

Pay and time off work for adoptive parents

From 6 April 2004

An employer's guide to

- Statutory Adoption Pay and Leave
- Statutory Paternity Pay and Leave

Help

If you need help with anything in this Help Book

Phone

Monday to Friday 8am until 8pm **0845 7 143 143**
Saturday and Sunday 8am until 5pm

Hearing impaired employers

Textphone **0845 602 1380**

You can also contact a local Inland Revenue office – you'll find them in your phone book under Inland Revenue.

Business Support Teams

We have a UK-wide network of Inland Revenue Business Advisers who can help you get started on Statutory Adoption Pay (SAP) and Statutory Paternity Pay (SPP). Workshops can be arranged for a morning or afternoon and will help you understand the payroll records to keep and the how and why of filling in forms and returns. A workshop would last two to three hours.

Our Business Advisers also offer

- a variety of payroll workshops, designed with busy employers in mind, and
- one-to-one visits at a place and time to suit you.

Call **0845 60 70 143**, or go to www.inlandrevenue.gov.uk/bst/index.htm

Help on screen

Use the Employer's CD-ROM for this *Help Book* and *Employer's Help Book*, E16(Supplement).

Help for employees

Go to page 27 for this information.

Payroll - advice and guidance

For help on other subjects

- go to www.inlandrevenue.gov.uk/employers
- use the Employer's CD-ROM.

Further guidance

Employer's Help Books

In addition to those included in the Employer's Pack we have the following Employer's Help Books

- E15 *Pay and time off work for parents*,
- E16(Supplement), *Pay and time off work for adoptive parents - Special cases*,

The Help Books are for guidance only. They are not comprehensive and have no legal force.

We also have a number of other booklets that give further guidance, for example

- CWG2(2004) *Employer's Further Guide to PAYE & NICs*
- CWG5(2004) *Class 1A NICs on benefits in kind*
- 480(2004) *Expenses and Benefits – A tax guide*

You can view the full range of these booklets, and other forms and guidance on

- the Internet – log on at www.inlandrevenue.gov.uk/employers
- the Employer's CD-ROM*

or you can

- download them from the Internet – log on at www.inlandrevenue.gov.uk/employers
- print them from the CD-ROM
- get copies from the Employer's Orderline
www.inlandrevenue.gov.uk/employers
Phone **0845 7 646 646**
Fax **0870 2 406 406**

Check the Order Form in your Employer's Pack for a full list of what is available and how to order.

Forms and guidance in Braille, large print or audio

We have a range of services for people with disabilities, including leaflets in Braille, audio and large print.

For details, please ask at your local Inland Revenue office or Enquiry Centre.

Yr Iaith Gymraeg/Welsh language

Ffoniwch **0845 302 1489** i dderbyn fersiynau Cymraeg o ffurflenni a chanllawiau.

**The CD-ROM contains new interactive features designed to help the newcomer to payroll. This simple on-line guide takes the reader through the calculation of tax and National Insurance.*

Calculators have been built-in to help speed up your calculations of

- *Pay Adjustment and PAYE*
- *NICs contracted-out and not contracted-out*
- *Car benefit and Car Fuel benefit.*

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Adoption entitlements at a glance

There are terms and conditions similar to Statutory Maternity Pay and leave.

Statutory Adoption Pay (SAP) and adoption leave

SAP and adoption leave became available to any employee (male or female) adopting a child placed with them on or after 6 April 2003. They could be adopting

- on their own, or
- with their partner.

Statutory Paternity Pay (SPP) and paternity leave

SPP and paternity leave is available to any employee (male or female) who is

- the partner of someone adopting a child on their own, or
- adopting a child with their partner.

Step and foster parents

SAP and adoption leave and SPP and paternity leave are not normally available to foster parents or step-parents who go on to adopt the child.

Couples adopting together

If the employee is adopting the child with their partner the couple must choose who gets the SAP and adoption leave and who gets the SPP and paternity leave. Only married couples can adopt together.

Your employee will give you either

- the evidence of matching for SAP and adoption leave, or
- the declaration of family commitment for SPP and paternity leave.

There is more about this evidence on pages 6, 8 and 12.

What can my employee get?

Statutory Adoption Pay

Paid for a maximum of 26 weeks.

Adoption leave

Available for 52 weeks but only the first 26 weeks are covered by SAP.

SPP and paternity leave

Your employee can choose to take one or two whole weeks.

SAP and SPP

Pay the lower of

- £102.80, or
- 90% of average weekly earnings.

What must my employee tell me?

If your employee or their partner is planning to adopt a child they are advised to let you know what is happening well before the child is placed.

The two dates you will need are

- the day the adoption agency tells the adopter that they have been **matched** with a child, and
- the day the child is **placed** with the adopter.

These dates will be shown in the evidence of matching or declaration of family commitment which your employee must give you.

Information

Common terms in adoption

Matched/matching

This means the adoption agency has decided that the person is suitable to adopt a particular child.

Placed

This means the child starts living with the person permanently with a view to being formally adopted in the future. They may have stayed with them before this date.

Adopter

This means the person or persons who are going to adopt the child. They may be going to adopt the child on their own, or they may be going to adopt the child with their partner. Only married couples can adopt a child together.

What the forms look like

Statutory Adoption Pay (SAP)

**Matching Certificate
Statutory Adoption Leave and Pay**

This certificate when completed by the appropriate adoption agency, may be used as evidence for the purposes of Statutory Adoption Leave and Pay. It confirms that the named person(s) has been matched with a child for adoption.

A. Name and address of adopter parent(s)

[Confirm that the parent(s) named above has been matched by this agency with a child for adoption and, They were notified of this on: [] It is expected that the child will be placed with them on: [] The child has already been placed with them, this occurred on: []]

B. Agency name and address

Agency name: []
Agency address: []
Agency phone: []

This is an adoption agency within the meaning of the Adoption Act 1976 or the Adoption (Scotland) Act 1978.

Name: [] Title: []
Signature: [] Date: []

- **Evidence of matching**
Your employee **must** give you documentary evidence to confirm that they are adopting a child through an adoption agency. This may be a letter confirming that the adopter/employee has been matched with a child.

Check that the evidence you are given shows

- the name and address of the adoption agency and of your employee
- the date the child is expected to be placed for adoption, or the date the child was placed for adoption
- the date your employee was told by the adoption agency that they had been matched with a child.

You must not pay SAP without acceptable evidence. If you are concerned about the evidence your employee has given you, contact the Employer’s Helpline on **0845 7 143 143**.

All the other adoption and paternity forms are available from

- the Employer’s CD-ROM
- our website www.inlandrevenue.gov.uk/employers

Call the Orderline on **0845 7 646 646** for a paper version.

You can use your own version of any of the forms, but please check with the E16(Supplement) *Employer’s Help Book*, for what you **must** include.

Statutory Adoption Pay (SAP)

Why I cannot pay you SAP

Employer's name: [] Address: []
Other names: []
National Insurance number: [] Postcode: []

Why I cannot pay you SAP

I have ticked the box that applies to you:
 I cannot pay you SAP I have ticked one (or more) of the boxes enclosed to tell you why.
 I cannot pay you any more SAP after the week which ends on: [] / [] / []
 I have ticked one of the boxes on the next page of this letter to tell you why I cannot pay you any more after this date.

What to do if you disagree

If you disagree with this decision, please let me know. My name, address and phone number are at the bottom of this page. If you disagree, you can see the Inland Revenue for a decision. You will receive a letter from us in the future.

Other help

If you qualify for adoption leave but not SAP contact your adoption agency to find out if you can get any other help. You may also want to claim Child Benefit or tax credits, see www.dwp.gov.uk or www.inlandrevenue.gov.uk for more information.

Employer's signature: [] Employer's name: []
Phone number: [] Employer's address: []
Date: [] / [] / [] Postcode: []

- form SAP1 *Why I cannot pay you SAP*
Use this form to tell your employee that they are not entitled to Statutory Adoption Pay.

Statutory Adoption Pay (SAP)

Statutory Adoption Pay record sheet

1. About this form

This form is for you, the employer, to use to record details of your employee's Statutory Adoption Pay (SAP). You must keep these details, but do not keep any other details.

Keeping an accurate record will help make sure you pay the correct amount of SAP. You do not have to use this form, but you may find it helpful. However, you must keep SAP records for at least three years after the end of the tax year to which they relate.

2. What to do now

Please:

- read the guidance notes at Part 4, and
- fill in Parts 5 and 6, making any additional notes in Part 7, if appropriate.

3. Further information

For further information on how and when you must pay SAP and what records you must keep, see Employer's Help Book (top and bottom of cover for adoption parents, etc.). You can get more copies of this form and the above Help Book from either:

- our website - go to www.inlandrevenue.gov.uk/employers or
- the Employer's Orderline on 0845 7 143 143.

If you need help with this form or with the SAP scheme, please get in touch with your nearest Inland Revenue office. Alternatively, you can contact the Employer's Helpline on 0845 7 143 143, or arrange a one-to-one visit with our Business Support Team. You can contact them online at www.inlandrevenue.gov.uk/businesshelp or by phoning your nearest Inland Revenue office.

4. How to use this Statutory Adoption Pay record sheet

This record sheet is in two parts. Use:

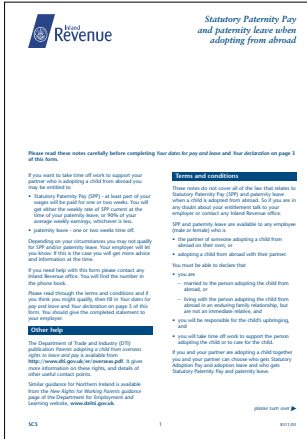
- Part 5 Record of notification of adoption absence when your employee tells you the date they need to start their adoption absence, and the adoption agency's name.
- Part 6 Record of SAP pay period when their pay period is about to start. You must keep a record of this period until your employee cannot get SAP for any years or does not claim back to which it relates. If they don't qualify for SAP from the start you only need to fill in the first week of the period.

- form SAP2 *Statutory Adoption Pay record sheet*
Use this form to keep a record of Statutory Adoption Payments.

What the forms look like continued

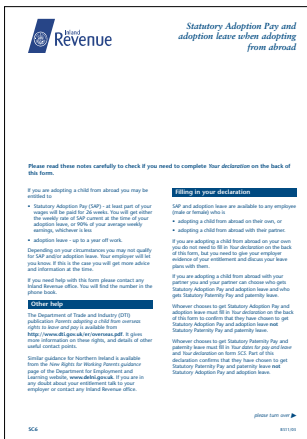
There are two new forms for employers and your employees to use:

- SC5 - *Statutory Paternity Pay and paternity leave when adopting from abroad*
- SC6 - *Statutory Adoption Pay and adoption leave when adopting from abroad.*



- form SC5 Evidence of entitlement to *Statutory Paternity Pay when adopting from abroad - declaration of family commitment*

Use this form to tell your employee the terms and conditions relating to entitlement to SPP and paternity leave when adopting from abroad. It includes a tear-off statement for your employee to tell you about dates and leave, with a declaration. You must have this declaration before you can make payments.



- form SC6 Evidence of entitlement to *Statutory Adoption Pay and adoption leave when adopting from abroad - declaration of entitlement*

Use this form to tell your employee the terms and conditions relating to entitlement to SAP when they are adopting the child jointly with their partner to declare that they are not also claiming SPP. The employee should give it to their employer as part of the evidence required for SAP.

Pay and time off work - the bigger picture

This Help Book does not cover all the law and details of Statutory Adoption Pay (SAP) and Statutory Paternity Pay (SPP) or adoption and paternity leave. It contains only what most employers will need to know to help run their payroll and agree leave with their employees.

Special cases and situations are shown throughout the Help Book with pointers on where to go for more information or help. All of this is contained in the *Employer's Help Book*, E16(Supplement).

What do I have to do?

As long as your employees meet the Terms and conditions, see page 11, you must

- pay SAP and SPP, and
- allow adoption and paternity leave.

As soon as your employee tells you that they or their partner have been matched with a child for adoption

- **for couples adopting together** - tell your employee they must decide which of them is going to take the SAP and adoption leave and which of them the SPP and paternity leave.
- **for SAP and adoption leave** - tell your employee
 - they must give you the evidence of matching the adoption agency gives them before you can pay them
 - that their entitlement to SAP depends on how long they have been employed by you and their average earnings. Both of these conditions are based around the date the adoption agency tells them that they have been matched with a child. You will check as quickly as possible and let them know if they qualify
- **for SPP and paternity leave**
 - give your employee form SC4 *Becoming an adoptive parent*
 - tell them that their entitlement to SPP depends on how long they have been employed by you and their average earnings. Both of these conditions are based around the date the adoption agency tells the adopter that they have been matched with a child. You will check as quickly as possible and let them know if they qualify.

What does your employee have to do?

You should make it clear to them that they are legally required to

- give you the dates when the adoption agency tells the adopter that they have been matched with a child and when the child is expected to be placed
- tell you when they want their leave within seven days of the date the adoption agency tells the adopter that they have been matched with a child, see page 19

- give you evidence for pay at least 28 days before they want to be paid, or as soon as they can if they can't meet that deadline, see page 12.

How much do I get back?

The amount you get back depends on your total, gross, employers' and employees', Class 1 National Insurance liability.

If your annual liability for National Insurance contributions (NICs) is **always £45,000 or less** you are entitled to

- 100% of the SAP/SPP, and
- an additional amount as compensation for the NICs you pay on the SAP/SPP. The compensation rate for 2004-05 is 4.5%.

If your annual liability for National Insurance contributions is **always more than £45,000** you

- are entitled to 92% of the SAP/SPP, and
- have to fund 8% yourself.

If your annual liability for National Insurance contributions is **around £45,000** you'll need to check to see what you are entitled to, see page 23.

If you need to recover the SAP quickly, you can ask your Accounts Office for payment. See page 24 for more information.

Where does the money come from?

Use the money you have to pay over to the Inland Revenue

- PAYE tax
- National Insurance contributions
- Student loan deductions
- Construction Industry Scheme deductions.

You may also need to use this money to pay tax credits and other statutory payments. Please make sure you have enough to cover all the payments you have to make, use the quick check on page 24.

Keeping records

You must keep records of payments for three years after the end of the tax year to which they relate, see page 25.

Pay and time off work - the bigger picture continued

Definitions

Terms and conditions start on page 11.

Statutory Adoption Pay

This is available to

- individuals adopting a child on their own, or
- one member of a couple adopting a child together.

SAP is a legal entitlement to a certain amount of pay to help employees adopting a child take time off work around the time the child is placed with them. It lasts for up to 26 weeks.

Adoption Leave

This is available to

- individuals adopting a child on their own, or
- one member of a couple adopting a child together.

It lasts for up to 52 weeks.

Statutory Paternity Pay

This is available to an employee who is

- the partner of someone adopting a child on their own, or
- adopting a child with their partner.

SPP is a legal entitlement to a certain amount of pay to help employees take time off after the child is placed with the adopter.

Paternity Leave

This is available to an employee who is

- the partner of someone adopting a child on their own, or
- adopting a child with their partner.

It is a legal entitlement that allows employees to take time off after the child is placed with the adopter.

Statutory Paternity Pay and Paternity Leave

The employee can choose to take one or two whole weeks pay and leave. This must be taken in a single block. It must be taken within eight weeks of the date the child is placed with the adopter. An employee does not have to qualify for SPP to get paternity leave, but most will get both.

Information

Employment Rights

Employees who exercise their rights to SAP and adoption leave and SPP and paternity leave have a legal right to

- protection against unfair treatment or dismissal
- return to work.

Terminating an employee's employment with you solely because they take or seek to take adoption or paternity leave, is automatically 'unfair dismissal'.

The DTI publication, *Adoptive parents - rights to leave and pay - a guide for employers and employees* gives information on these rights. The DTI also produce other booklets covering employment protection and related equal opportunities legislation and are available from

- DTI publications **0870 1502 500**
- www.dti.gov.uk/er

For further information on employment rights, contact Arbitration and Conciliation Advisory Service (Acas). Go to www.acas.org.uk or the phone book for contacts.

Information on all aspects of employment legislation is also usually available from accountants, citizens advice bureaux, employer organisations, low pay units, trade unions and other private and voluntary sector bodies.

Terms and conditions follow ►

Terms and conditions

Covering

- **Statutory Adoption Pay (SAP)**
- **Adoption Leave**
- **Statutory Paternity Pay (SPP)**
- **Paternity Leave**

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You must not pay SAP or SPP to people who do not qualify. There may be other government help available to them. See page 27, 'Help for employees'.	20

Information

Pay

As you work through the terms and conditions, if you decide that your employee is not entitled to SAP or SPP you will be told to issue a form. This will explain to your employee why you cannot pay them and what they need to do to get other government help. It is important that you give them this form as soon as possible to help them with their claim. If your employee disagrees they can ask us to make a formal decision. If this happens we will give you more information at the time.

Leave

If there is disagreement between you and your employee about their entitlement to leave, you will want first to discuss it together. You will probably also find it helpful to contact Arbitration and Conciliation Advisory Service (Acas) (see www.acas.org.uk or the phone book for details). Ultimately, if the dispute continues, your employee may want to take the case to an employment tribunal.

Special cases

For anything listed below use the *Employer's Help Book*, E16(Supplement). If in doubt call the Employer's Helpline on **0845 7 143 143**.

- Agency workers.
- Casual employees.
- Mariners.
- Adoptions from abroad.
- Employees adopting a child from abroad.

If you have any doubts about employee status

- for pay - contact your Inland Revenue office and ask for the Status Inspector
- for leave - contact the Arbitration and Conciliation Advisory Service (Acas) (see www.acas.org.uk or the phone book for details).

Evidence for pay

Terms and conditions 1

Statutory Adoption Pay (SAP)

Evidence of matching

Your employee must produce evidence that they are adopting a child through an adoption agency to get SAP. This may be a letter confirming that the adopter/employee has been matched with a child.

Check that the evidence you are given shows

- the name and address of the adoption agency and of your employee
- the date the child is expected to be placed for adoption, and
- the date the adopter was told by the adoption agency that they had been matched with a child.

You must not pay SAP without acceptable evidence. If you are concerned about the evidence your employee has given you contact the Employer's Helpline on **0845 7 143 143**.

Employee gives evidence

Go to page 13 for 'Has your employee worked for you long enough?'

Employee does not give evidence

Tell your employee that you cannot pay them without the evidence and they will need a good reason if they give it to you late.

Time limits

The time limit for producing evidence to get pay is 28 days before the start of the pay period. If there is a good reason for the evidence being produced late you must accept it.

Please note that sometimes there is very little time between the date the adoption agency tells your employee that they have been matched with a child and the date the child is placed with them. If your employee is late giving you evidence because of this you must accept it.

Statutory Paternity Pay (SPP)

Declaration of family commitment

Give your employee form SC4 *Becoming an adoptive parent*. This form advises them of the terms and conditions relating to SPP and paternity leave.

It also has a tear off slip for a declaration covering family commitment.

You must not pay SPP without a declaration.

If you consider that the employee has made a false declaration, you should contact your Inland Revenue office for advice. They can investigate and, where appropriate, consider penalising the employee.

You may also wish to consider disciplinary action against the employee who makes a false declaration.

Employee gives declaration

Go to page 13 for 'Has your employee worked for you long enough?'

Employee does not give declaration

Tell your employee that you cannot pay them without the declaration and they will need a good reason if they give it to you late.

Time limits

The time limit for producing evidence to get pay is 28 days before the start of the pay period. If there is a good reason for the evidence being produced late you must accept it.

Please note that sometimes there is very little time between the date the adoption agency tells the adopter that they have been matched with a child and the date the child is placed with them. If your employee is late giving you evidence because of this you must accept it.

Has your employee worked for you long enough?

Terms and conditions 2

Statutory Adoption Pay (SAP) and adoption leave

Length of employment

To qualify for SAP and adoption leave your employee must be employed by you continuously for a set period. Count part weeks of employment as full weeks.

Find the date when the adoption agency told them that they had been matched with a child in the table on the next page. Then read across to the latest start date for employment with you. If they started work after that date they don't qualify, see the note below.

Employee has been employed long enough

Go to page 15 for 'Does your employee earn enough?'.

Employee has not been employed long enough

Pay

Give them form SAP1 *Why I cannot pay you SAP*. Take a copy of the evidence they got from the adoption agency and give the original back to them.

Leave

You must tell your employee that they don't qualify for adoption leave.

New rules for some new employees

A new law being drafted will apply from April 2004. It makes a change to the period to be used to calculate average weekly earnings in some cases. This will affect adoptive parents who are officially notified of their suitability before they start work for an employer with whom they will have entitlement. It effects the calculation of average weekly earnings where the 26 weeks employment test is not satisfied at the date of notification. Also included is a change to the definition of partner for the purposes of Statutory Paternity in Adoption cases.

If you have an employee in this position then you should contact the Employers Helpline on **0845 7 143 143** for advice before deciding entitlement.

Special cases

For anything listed below use the *Employer's Help Book*, E16(Supplement). If in doubt call the Employer's Helpline on **0845 7 143 143**.

- Employee leaves job after the adoption agency told the adopter that they had been matched with a child.
- Employee works abroad.
- Supply teachers, seasonal workers, agency workers or other irregular employment.
- Reinstatement during the set period
 - after unfair dismissal
 - after service in the Armed Forces.

Statutory Paternity Pay (SPP) and paternity leave

Length of employment

The length of time your employee must have worked for you to get SPP and paternity leave is split into two and both conditions must be met.

Step 1

Find the date when the adoption agency told the adopter that they had been matched with a child in the table on the next page. Then read across to the latest start date for employment with you. If they started work after that date they don't qualify, see the note below.

Step 2

If your employee was working for you by the date in Step 1, then to get SPP and paternity leave they must continue to work for you right up until the child is placed with the adopter. If your employee stops working for you before the child is placed with the adopter, they are not entitled to SPP and paternity leave.

Employee has been employed long enough

Go to page 15 for 'Does your employee earn enough?'.

Employee hasn't been employed long enough

Pay

Give them form SPP1 *Why I cannot pay you SPP*. Take a copy of the declaration on form SC4 *Becoming an adoptive parent*, and give the original back to them.

Paternity leave

Tell them they don't qualify for paternity leave. This doesn't have to be in writing and there is no special form.

- Change of employer in the set period.
- Breaks in employment during the set period because of
 - trade dispute
 - temporary cessation of work
 - sickness or injury
 - previous adoption
 - pregnancy
 - parental leave.

Table of latest start dates for employment

Adopter told they have been matched with a child between 4 April 2004 and 2 October 2004

Adopter told they have been matched with the child		Latest start date for employment with you
Sunday	Saturday	Saturday
04/04/04 to	10/04/04	18/10/03
11/04/04 to	17/04/04	25/10/03
18/04/04 to	24/04/04	01/11/03
25/04/04 to	01/05/04	08/11/03
02/05/04 to	08/05/04	15/11/03
09/05/04 to	15/05/04	22/11/03
16/05/04 to	22/05/04	29/11/03
23/05/04 to	29/05/04	06/12/03
30/05/04 to	05/06/04	13/12/03
06/06/04 to	12/06/04	20/12/03
13/06/04 to	19/06/04	27/12/03
20/06/04 to	26/06/04	03/01/04
27/06/04 to	03/07/04	10/01/04
04/07/04 to	10/07/04	17/01/04
11/07/04 to	17/07/04	24/01/04
18/07/04 to	24/07/04	31/01/04
25/07/04 to	31/07/04	07/02/04
01/08/04 to	07/08/04	14/02/04
08/08/04 to	14/08/04	21/02/04
15/08/04 to	21/08/04	28/02/04
22/08/04 to	28/08/04	06/03/04
29/08/04 to	04/09/04	13/03/04
05/09/04 to	11/09/04	20/03/04
12/09/04 to	18/09/04	27/03/04
19/09/04 to	25/09/04	03/04/04
26/09/04 to	02/10/04	10/04/04

Adopter told they have been matched with a child between 3 October 2004 and 2 April 2005

Adopter told they have been matched with the child		Latest start date for employment with you
Sunday	Saturday	Saturday
03/10/04 to	09/10/04	17/04/04
10/10/04 to	16/10/04	24/04/04
17/10/04 to	23/10/04	01/05/04
24/10/04 to	30/10/04	08/05/04
31/10/04 to	06/11/04	15/05/04
07/11/04 to	13/11/04	22/05/04
14/11/04 to	20/11/04	29/05/04
21/11/04 to	27/11/04	05/06/04
28/11/04 to	04/12/04	12/06/04
05/12/04 to	11/12/04	19/06/04
12/12/04 to	18/12/04	26/06/04
19/12/04 to	25/12/04	03/07/04
26/12/04 to	01/01/05	10/07/04
02/01/05 to	08/01/05	17/07/04
09/01/05 to	15/01/05	24/07/04
16/01/05 to	22/01/05	31/07/04
23/01/05 to	29/01/05	07/08/04
30/01/05 to	05/02/05	14/08/04
06/02/05 to	12/02/05	21/08/04
13/02/05 to	19/02/05	28/08/04
20/02/05 to	26/02/05	04/09/04
27/02/05 to	05/03/05	11/09/04
06/03/05 to	12/03/05	18/09/04
13/03/05 to	19/03/05	25/09/04
20/03/05 to	26/03/05	02/10/04
27/03/05 to	02/04/05	09/10/04

Does your employee earn enough?

Terms and conditions 3

Earnings do not affect adoption or paternity leave.

Statutory Adoption Pay (SAP) and Statutory Paternity Pay (SPP) depend on your employee's average weekly earnings in a set period. There are some special cases, see page 16. Here is a quick method of finding out if they qualify.

But if you are in any doubt, or your employee disagrees with your decision, you must work through the detailed check on pages 17 and 18.

SAP and SPP

Quick method

The adoption agency told the adopter that they had been matched with a child between 4 April 2004 and 2 April 2005

If your employee always earns less than £79 gross a week (£342 a calendar month) they will not qualify for Statutory Adoption Pay or Statutory Paternity Pay. Go to the 'Employee doesn't earn enough' section on page 17.

If your employee earns between £79 gross a week (£342 a calendar month) and £114 gross a week (£494 a calendar month) you must work out their average weekly earnings to find out how much to pay them. Use the weekly check sheet on page 17 or the monthly check sheet on page 18.

If your employee always earns more than £114 gross a week (£494 a calendar month) go to page 19.

The adoption agency told the adopter that they had been matched with a child between 30 March 2003 and 3 April 2004

If your employee always earns less than £77 gross a week (£333 a calendar month) they will not qualify for Statutory Adoption Pay or Statutory Paternity Pay. Go to the 'Employee doesn't earn enough' section on page 17.

If your employee earns between £77 a week gross (£333 a calendar month) and £114 a week gross (£494 a calendar month) you must work out their average weekly earnings to find out how much to pay them. Use the weekly check sheet on page 17 or the monthly check sheet on page 18.

If your employee always earns more than £114 gross a week (£494 a calendar month) go to page 19.

Information

What counts as earnings

Use the amount **before deductions** such as PAYE and pension contributions.

Include

- Payments which are earnings for Class 1 National Insurance contributions (NICs). (Your employee does not have to have paid NICs.)
- All earnings paid in the period, including money earned outside the period, such as holiday pay, overtime, bonuses and back-dated pay rises.
- Statutory Sick Pay.
- Statutory Maternity Pay.
- Statutory Paternity Pay.
- Statutory Adoption Pay.

Do not include

- Tax Credits.

Dates for pay and leave - page 19 ►

Amounts to pay - page 22 ►

Does your employee earn enough? *continued*

Special cases

For anything listed below use the *Employer's Help Book*, E16(Supplement). If in doubt call the Employer's Helpline on **0845 7 143 143**.

- Employee gets regular payment earlier or later than normal, such as holiday pay or pay day changes because of a bank holiday.
- Employee paid at irregular intervals.
- Weekly paid employee without whole number of weeks in the set earnings period.
- Supply teachers, seasonal workers, agency workers or other irregular employment.
- Change of employer in the set earnings period.
- Directors.
- Employees with more than one job.
- Earnings in set period covered in a back-dated pay rise.
- NHS Trust employees.
- Employee doesn't qualify and some of their earnings are included in a PAYE Settlement Agreement.

How weekly pay dates relate to the tax weeks on the form P11 *Deductions Working Sheet* (or form P12 if you operate the Simplified Deduction Scheme)

Period	Week number	Period	Week number
6 Apr to 12 Apr	1	5 Oct to 11 Oct	27
13 Apr to 19 Apr	2	12 Oct to 18 Oct	28
20 Apr to 26 Apr	3	19 Oct to 25 Oct	29
27 Apr to 3 May	4	26 Oct to 1 Nov	30
4 May to 10 May	5	2 Nov to 8 Nov	31
11 May to 17 May	6	9 Nov to 15 Nov	32
18 May to 24 May	7	16 Nov to 22 Nov	33
25 May to 31 May	8	23 Nov to 29 Nov	34
1 June to 7 June	9	30 Nov to 6 Dec	35
8 June to 14 June	10	7 Dec to 13 Dec	36
15 June to 21 June	11	14 Dec to 20 Dec	37
22 June to 28 June	12	21 Dec to 27 Dec	38
29 June to 5 July	13	28 Dec to 3 Jan	39
6 July to 12 July	14	4 Jan to 10 Jan	40
13 July to 19 July	15	11 Jan to 17 Jan	41
20 July to 26 July	16	18 Jan to 24 Jan	42
27 July to 2 Aug	17	25 Jan to 31 Jan	43
3 Aug to 9 Aug	18	1 Feb to 7 Feb	44
10 Aug to 16 Aug	19	8 Feb to 14 Feb	45
17 Aug to 23 Aug	20	15 Feb to 21 Feb	46
24 Aug to 30 Aug	21	22 Feb to 28 Feb	47
31 Aug to 6 Sep	22	1 Mar to 7 Mar	48
7 Sep to 13 Sep	23	8 Mar to 14 Mar	49
14 Sep to 20 Sep	24	15 Mar to 21 Mar	50
21 Sep to 27 Sep	25	22 Mar to 28 Mar	51
28 Sep to 4 Oct	26	29 Mar to 4 Apr	52
		5 April – call the Helpline	

How monthly pay dates relate to the tax months on the form P11 *Deductions Working Sheet* (or form P12 if you operate the Simplified Deduction Scheme)

Period	Month number	Period	Month number
6 Apr to 5 May	1	6 Oct to 5 Nov	7
6 May to 5 June	2	6 Nov to 5 Dec	8
6 June to 5 July	3	6 Dec to 5 Jan	9
6 July to 5 Aug	4	6 Jan to 5 Feb	10
6 Aug to 5 Sep	5	6 Feb to 5 Mar	11
6 Sep to 5 Oct	6	6 Mar to 5 Apr	12

Check sheets ►

Does your employee earn enough? *continued*

Weekly paid - check sheet for average weekly earnings

To work out average weekly earnings you must

- always use the set period - worked out using the check sheet
- only include earnings from the set period.

To work out average weekly earnings for employees paid in multiples of a week, for example, weekly or fortnightly

1. Enter the date the adoption agency told the adopter that they had been matched with a child.

2. Find the Saturday on or after the date in 1.

3. Find the date of the last normal payday on or before that Saturday.

This is the last day of the set period. If you use the form P11 *Deductions Working Sheet*, to record your employees earnings you may find the table on page 16 useful as it shows how weekly pay dates relate to the tax weeks on form P11 (or form P12 if you operate the Simplified Deduction Scheme).

4. Count back eight weeks from the date in 3 and come forward one day, for example, if eight weeks back is 22nd June, enter 23rd.

5. Find the date of the payday before the date in 4 and come forward one day, for example, 25 May becomes 26 May. **This is the first day of the set period.**

6. Add together the earnings in between the dates in 5 and 3 (inclusive).

£	
---	--

7. Divide the figure in 6 by the number of whole weeks in the set period. (To be fair to your employee **don't round up or down** to whole pence here, you'll do this when you come to 'the amounts to pay'.)

£	
---	--

Employee earns enough

If the amount in 7

- is at least £77 gross a week and the adoption agency told the adopter that they had been matched with a child between 6 April 2003 and 3 April 2004, or
- is at least £79 gross a week and the adoption agency told the adopter that they had been matched with a child between 4 April 2004 and 2 April 2005

go to page 19 for 'When should your employee give you dates for pay and leave?'

Employee doesn't earn enough

If from the amount in 7 they don't earn enough

- if they've asked for SAP give them form SAP1 *Why I cannot pay you SAP*. Take a copy of the evidence they got from the adoption agency and give the original back to them, or
- if they've asked for SPP give them, form SPP1 *Why I cannot pay you SPP*. Take a copy of the declaration on *Becoming an adoptive parent*, form SC4 and give the original back to them.

Does your employee earn enough? *continued*

Monthly (calendar) paid - check sheet for average weekly earnings

To work out average weekly earnings you must

- convert monthly pay into an average weekly amount
- always use the set period - worked out using the check sheet
- only include earnings from the set period.

To work out average weekly earnings for employees paid calendar monthly

1. Enter the date the adoption agency told the adopter that they had been matched with a child.

 /

2. Find the Saturday on or after the date in 1.

 /

3. Find the date of the last normal payday on or before that Saturday.
This is the last day of the set period. If you use the form P11 *Deductions Working Sheet*, to record your employee's earnings you may find the table on page 16 useful as it shows how monthly pay dates relate to the tax month on form P11 (or form P12 if you operate the Simplified Deduction Scheme).

 /

4. Count back eight weeks from the date in 3 and come forward one day, for example, if eight weeks back is 22nd June, use 23rd.

 /

5. Find the date of the payday before the date in 4 and come forward one day, for example, 25 May becomes 26 May. **This the first day of the set period.**

 /

6. Add together the earnings between the dates in 5 and 3 (inclusive). If there are more or less than two payments in the period - see page 17 of the *Employer's Help Book*, E16(Supplement).

£	
---	--

7. Multiply the figure in 6 by 6.

£	
---	--

8. Divide the figure in 7 by 52.
 (To be fair to your employee **don't round up or down** to whole pence here, you'll do this when you come to 'the amounts to pay'.)

£	
---	--

Employee earns enough

If the amount in 8

- is at least £77 gross a week and the adoption agency told the adopter that they had been matched with a child between 6 April 2003 and 3 April 2004, or
- is at least £79 gross a week and the adoption agency told the adopter that they had been matched with a child between 4 April 2004 and 2 April 2005

go to page 19 for 'When should your employee give you dates for pay and leave?'

Employee doesn't earn enough

If from the amount in 8 they don't earn enough

- if they've asked for SAP give them form SAP1 *Why I cannot pay you SAP*. Take a copy of the evidence they got from the adoption agency and give the original back to them, or
- if they've asked for SPP give them form SPP1 *Why I cannot pay you SPP*. Take a copy of the declaration on form SC4 *Becoming an adoptive parent* and give the original back to them.

When should your employee give you dates for pay and leave?

Terms and conditions 4

Statutory Adoption Pay (SAP) and adoption leave

Pay/Adoption Leave

Your employee should tell you when they want to take their adoption leave within seven days of the date they are told they have been matched with the child. Where possible they should tell you 28 days before they want to start to be paid. But in practice there is often very little time between the dates they are matched with the child and the child is placed. If your employee is late giving you notice because of this you must accept it.

You can ask them to tell you in writing. You must confirm the date you expect them back, in writing, within 28 days of getting their notice. (See sample letter on the Employer's CD-ROM or *Employer's Help Book*, E16(Supplement)).

Choosing dates

Your employee has the right to choose when they want to start their adoption leave, but they must start their leave no later than the date the child is placed.

Adoption leave

If your employee doesn't choose to take their full leave entitlement they must give you 28 days notice of when they intend to start work again.

Changes of mind

Your employee can change their mind about the dates but should give you 28 days notice. You should confirm the new date in writing.

Employee gives acceptable notice

Pay and adoption leave

Go to page 20 to make a final check on all the terms and conditions.

Employee does not give acceptable notice

Pay

If your employee didn't give you acceptable notice give them form SAP1 *I cannot pay you SAP*.

Take a copy of the evidence they got from the adoption agency and give the original back to them.

Adoption leave

You should discuss and agree a suitable start date with your employee. They may have had good reasons why they could not give you proper notice, and if so you should accept them. If not, you are entitled to insist on a notice period which suits you but you cannot in any circumstances delay the start of leave beyond the date the child is expected to be placed.

Statutory Paternity Pay (SPP) and paternity leave

Pay/paternity leave

Your employee should tell you when they want to take their paternity leave within seven days of the date the adopter was told they have been matched with the child. Where possible they should tell you 28 days before they want to start to be paid. But in practice there is often very little time between the dates the adopter is matched with the child and the child is placed. If your employee is late giving you notice because of this you must accept it.

You can ask them to tell you in writing.

Choosing dates

Your employee has the right to choose when they want to take leave within a set period.

They can choose to take one or two whole weeks leave within eight weeks of the date the child is placed with the adopter.

Changes of mind

Your employee can change their mind about the dates but should give you 28 days notice of their intended dates. Employers should allow sufficient flexibility of notice because of the possible differences between the expected date of birth and the actual date of birth.

Employee gives acceptable notice

Pay and paternity leave

Go to page 21 to make a final check on all the terms and conditions.

Employee does not give acceptable notice

Pay/paternity leave

If your employee didn't give you acceptable notice you can delay the start of leave and the pay period until you have had 28 days notice of their intended dates. Employers should allow sufficient flexibility of notice because of the possible differences between the expected date of birth and the actual date of birth.

Special cases

For anything listed below use the *Employer's Help Book*, E16(Supplement). If in doubt call the Employer's Helpline on **0845 7 143 143**.

- Employee leaves job after the date the adoption agency tells the adopter that they have been matched with a child.
- Adopter is matched with a child before 6 April 2004 but the child is placed on or after 6 April 2004.

Statutory Adoption Pay (SAP) and adoption leave - Terms and conditions checklist

Statutory Adoption Pay

Your employee has given you acceptable evidence of matching through an adoption agency.
Page 12

Your employee was continuously employed by you for the required period.
Page 13

Your employee has high enough average weekly earnings for the set period.
Page 15

Your employee has given you acceptable notice for start of SAP.
Page 19

A tick in every box means your employee is entitled to SAP. Go to page 22 'Paying Statutory Adoption Pay (SAP)/Statutory Paternity Pay (SPP)'.

If you haven't ticked all the boxes please go back to the terms and conditions page(s) for the empty box(es) to find out what you need to do.

Adoption Leave

Your employee was continuously employed by you for the required period.
Page 13

Your employee has given you acceptable notice for the start of leave.
Page 19

A tick in both boxes means your employee is entitled to adoption leave.

If you haven't ticked both boxes please go back to the terms and conditions page(s) for the empty box(es) to find out what you need to do.

Statutory Paternity Pay (SPP) and paternity leave - Terms and conditions checklist

Statutory Paternity Pay

	✓
You have a signed declaration covering family commitment. Page 12	<input type="checkbox"/>
Your employee was continuously employed by you for the required period. Page 13	<input type="checkbox"/>
Your employee has high enough average weekly earnings for the set period. Page 15	<input type="checkbox"/>
Your employee has given you acceptable notice for the start of SPP. Page 19	<input type="checkbox"/>
<p>A tick in every box means your employee is entitled to SPP. Go to page 22 'Paying Statutory Adoption Pay (SAP)/Statutory Paternity Pay (SPP)'.</p> <p>If you haven't ticked all the boxes please go back to the terms and conditions page(s) for the empty box(es) to find out what you need to do.</p>	

Paternity Leave

	✓
Your employee still works for you and was continuously employed by you for the required period. Page 13	<input type="checkbox"/>
Your employee has given you acceptable notice for the start of leave. Page 19	<input type="checkbox"/>
<p>A tick in both boxes means your employee is entitled to paternity leave.</p> <p>If you haven't ticked both boxes please go back to the terms and conditions page(s) for the empty box(es) to find out what you need to do.</p>	

Paying Statutory Adoption Pay (SAP)/Statutory Paternity Pay (SPP)

Start of payment

SAP and SPP are weekly payments. They are due on the last day of the SAP/SPP pay week and should be paid on the employee's next usual pay day after that. Both SAP and SPP pay weeks can start on any day of the week, for example they could run from Thursday to Wednesday. This may mean that you have to pay a mixture of wages and SAP/SPP at the beginning or end of the period.

Both the SAP and SPP pay period start the day after the last day your employee worked before starting their adoption/paternity leave. Your employee will have told you when they planned to stop work, see page 19.

SAP and SPP should be paid in the same way as you would pay earnings for the same period. All the usual deductions apply, including PAYE tax and National Insurance contributions, except Attachment of Earnings Orders.

Stopping payment

SAP

Usually stops after 26 weeks, but there are special cases.

SPP

- Stops after one or two weeks - as chosen by your employee.
- Cannot be paid more than eight weeks after the date the child is placed.

Employee is not returning to work

If your employee decides not to return to work you must still pay them SAP or SPP. You cannot ask them to repay it.

The amounts to pay

How much you pay is based on the employee's average weekly earnings from page 15. Always round up fractions of a penny when you work out 90% of your employee's average weekly earnings.

SAP and SPP

Pay the **lower** of

- £102.80, or
- 90% of average weekly earnings.

Special cases

For anything listed below use the *Employer's Helpbook*, E16(Supplement). If in doubt call the Employer's Helpline on **0845 7 143 143**.

- Employee leaves job after the date the adoption agency tells the adopter that they have been matched with a child.
- Child is placed after expected date.
- During the pay period
 - the employee works for you
 - the employee is taken into legal custody
 - the employee is sick
 - the employee dies
 - the employee starts work for another employer
 - the child stops living with the parents
 - the child dies
 - you become insolvent.
- Paying through an agent.
- Non-cash payments.
- Employee has
 - more than one employer
 - more than one job with you.
- You pay paternity or adoption pay under an employee's contract of employment.

How much do I get back?

The amount you get back depends on your total gross, employers' plus employees', Class 1 National Insurance liability. You can use your form P35 *Employer's Annual Return*, as a quick check of this.

Extract from P35

NICs		Income Tax	
Total NICs shown above after deducting amounts marked 'R'	1 £	Total Tax shown above after deducting amounts marked 'R'	4 £
Totals from P35(CS) Continuation Sheets	2 £	Totals from P35(CS) Continuation Sheets	5 £
Total NICs 1 + 2	3 £	4 + 5	6 £
		Advance received from Inland Revenue to refund tax	7 £
		Deductions made from subcontractors see Note 2	8 £
		Total Tax 6 + 7 + 8	9 £
Combined amounts			
Total NICs/Tax 3 + 9		10 £	

If your annual liability for National Insurance contributions (NICs) is **always £45,000 or less** you are entitled to

- 100% of the Statutory Adoption Pay (SAP)/ Statutory Paternity Pay (SPP), and
- an additional amount as compensation for the NICs you pay on the SAP/SPP. The compensation rate for 2004-05 is 4.5%.

If your annual liability for National Insurance contributions is **always more than £45,000** you

- are entitled to 92% of the SAP/SPP
- have to fund 8% yourself.

If your annual liability for National Insurance contributions is **around £45,000**, check whether it's more than £45,000, or £45,000 or less. If

- the adoption agency told the adopter that they have been matched with a child between 6 April 2003 and 10 April 2004 check your liability for 2002-03
- the adoption agency told the adopter that they have been matched with a child between 11 April 2004 and 2 April 2005 check your liability for 2003-04.

Special cases

For anything listed below use the *Employer's Help Book*, E16(Supplement). In doubt call the Employer's Helpline on **0845 7 143 143**.

- If you haven't been an employer for the whole of 2002-03 and 2003-04.
- If you've paid paternity or adoption pay under an employee's contract of employment.

Where does the money come from?

Use the money you have to pay over to the Inland Revenue

- PAYE tax
- National Insurance contributions
- Student Loan deductions
- Construction Industry Scheme deductions.

You may also need to use this money to pay tax credits and other statutory payments. Please make sure you have enough to cover all the payments you have to make, use the quick check below.

Advance Recovery from your Inland Revenue Accounts Office

If you need to recover the SAP/SPP quickly, you can apply to your Accounts Office for payment. You can do this where, for example, the amount of money you need to pay out exceeds the amount you will have available for the same tax month or quarter.

You can ask your Accounts Office to pay you the amount you are entitled to recover. You should tell them the information set out below and ask for an advance.

Recovery of SAP/SPP paid in a previous tax year

If you need to recover SMP/SPP payments made in a previous tax year, you cannot claim this from your Accounts Office.

You should complete form SP32 to obtain a reimbursement. These forms can be printed from the CD-ROM or you get them from your nearest Inland Revenue office or from the Employer's Orderline on **0845 7 646 646**. Send the completed form SP32 to

Inland Revenue National Insurance Contributions Office
Employers Teams 1 & 2
Refunds Group Contributor Group
Room BP1001
Benton Park View
Newcastle-Upon-Tyne
NE98 1ZZ

A quick check to see if you need an advance

Total amount of Statutory Adoption Pay (SAP)/
Statutory Paternity Pay (SPP) you can get back

A	£	<input style="width: 100px;" type="text"/>	<input style="width: 30px;" type="text"/>
----------	---	--	---

Amount of money you need to pay tax credits
or can get back for maternity/paternity payments.
Do not include any tax credits you have to pay,
but are getting funding for

B	£	<input style="width: 100px;" type="text"/>	<input style="width: 30px;" type="text"/>
----------	---	--	---

Total amount you need for a tax month or quarter (box A + box B)

=

C	£	<input style="width: 100px;" type="text"/>	<input style="width: 30px;" type="text"/>
----------	---	--	---

PAYE tax

D	£	<input style="width: 100px;" type="text"/>	<input style="width: 30px;" type="text"/>
----------	---	--	---

National Insurance contributions
(including those on SAP/SPP)

E	£	<input style="width: 100px;" type="text"/>	<input style="width: 30px;" type="text"/>
----------	---	--	---

Student Loan deductions

F	£	<input style="width: 100px;" type="text"/>	<input style="width: 30px;" type="text"/>
----------	---	--	---

Construction Industry Scheme deductions

G	£	<input style="width: 100px;" type="text"/>	<input style="width: 30px;" type="text"/>
----------	---	--	---

Total amount you will have available in the same tax month
or quarter (total boxes D + E + F + G)

=

H	£	<input style="width: 100px;" type="text"/>	<input style="width: 30px;" type="text"/>
----------	---	--	---

If H is less than C write to your Accounts Office to ask for an advance.

If you need any help call the Employer's Helpline on **0845 7 143 143**.

Keeping records continued

- Record Statutory payments made weekly or monthly on your employee's form P12 *Deduction Working Sheet*, or computerised equivalent if you operate the Simplified Deduction Scheme.

Extract from P12

Statutory payments																
Note: LEL=Lower Earnings Limit, UEL=Upper Earnings Limit																
Total of employee's contributions payable		Employee's contributions payable		Pay Date	Statutory Sick Pay (SSP) paid to employee in the week or month included in Column 7			Statutory Maternity Pay (SMP) paid to employee in the week or month included in Column 7			Statutory Paternity Pay (SPP) paid to employee in the week or month included in column 7		Statutory Adoption Pay (SAP) paid to employee in the week or month included in column 7			
£	P	1e	£	P	2	£	P	3	£	P	4	£	P	5	£	P

- Enter the payments on your employee's form P14 *End of Year Summary*, or computerised equivalent.

Extract from P14

Statutory payments in this employment												
Statutory Sick Pay (SSP)			Statutory Maternity Pay (SMP)			Statutory Paternity Pay (SPP)			Statutory Adoption Pay (SAP)			
1f	£	p	1g	£	p	1h	£	p	1i	£	p	

Pay and Income Tax details												
starting tax year	Day	Month	Year	In previous employment(s)	Pay	£	p	Tax deducted	£	p		
2004	DD	MM	YY	In this								

- Enter on your form P35 *Employer's Annual Return*, or computerised equivalent
 - the amount of funding
 - the amount of compensation.

Extract from P35

(SSP) recovered	13	£			<p>92% or 100%</p> <p>'0' or 4.5%</p> <p>What you get from the Inland Revenue</p>			
Statutory Maternity Pay (SMP) recovered	14	£						
NIC compensation on SMP	15	£						
Statutory Paternity Pay (SPP) recovered	16	£						
NIC compensation on SPP	17	£						
Statutory Adoption Pay (SAP) recovered	18	£						
NIC compensation on SAP	19	£						
Funding received from Inland Revenue to pay SSP/SMP/SPP/SAP	22	£		21 minus 22	23	£		
Tax Credits								
Total Tax Credits	24	£						

Information

How long to keep records

Keep all documents and records for three tax years (6 April to 5 April) after the year you are working in.

Visits from the Inland Revenue

From time to time, our officers visit employers to see if their payroll is running smoothly. If we call on you we will ask to see your SAP/SPP records.

Getting it right

We want to help employers to pay the right Statutory Adoption Pay and Statutory Paternity Pay. See page 2 for more information about the help that is available. Employers are required by law to pay SAP and SPP and penalties may be charged where an employer fails to make the right payments or gives wrong information to the Inland Revenue through fraud or negligence. There are no penalties where an employer does their best but makes a mistake. If you realise that you have made a mistake you should contact your Inland Revenue office for advice.

Adoption/Paternity rights and benefits

The DTI publication, *Adoptive parents - rights to leave and pay - a guide for employers and employees* gives information on these rights. They also publish other booklets covering employment protection and related equal opportunities legislation and are available from

- DTI Publications on **0870 1502 500**, or
- **www.dti.gov.uk/er**

Help for employees

Employees may want to

- contact any Inland Revenue office,
- contact any Arbitration and Conciliation Advisory Service (Acas) office (see **www.acas.org.uk** for details), or
- go to **www.tiger.gov.uk**

Information on all aspects of employment legislation is also usually available from citizens advice bureaux, low pay units, trade unions and other bodies.

An employee who is not entitled to SAP or SPP may be entitled to other government help. Please tell them to contact their adoption agency.

Employees and employers in Northern Ireland

Arrangements in Northern Ireland are basically the same as in Great Britain, but there are differences in detail

- Northern Ireland has its own legislation covering the SAP and SPP and adoption and paternity leave schemes
- guidance on employment law and adoption and paternity leave is produced by the Department for Employment and Learning, see the phone book for contact details.

Employees who live in the Republic of Ireland but work in Northern Ireland and pay UK National Insurance are not entitled to SAP and SPP if they adopt a child from the UK as the child will not enter the UK to be adopted.

Guidance on employment law is covered by the Labour Relations Agency. For more information, visit their website at **www.lra.org.uk**

Recording SAP or SPP payments and/or recovery covering more than one tax year

Where payments and/or recovery of SAP or SPP start in one tax year and end in a later tax year, you should only record the payments and/or recovery that relates to that tax year on your End of Year records. This is to ensure that your records balance with those held by your Accounts Office.

Payments and/or recovery of SAP or SPP relating to the later tax year should be shown on End of Year records for that tax year.

You cannot make a recovery in one tax year that relates to a previous tax year. If you have insufficient money available to cover the payments from any money you would pay over to the Inland Revenue, you can apply to the Accounts Office for an advance payment.

Recording advance payments

Where an advance payment has been received and it is for a period spanning more than one tax year, you should only record the amount of the advance and the payment(s) that it relates to for that tax year on your End of Year records. This is to ensure that your records balance with those held by your Accounts Office.

Any advance and payment that relates to the later tax year should be recorded on the End of Year records for that tax year.

Where a request has been made for an advance of payment that covers two tax years, the Accounts Office will only make the advance for the current tax year and pay the balance for the following tax year after 5 April.

