

HUMAN RESOURCES
POLICY STATEMENT

ADOPTION LEAVE POLICY

1. Introduction

- 1.1 This policy outlines the Council's procedures in relation to Adoption Leave and Pay. It incorporates statutory pay provisions and provides guidance for managers and employees.

2. Key Principles

- 2.1 The Council is committed to ensuring that:
- a) All employees are treated fairly and consistently.
 - b) A family friendly working environment is developed, whilst providing high quality services to the public.
 - c) Opportunities are provided for maintaining contact with staff during their adoption leave.
 - d) Employees taking long term adoption leave are supported to return to work, usually to their substantive post.
 - e) Statutory legislation and contract entitlements are complied with.

3. What is Adoption Leave?

- 3.1 Statutory adoption leave provides employees who satisfy the qualifying conditions with entitlement to leave and employment protection when they adopt a child.

4. Eligibility

- 4.1 Adoption leave is available to men or women (whether married or single) who adopt a child through an approved adoption agency. Where a couple jointly adopts a child, only one of them will be entitled to take adoption leave (the couple can choose which). The other adoptive parent will normally be entitled to take paternity leave, provided that he or she meets the relevant statutory criteria.
- 4.2 In order to be eligible for adoption leave, employees must satisfy the following criteria i.e. they must:
- Be newly matched with a child for adoption by an approved adoption agency.
 - Have a minimum of 26 weeks' continuous service with the Council, calculated as at end of the week in which notification of matching is given by the adoption agency.
- 4.3 If employees meet these criteria they are entitled to up to 52 weeks adoption leave. This comprises of up to 26 weeks ordinary adoption leave followed immediately by up to a further 26 weeks' additional adoption leave.
- 4.4 All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave subject to their following the correct notification procedures (see paragraph 6).

- 4.5 If an employee adopting a child you are fostering, you must be matched for adoption by a recognised agency to be eligible for Statutory Adoption Leave. If more than one child is adopted as part of the same placement, the employee will be entitled to one period of adoption leave

You will not qualify for Statutory Adoption Leave and Pay if you:

1. Arrange a private adoption.
2. Become a special guardian.
3. Adopt a stepchild.
4. Have a child through surrogacy

- 4.6 If an employee is adopting a child from overseas they should contact HR as slightly different rules apply.

5. Statutory Adoption Pay

- 5.1 Employees who are adopting a child/ren are entitled to a maximum 39 weeks Statutory Adoption Pay (SAP) if they meet the following requirements:

- They have worked with the Council for a continuous period of at least 26 weeks ending with the week in which they are notified of being matched with a child for adoption.

AND

- Their average earning in the 8 weeks up to and including qualifying week have been at least equal to the Lower Earnings Limit for NI contributions.

- 5.2 Statutory Adoption Pay (SAP) is paid for up to 39 weeks:

- a) The SAP flat rate which is set by the government.

OR

- b) 90% of average weekly earnings.

- 5.3 SAP is payable to those who qualify, regardless of whether or not they intend to return to work.

- 5.4 Statutory adoption pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

- 5.5 During ordinary adoption leave and additional adoption leave, all terms and conditions within the employee's contract except normal pay, must be continued (e.g. holiday entitlement will continue to accrue).

- 5.6 Employees are encouraged to take any outstanding holiday due to them before the commencement of adoption leave, but this must be taken during the financial year in which it is accrued.

6. Notice Requirements

- 6.1 In order to be entitled to take adoption leave and receive statutory adoption pay, the employee is required to give the Council written notification of their intention to take adoption leave no later than seven days of being notified by the approved adoption agency of the match with the child for adoption

Notification should be made in writing, addressed to their line Manager and copied to the HR Manager and should specify the date:

- The child is expected to be placed with the employee for adoption.

AND

- They intend the adoption leave to start.

- 6.2 The employee is permitted to bring forward their adoption leave start date, provided that they advise their line manager in writing (and copied to the HR Manager) at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

The employee may also postpone their adoption leave start date, provided that they advise their line Manager in writing (and copied to the HR Manager) at least 28 days before the original proposed start date or, if that is not possible as soon as reasonably practicable.

- 6.3 Within 28 days of receiving the employee's notice of intent to take adoption leave, the Council will write to the employee confirming the latest date on which they must return to work after adoption leave.
- 6.4 The employee must provide evidence, in the form of one or more documents issued by the adoption agency, of the name and address of the agency; the date on which the employee was notified of the match; and the date on which the agency expects to place the child with the employee. The Council cannot request documentary evidence of the name and date of birth of the child.

7. Timing of Adoption Leave

- 7.1 Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier.

In order to make administration as easy as possible, employees should discuss the timing of their adoption leave with their managers as early as possible.

8. Contact during Adoption Leave

- 8.1 The Council reserves the right to maintain reasonable contact with employees during adoption leave. This may be to discuss employee's plans for return to work, any special arrangements to be made, any training to be given to ease the return to work, or to update the employee on developments at work.

9. Keeping in touch days

- 9.1 Employees can agree to work for the Council (or to attend training) for up to 10 days during their adoption leave without bringing their adoption leave to an end and without loss of a week's statutory adoption pay. These are known as "keeping in touch" days.
- 9.2 The Council has no right to require employees to carry out any work and employees have no right to undertake any external work during their adoption leave. Any work undertaken as part of the keeping in touch process (actual time worked) will be paid in accordance with the employees' contractual entitlements. Human Resources must be advised of the time worked in order to pay the employee.

10. Returning to work after Adoption Leave

- 10.1 The employee may return to work at any time during ordinary adoption leave or additional adoption leave provided that they give appropriate notification. Alternatively, the employee may take their full period of adoption leave entitlement and return to work at the end of the period. If the employee wishes to return before the full period of adoption leave has elapsed, they must give at least eight weeks' notice in writing of the date on which they intend to return.
- 10.2 The employee has the right to resume working in the same job if returning to work from ordinary adoption leave. If the employee returns to work after a period of additional leave, they are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions no less favourable.

11. Flexible Working Request (also see Flexible Working Policy)

- 11.1 The Council will consider any written application by employees to vary their working pattern by working part time or job sharing. Employees should discuss all options with their manager and HR to see whether their wishes can be granted.

All requests for flexible working will be treated as sympathetically as possible; however, the Council is not obliged to accommodate all requests.

- 11.2 Employees with 26 weeks' continuous service and who have parental responsibilities for a child under 18, have a statutory right to apply for flexible working arrangements and the Council has a duty to consider these requests seriously.

Related Policies

Special Leave Policy and Procedure

Flexi Scheme

Career Break Scheme

Homeworking Policy

Parental Leave Procedure

Flexible Working Policy

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Approved & Authorised:	
Dated authorised:	

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