

August 2008

REVISED SECTION C5 – STATUTORY ADOPTION LEAVE AND PAY

(Replacement page C5/3 attached)

expected placement dates.

Contractual benefits

16. Employees are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to wages or salary (unless their contract of employment provides otherwise), throughout their 26-week Ordinary Adoption Leave period. However, most adopters will be entitled to SAP during this period. If the employee has a contractual right to adoption leave as well as the statutory right, s/he may take advantage of whichever is the more favourable. Any adoption pay to which s/he has a contractual right reduces the amount of SAP to which s/he is entitled.
17. During Additional Adoption Leave, the employment contract continues and some contractual benefits and obligations remain in force, for example compensation in the event of redundancy and notice periods.
18. Where the expected date of placement is on or after 5 October 2008, employees will continue to receive any non-cash benefits during periods of Additional Adoption Leave as well as period of Ordinary Adoption Leave.(see Section A17).

Return to work after adoption leave

19. Adopters who intend to return to work at the end of their full adoption leave entitlement will not have to give any further notification to their employers.
20. Adopters who want to return to work **before** the end of their adoption leave period, must give their employers 28 days' notice of the date they intend to return.

Employers' recovery of payments

21. Employers will be able to recover the amount of Statutory Adoption Pay (SAP) they pay out in the same way as they can currently claim back Statutory Maternity Pay.