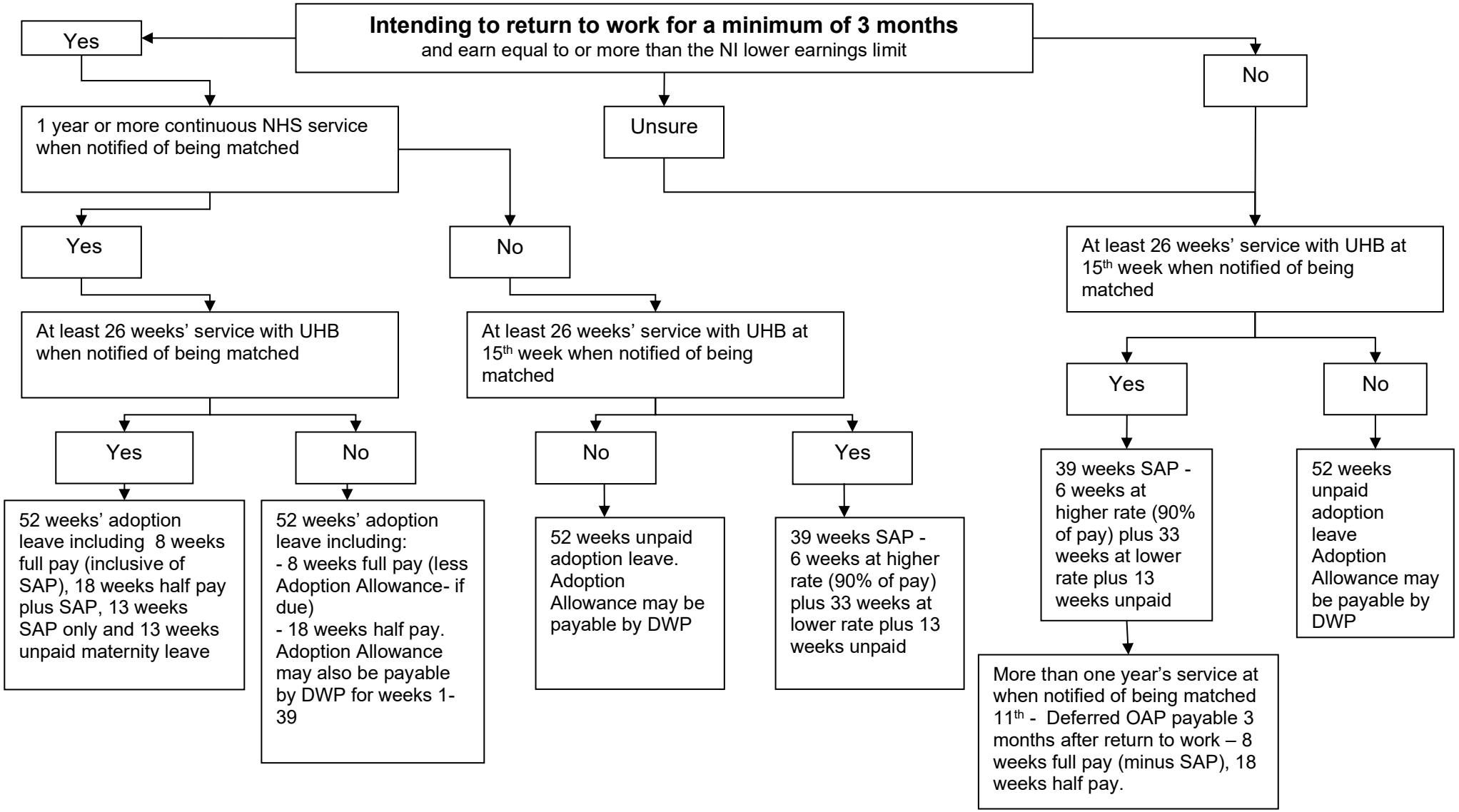
	for a minimum of 3 months at the end of the employment break, they will have to re-pay the whole of their adoption pay less any Statutory Adoption Pay received. Employees have 15 months from the start of their adoption leave to return to work before becoming liable to refund adoption pay but this 15-month period is suspended for the duration of an employment break.
4.7	**Shared Parental Leave** Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year following adoption by giving parents more flexibility in considering how to best care for, and bond with, their child. A total of up to 52 weeks leave can be taken, which can be a combination of Adoption Leave and Shared Parental Leave. However, before either parent can take Shared Parental Leave, the adopter must give notice of their intention to end their adoption leave early. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to Shared Parental Pay. The rules covering Shared Parental Leave are fairly complex; the Shared Parental Leave Procedure ensures that employees are informed of their entitlements and provides a summary of the actions they and their managers need to take.
5	**CONTRACTUAL ARRANGEMENTS**
5.1	**Contractual Rights** During adoption leave (both paid and unpaid) employees retain all of their contractual rights except remuneration. Taking a period of adoption leave will not affect the employee's incremental date, pay awards or continuous service.
5.2	**Fixed term contracts or training contracts** If an employee's contract expires more than 15 weeks before the week they are notified of being matched with a child, the employee is not entitled to adoption leave or pay and their contract will terminate on the existing day of termination. If the employees contract expires between the 11th and the 15th week before they are notified of being matched with a child, then they will not be entitled to Occupational Adoption Pay but may be entitled to Statutory Adoption Pay. If the employee has sufficient service to entitle them to Statutory Adoption Pay, this will be paid and the fixed term contract extended to enable them to take their adoption leave.

	Where an employee holds a fixed-term or training contract that is scheduled to expire after the 11th week preceding the date of adoption matching, or after the 15th week before the expected date of birth in a surrogacy arrangement, and meets the eligibility criteria, the contract will be extended. This extension will ensure access to the full adoption leave entitlement of 52 weeks, including occupational and statutory adoption pay and any remaining period of unpaid adoption leave. 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 leave had not been taken, the repayment provision set out above will not apply. Employees on fixed term contracts who do not meet the 12 months continuous service condition set out above may still be entitled to Statutory Adoption Pay.
5.3	**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, they shall have the right to return to work after a period of adoption leave in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if adoption leave had not occurred. In such circumstances the employee's contract will be extended to enable the practitioner to complete the agreed programme of training. To ensure equality of access: a. Where an employee changes employer because their training programme has required them to do so, and b. This means they do not have enough statutory continuous service with their current employer to access statutory adoption pay, but c. They would have had sufficient statutory continuous service to access statutory adoption pay had they not been required to change employer because of their training programme the employee shall be paid, by their current employer, the value of statutory adoption pay they would have otherwise received if their statutory continuity had not been broken by their change of employer.
5.4	**Pay Progression** An employee on adoption leave will progress through their pay-step on the date it 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. For staff on medical or dental contracts the general principle will apply that there should be no detriment to pay progression or annual leave accrual as a result of taking adoption leave.
5.5	**Annual leave and public holidays** Employees on paid and unpaid adoption leave retain their right to the annual leave and public holiday provided by their terms and conditions of service. Where unused annual leave and public holidays exceed UHB provisions for carry over to the next leave year it may be beneficial for the employee to take the unused annual leave and public holidays before and/or after the agreed (paid and unpaid) adoption leave period or to allow a short period of part-time working. The amount of annual leave and public holidays to be taken in this way, or carried over, should be discussed and agreed between the employee and their line manager as early as possible. Payment in lieu may be considered as an option where accrual of annual leave and public holidays exceeds normal carry over provisions, providing this would not cause a breach in the Working Time Regulations (1998). Managers should discuss this with the appropriate Directorate Manager/budget holder on a case-by-case basis. n.b. it is not possible for employees to take annual leave while on adoption leave as this will bring their adoption leave to an end.
5.6	**Pensions** All adoption leave periods will be counted as continuous service for the purpose of the NHS Pension Scheme. Contributions will be deducted as usual while an employee is on paid adoption leave. Contributions due for the unpaid section of an employee's adoption leave will be accumulated and recovered over the same number of periods as the unpaid leave on the employee's return to work. If an employee prefers to pay their contributions during their unpaid leave, they should contact the payroll department to discuss this.
5.7	**Pre-adoption meetings and ante natal appointments**

	Employees being assessed for adoption have the right to reasonable paid time off for essential meetings (their statutory entitlement is paid time off for up to 5 meetings). Employees who are an intended parent who expects to apply for and be granted a parental order will have the right to take time off work to accompany the surrogate mother to up to two ante-natal appointments.
5.8	**Secondary Assignments** If an employee has more than one assignment with the UHB, their adoption pay will be paid from their primary assignment and they will receive one payslip for the duration of their adoption leave.
5.9	**Car Users Allowance** If an employee is in receipt of a regular car users allowance during the period in which their adoption pay is calculated, this allowance will be included in their average adoption pay and will not be paid as a separate element until their return to work.
5.10	**Pregnancy or Subsequent Adoptions Occurring During Adoption Leave** Paid and unpaid adoption leave counts as continuous and qualifying service for subsequent periods of maternity or adoption leave. This means that an employee who becomes pregnant or is notified that they have been matched with another child while already on adoption leave is entitled to a further period of maternity or adoption leave. However, as maternity and adoption pay are calculated on the level of average weekly earnings during the 8-week period qualifying period, the employee may not qualify for any pay during the subsequent period of leave.
5.10	**Special Guardianship Order** Employees caring for children under a Special Guardianship Order are not entitled to Adoption Leave or Pay, however, the UHB would like to support them during this time. Employees are encouraged to speak to their managers at the earliest possible opportunity and to contact the HR Operations Centre for personalised advice as they are considered on a case-by-case basis.

Appendix 1


Intending to return to work for a minimum of 3 months
and earn equal to or more than the NI lower earnings limit
Yes
No
Unsure
1 year or more continuous NHS service when notified of being matched
Yes
No
At least 26 weeks' service with UHB when notified of being matched
At least 26 weeks' service with UHB at 15th week when notified of being matched
At least 26 weeks' service with UHB at 15th week when notified of being matched
Yes
No
Yes
No
No
Yes
52 weeks' adoption leave including 8 weeks full pay (inclusive of SAP), 18 weeks half pay plus SAP, 13 weeks SAP only and 13 weeks unpaid maternity leave
52 weeks' adoption leave including:
- 8 weeks full pay (less Adoption Allowance- if due)
- 18 weeks half pay. Adoption Allowance may also be payable by DWP for weeks 1-39
52 weeks unpaid adoption leave. Adoption Allowance may be payable by DWP
39 weeks SAP - 6 weeks at higher rate (90% of pay) plus 33 weeks at lower rate plus 13 weeks unpaid
39 weeks SAP - 6 weeks at higher rate (90% of pay) plus 33 weeks at lower rate plus 13 weeks unpaid
52 weeks unpaid adoption leave Adoption Allowance may be payable by DWP
More than one year's service at when notified of being matched 11th - Deferred OAP payable 3 months after return to work – 8 weeks full pay (minus SAP), 18 weeks half pay.

Appendix 2 - Continuous service

To qualify for Occupational Adoption Pay, employees must have 12 months' continuous NHS service with one or more recognised NHS employer. Recognised NHS employers are listed in Annex 1 of the Agenda for Change Terms and Conditions Handbook.

The following breaks in services do not break continuous service, but do not count towards service:

a. A break in services of 3 months or less
b. Employment under an honorary contract
c. Employment as a locum in general practice setting for a period of up to 12 months
d. Up to 12 months abroad for approved post graduate training on advice of postgraduate dean/college/faculty advisor in relevant specialty
e. Up to 12 months undertaking voluntary service overseas with recognised international relief organisation. May be extended by further 12 months in extenuating circumstances at employing organisations discretion,
f. A period Maternity, Adoption, or Shared Parental Leave.
g. Out of programme placement for doctors and dentists in training approved by postgraduate dean.
h. Employment in health service of UK Crown Dependency for doctors and dentists in training as part of an approved training programme.

Line managers may at their discretion extend this period.

Employment as a doctor in training in a general practice setting shall not be regarded as a break in service and shall count as service.

The UHB has the discretion to count other previous NHS service or service with other employers.

APPENDIX 3 – WORKING FOR THE TEMPORARY STAFFING OFFICE

1. WORKING FOR THE TEMPORARY STAFFING OFFICE WHILE ON ADOPTION LEAVE

Employees are not allowed to work for the Temporary Staffing Office while on paid adoption leave. However, they are entitled to work a maximum of 50% of their substantive post hours per week for the Temporary Staffing Office during their unpaid leave period. If they exceed this limit it will constitute a return to work. Employees are encouraged to work any shifts in the area in which they are substantively employed.

2. RETURNING TO WORK FOR THE TEMPORARY STAFFING OFFICE

Employees who do not return to the UHB or another NHS employer would ordinarily have to repay any enhanced occupational adoption pay they have received. However, in order to retain the skills and experience of employees, the UHB supports the waiver of the right to recover the occupational adoption pay for those employees who are automatically eligible to join the Cardiff and Vale UHB Temporary Staffing Office (i.e. current staff in unqualified or qualified nursing posts, or other areas covered by the Temporary Staffing Department) as long as they work a minimum of 18 shifts within 15 months of commencing their adoption leave.

Rules

1. Employees are only permitted to work for the Temporary Staffing Office during their unpaid adoption leave.
2. Working for the Temporary Staffing Office will not constitute a return to work and they will be treated in the normal way as an employee who does not return to work after a period of adoption leave in all aspects apart from this one exception.
3. There is no mutuality of obligation and all conditions working as a Cardiff and Vale **BANK ONLY** staff will apply.
4. Working for the Temporary Staffing Office is on a casual basis with no contracted hours and it is intended for work on a day-by-day basis when required by the clinical areas. Employees may work any flexible hours to suit their requirements, as there is no contract for working any hours each week. There is no guarantee of regular hours by the UHB or the employee. Availability of work depends on individual area requirements. There is no sick pay. They will be paid for hours worked. All shifts worked will be paid at the current agreed hourly rate for Bank Only staff.

5. It is their responsibility to ensure that they work the minimum of 18 shifts within 15 months of the beginning of their adoption leave.
6. If they do not complete the 18 shifts within the specified time period, Payroll will be instructed to pursue the overpayment procedure as set out in the Payroll Overpayment/Underpayment Policy.