

ORDINARY STATUTORY PATERNITY PAY / ORDINARY PATERNITY LEAVE/ OCCUPATIONAL PATERNITY LEAVE – ADOPTING FROM ABROAD

Becoming an Adoptive Parent

If you want to take time off work to support your partner who is adopting a child from abroad you may be entitled to-

- Adoption Support Leave of five days (or equivalent of one working week), which can be taken as one period of leave or broken down into smaller periods; and/or
- Ordinary Paternity Leave of one week, which has to be taken as one full week of leave.
- Occupational Paternity Leave of two weeks which has to be taken as blocks of a week

Adoption Support Leave can be taken at or around the date of the child's placement. However, it is anticipated that the availability of this leave provision will not extend beyond 56 days (8 calendar weeks) after the date of the child's placement.

Ordinary Paternity Leave must be taken within 56 days (8 calendar weeks) from the date of the child's placement. The one week of ordinary paternity leave can, however, start on any day, for example, from Tuesday to Monday.

Occupational Paternity Leave must be taken within 12 months from the date of the child's placement and must be taken in blocks of at least a week.

Depending on your circumstances, you may not qualify for OSPP and/or ordinary paternity leave. If this is the case you may be entitled to other government help and you should contact your adoption agency for more information.

Please read through the terms and conditions, then

- Fill in the form and declaration.
- Give the completed and signed form to your line manager.

Terms and Conditions

These notes do not cover all of the law that relates to OSPP and ordinary paternity leave when a child is adopted from abroad. If you are in any doubt about your entitlement talk to your line manager. OSPP, ordinary paternity leave and occupational paternity leave are available to any employee (male or female) who is

- The partner of someone adopting a child from abroad on their own, **or**
- Adopting a child from abroad with their partner.

You must be able to declare that

- You are
 - married to or in a civil partnership with the person adopting the child from abroad, **or**
 - living with the person adopting the child from abroad in an enduring family relationship, but are not an immediate relative, **and**
- You will be responsible for the child's upbringing, **and**
- You will take time off work to support the person adopting the child or to care for the child.

You must have been continuously employed for 26 weeks up to and including the week the child enters the UK and if you completed your 26 weeks continuous employment before the week the child enters the UK, you must continue to work for the same employer up to the date the child enters the UK.

To get OSPP you must also have average earnings over a set period above a set amount, and this will be calculated by Payroll. You will be advised by Payroll if you are excluded from entitlement to OSPP.

You cannot start your ordinary paternity leave before the date the child is placed with you, and your week's leave must be completed by the 56th day (eight weeks) after the date the child enters the UK for the purposes of adoption. You cannot take odd days off work, but the week can start on any day, for example from Tuesday to Monday.

You must discuss your leave plans with your line manager, telling them what time off you want by filling in 'Dates for pay and leave'. If you are late telling your employer you may lose your entitlement to OSPP and ordinary paternity leave.

You must tell your line manager:-

- The date on which the adopter was sent official notification from the UK authority. Official notification means a written notification, issued by or on behalf of the relevant UK authority, that it:
 - Is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, **or**
 - Has issued a certificate and sent it to that authority.

In either case this confirms that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent. You need to ask the person adopting the child from abroad when they received this and tell your line manager. You must tell them this within 28 days of the date the official notification from the UK authority was sent if you have already worked for your employer for 26 weeks at that date. If you have not already worked for your employer for 26 weeks when the official notification was sent, you must tell them within 28 days of the Sunday of your 26th working week.

- The date the child is expected to enter the UK. You must tell your line manager the date the child enters the UK within 28 days of that date.
- When you want your OSPP and ordinary paternity leave to start.

You can change your mind but you must give your line manager 28 days notice of the revised dates, and a new application form should be completed to replace the existing one. If you cannot tell your line manager what time off you want in time, please discuss the situation with them. For example, sometimes a child is matched and placed very quickly.

Disagreements

If you are not entitled to OSPP and/or ordinary paternity leave, and believe that you have been treated unfairly, you can raise a grievance through the Council's formal Grievance Procedure. If you need further assistance, for:-

- OSPP – if you wish to register a dispute, phone Statutory Payments Disputes Team 0191 225 5221
- Ordinary paternity leave – phone ACAS Helpline tel. 08457 474747,

Penalties may be charged where a person either fraudulently or negligently gives incorrect information or makes a false statement or declaration for the purpose of claiming entitlement to statutory adoption, ordinary paternity, additional paternity, maternity or sick pay.

Payroll Details – (to be completed by employee)			
Employee Name:			
Service/Division:			
Job Title:			
Employee Ref. Number:		Payrun Number:	
National Insurance Number:		Start date with NLC:	
Your dates for Maternity Support Leave and/or Statutory Paternity Leave -			
On what date was the person adopting the child sent official notification?			
The child *is expected to enter the UK to live with the adopter on/*entered the UK on – <i>DD/MM/YY *delete as appropriate</i>			
I would like my OSPP to start on – <i>DD/MM/YYYY</i>	Date From	Date To	
I wish to take Ordinary Paternity Leave as follows –	Date From	Date To	
Your declaration -			
<i>You must tick this box if you are adopting a child with your partner.</i>			
I declare that I am adopting the child from abroad with my partner and I want to receive Ordinary Statutory Paternity Pay and ordinary paternity leave, not Statutory Adoption Pay and adoption leave.			<input type="checkbox"/>
You must be able to tick all three boxes below to get Ordinary Statutory Paternity Pay and ordinary paternity leave.			
I declare that:			
• I am		<input type="checkbox"/>	
- Married to or in a civil partnership with the person adopting the child from abroad, or			
- living with the person adopting the child from abroad in an enduring family relationship, but am not an immediate relative, and			
• I will have responsibility for the child's upbringing, and		<input type="checkbox"/>	
• I will take time off work to support the person adopting the child or to care for the child		<input type="checkbox"/>	
Give this form to your line manager, but keep a copy of the terms and conditions for your records. The line manager will then submit the completed form to payroll.			
Signature:		Date:	
The following section to be completed by line manager -			

Adoption Certificate viewed by manager –	Leave agreed –
Other documentation viewed by manager –	Adoption Support Leave Ordinary Paternity Leave
Line manager signature:	Date:

For Payroll Use Only

	Adoption Support Leave	Ordinary Paternity Leave
Basic Pay		
HED 490 (SPP)		
Week Number(s)		
Date Actioned		
Actioned By		