

# ADOPTION LEAVE SCHEME



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## ADOPTION LEAVE SCHEME

The Council recognises that for employees who adopt a child, the need to be able to successfully complete the adoption process and spend time with the child is important.

Adoption leave is also available to parents who have a child through a surrogacy arrangement as of 1 April 2015.

### **1. Am I entitled to adoption leave?**

- 1.1. Every employee irrespective of length of service is entitled to 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL), giving a total of 52 weeks. The earliest you can start this leave is 4 weeks prior to the date of adoption.
- 1.2. Your adoption leave may start on any day of the week.

### **2. How do I apply for adoption leave?**

- 2.1. You should complete the attached [adoption leave request form](#), when you have been approved as a prospective adoptive parent. This should be submitted to your manager for authorisation. All relevant papers regarding the adoption should be enclosed. If you adopt a child from overseas, you must tell your manager when you expect the child to enter the UK or the date the child actually enters the UK within 28 days of entry.
- 2.2. If you are a parent in a surrogacy arrangement, you will need to submit a 'parental statutory declaration' which confirms you intend to apply for a parental order in the 6 months after the baby's birth.
- 2.3. As a prospective adopter, you will need to attend pre-adoption meetings, classes, interviews etc, and paid time off for up to five adoption appointments will be granted to attend these (as of April 2015). Employees who will become parents through a surrogacy arrangement will also be allowed reasonable paid time off to attend antenatal appointments, if they expect to satisfy the conditions for, and intend to apply for a Parental Order for the child.
- 2.4. Only one period of leave is available at a time, irrespective of whether more than one child at a time is adopted or born in respect of a surrogacy arrangement.

### **3. How much notice must I give to take adoption leave?**

- 3.1. You will need to inform your manager of your intention to take adoption leave within 7 days of receiving your notification of adoption from the adoption agency.

- 3.2. If you are a parent in a surrogacy arrangement, you will need to inform your manager at least 15 weeks before the due date.
- 3.3. You can change your mind about the date on which you want your leave to start, providing you tell your manager 28 days in advance.
- 3.4. Your manager will need to respond to you confirming leave dates and the date you will be returning etc.

#### **4. How much adoption pay will I get?**

##### **4.1. If you have less than one year's continuous local government service**

You are entitled to:

- i. Full pay for 6 weeks
- ii. 33 weeks at the current rate of Statutory Adoption Pay (SAP) (£136.78 in 2013 or 90% of average weekly earnings if this is less).

##### **4.2. If you have over one year's continuous local government service**

You are entitled to:

- i. Full pay for 6 weeks
- ii. Half pay for 12 weeks, plus SAP (providing you return to work at the end of your adoption leave for a minimum of 3 months)
- iii. 21 weeks SAP

#### **5. What happens to my pension?**

- 5.1. Your period of adoption leave is treated as pensionable service and the Council will, therefore, continue to make contributions on your behalf into the Local Government Scheme (if appropriate). Deductions will be made from adoption pay and will be based on the adoption pay received rather than the usual salary.
- 5.2. However, during unpaid adoption leave, as your contributions have ceased they are not counted as pensionable service. You can choose to pay contributions whilst absent or elect to make up the deductions on return to work. The Payroll section will contact you to discuss options for pension contributions while on unpaid adoption leave.

#### **6. What happens to my annual leave and Bank Holidays while I am on adoption leave?**

- 6.1. During Ordinary Adoption Leave and Additional Adoption Leave, you are entitled to all conditions, apart from pay, as if you are at work. This means that you will be able to accrue annual leave and Bank Holidays during this period. You and your manager should agree when accrued leave can be taken; this could be before or after adoption leave.

## 7. Keeping in Touch (KIT) Days

- 7.1. Keeping in touch days will allow you, if acceptable to your manager, to carry out up to 10 days work during adoption leave without it ending adoption leave or pay. This may include training days. You and your manager can decide how to manage these, whether individual days or in blocks.
- 7.2. Your manager cannot require this work to be carried out and you cannot demand that you carry it out.
- 7.3. Your adoption leave will not be extended if any work is carried out.
- 7.4. Working part of a day counts as one day from the 10 allowed. However, you will only be paid for the hours worked; this can be offset against any SAP claimed.
- 7.5. You are entitled to protection from detriment under the Employment Rights Act 1996 (sec 47c) in respect of undertaking, considering and not undertaking any keeping in touch days. If you are dismissed for undertaking, considering or not undertaking such work you will have been unfairly dismissed in accordance with the Act.

## 8. Right to return to work

- 8.1. You are entitled to return to the job which you were employed to do under your original contract, on the terms and conditions not less favourable than those which would have been applicable if you had not been absent.
- 8.2. Where it is not practicable, due to redundancy, to return to the job under your original contract, you are entitled to be offered a suitable alternative vacancy where one exists. The work to be done must be suitable and appropriate, and the terms and conditions of employment must not be substantially less favourable than the job in which she was originally employed.
- 8.3. Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (eg reorganisation), would have occurred if you had not been absent, and result in a change in the job in which you were employed prior to her absence.
- 8.4. No notification is required if you intend to return to work at the end of your adoption leave.
- 8.5. If you fail to return to work against expectations, the last day of service for payroll purposes is the last day of paid AAL to ensure that you receive all benefits you are entitled to receive.
- 8.6. If you are unable to return on the expected day of return, due to sickness, the absence is covered by the sickness scheme in the normal way.

- 8.7. If there is an interruption of work (eg due to industrial action), you may return when work resumes, or as soon as reasonably practicable afterwards.
- 8.8. Your manager should complete an [HRPRS1 form](#) confirming the return date, hours etc.

## 9. Shared Parental Leave

- 9.1. Shared Parental Leave (SPL) is a new legal entitlement for parents of babies due, or children placed for adoption, on or after 5<sup>th</sup> April 2015. It is also available to surrogate parents.
- 9.2. Shared Parental Leave and pay replaces additional paternity leave and pay. It enables mothers / adopters to end their maternity / adoption leave and pay and to share the untaken balance of leave and pay as shared parental leave and pay with their partner.
- 9.3. You and your partner may be eligible to take shared parental leave. Please refer to the Council's Shared Parental Leave Scheme for more information.

## 10. Parental Leave

- 10.1. You may be entitled to unpaid parental leave, further information on this policy can be found on IRIS.

## 11. Paternity Leave

- 11.1. Your partner (regardless of sex) can take [paternity leave](#) if they are not responsible for immediate care and do not take adoption leave. Please see the Paternity Leave Scheme for more information.

## 12. Definitions

- 12.1. 'Matched' means the adoption agency has given the prospective parent the details of the child they think is suitable for the employee to adopt.
- 12.2. 'Placed' means living in the adopter's home



**ADOPTION LEAVE REQUEST FORM**

Directorate: .....

Name: .....

Payroll reference no: ..... Position: .....

Location: .....

Adoption leave dates: From: ..... To: .....

I wish to receive my \*12 weeks SAP rate/half pay rate which will be repayable if I do not return to work for a period of 12 weeks. Yes/No

I do not wish to receive my \*12 weeks at SAP rate/half pay rate until I return to work (contact Payments Section at that time). Yes/No

*(\*delete as appropriate)*

Additional comments in support of your application:

Signed: ..... Date: .....

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Authorised by:

Signed: .....

Name: .....

Position: .....  
*(manager)*

Dated: .....

**Please forward to your HR Team**