3.4 Am I entitled to adoption pay?

If you are the Primary Adopter (parental order parent in the case of surrogacy) your entitlement to adoption pay depends on your length of continuous service and how much you earn.

To qualify for **Statutory Adoption Pay (SAP)** and/or **Occupational Adoption Pay (OAP)** continuous service means, continuous service with **Aberdeen City Council** or a **public authority** as listed in the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Orders (which covers local authorities and related bodies).

(Please note that if you have returned to local government service following a break for adoption reasons and the break in service does not exceed eight years and does not include a period of employment for which you were paid, you will be entitled to have the previous service taken into account for adoption pay purposes).

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| **Qualification** | **Entitlement** |
| **If you have less than 26 weeks’ continuous service\* by the matching week or expected week of birth for surrogacy:**(**\***see previous page for definition of continuous service) | You will not be entitled to SAP or OAP but you may be entitled to claim benefits through Jobcentre Plus. **See notes below** for further details. |
| **If you have 26 weeks’ continuous service\* or more by the matching week or expected week of birth for surrogacy and your average weekly earnings are equal to or more than the lower earnings limit for National Insurance contributions:**(**\***see previous page for definition of continuous service) | You will be entitled to OAP and SAP for a maximum period of 39 weeks as follows:-* For the first 6 weeks you will get 90% of your average weekly earnings (which is the same rate as Statutory Adoption Pay).
* For the following 12 weeks you can get a sum equal to 50% of your normal pay (this is optional and you can choose whether or not to receive this money – **see notes below** for further details). In addition you will get the flat rate of SAP or 90% of your average weekly earnings, whichever is less. The maximum amount you can receive for these 12 weeks is your normal full pay.
* For the following 21 weeks you will get the flat rate of SAP (or 90% of your average weekly earnings if this is less than the flat rate of SAP).
* The remaining 13 weeks of adption leave, if taken, would be without pay.
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| **If you have 26 weeks’ continuous service\* or more by the matching week or expected week of birth for surrogacy but your average weekly earnings are less than the lower earnings limit for National Insurance contributions:**(**\***see previous page for definition of continuous service) | You will not be entitled to SAP but you may be entitled to claim benefits through Jobcentre Plus. **See notes below** for further details.You will be entitled to OAP as follows:-* For the first 6 weeks you will get 90% of your normal pay (which includes any benefits received from Jobcentre Plus.
* For the following 12 weeks you can get a sum equal to 50% of your normal pay (this is optional and you can choose whether or not to receive this money – **see notes below** for further details). The maximum amount, including any benefits received from Jobcentre Plus, you can receive for these 12 weeks is your normal full pay.
* The remaining 34 weeks of your adoption leave, if taken, would be without pay.
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