

# Adoption Leave Policy



Policy Title	Adoption Leave Policy
Policy Author	HR Team - PSPS Limited
Policy Issue date	January 2023
Policy Review date	December 2026, or earlier if required
Policy Consultation	Trade Unions recognised by the Council Council Reader Panel Senior Leadership Team
Policy Sign-off	Head of Paid Service / SHDC Council

# Adoption Leave Policy

## Introduction

The Council is committed to helping employees balance the needs of work and family life and as such offers enhanced 'Adoption Leave' benefits.

In addition to this 'Adoption Leave Policy' the Council supports a suite of 'Family Friendly' policies aimed at supporting employees to achieve work/life balance.

The Family Friendly Policies include:

- Maternity Leave Policy
- Paternity Leave Policy
- Shared Parental Leave Policy
- Parental Leave Policy
- Flexible Working Policy
- Agile Working Policy
- Annual Leave Policy

## Scope

Adoption provisions refer to the leave and pay to which employees may be entitled, and their right to resume employment, following a period of 'Adoption Leave'.

Qualifying employees who have been matched with a child may take up to 52 weeks 'Adoption Leave' and may be entitled to 39 weeks of statutory adoption pay. If a couple jointly adopt a child, one may take 'Adoption Leave' and the other parent may be able to take 'Paternity Leave' or 'Shared Parental Leave'.

'Adoption Leave' rights now extend to surrogacy and "Foster to Adopt" situations.

An employee who will become the legal parent of a child under a surrogacy agreement is entitled to take Statutory Adoption Pay (SAP) and Leave. The eligibility criteria are the same with the exception of the qualifying service for Statutory Adoption Pay (SAP). An employee (the primary carer) must have 26 weeks continuous service with the Company by the week they were matched with a child.

The provisions of this policy apply to employees adopting from overseas, the [Government Website](#) provides further information with regards to this.

Employees who will become the legal parents of a child under a surrogacy arrangement are entitled to take statutory 'Adoption Leave'. Local authority foster parents who are also prospective adopters ("Foster to Adopt") are entitled to take 'Adoption Leave'.

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## 1. Time off for Adoption Appointments

- 1.1 An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them (primary adopter) to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments.
- 1.2 The purpose of the appointment is to enable the employee and their partner to have contact with the child (for example, to bond with them before the placement) and for any other purpose connected with the adoption, this may include meeting with professionals involved in the care of the child.
- 1.3 The appointment must have been arranged by or at the request of the adoption agency and the time off must be taken before the date of the child's placement for adoption with the employee.
- 1.4 Following the first appointment a People Manager may request to see evidence of an appointment confirming the employee's intention to adopt.
- 1.5 Employees should discuss time off with their People Manager and submit a request through the Employee Self Service System.

## 2. Adoption Leave Entitlements

- 2.1 Adoption leave can start:
  - up to 14 days before the date the child starts living with you (UK adoptions)
  - when the child arrives in the UK or within 28 days of this date (overseas adoptions)
  - the day the child's born or the day after (if you've used a surrogate to have a child)
- 2.2 An employee who is the primary carer of the child is, from day one of their employment, entitled to 'Adoption Leave'.
- 2.3 Employees are entitled to 26 weeks' Ordinary Adoption Leave (OAL) followed by 26 weeks' 'Additional Adoption Leave', giving a total of 52 weeks' continuous leave, the 'Adoption Leave' period starting either on the day the child is placed for adoption or up to 14 days earlier.
- 2.4 During 'Ordinary Adoption Leave' and 'Additional Adoption Leave', all terms and conditions of the employee's contract, except normal pay, will be continued.

- 2.5 'Adoption Leave' and pay are separate entitlements. Entitlement to 'Adoption Pay' will depend on the length of service of the employee and on whether or not the employee returns to work following the period of Adoption Leave.

### 3. Adoption Pay Entitlements

- 3.1 Eligibility for 'Adoption Pay' is dependent on the employee's length of service. Statutory Adoption Pay (SAP) is payable for 39 weeks.

To qualify for Adoption pay, an employee must:

- have 26 weeks continuous service by the week they are matched with the child;
  - earn at least the lower earnings limit for national insurance contributions in an 8 week period (relevant period);
  - provide the correct notice;
  - provide evidence of the adoption;
  - ensure the adoption agency is a recognised agency in the UK
- 3.2 Ordinary and Additional 'Adoption Leave' must be taken in one block unless the employee wishes to take 'Shared Parental Leave', please refer to the 'Shared Parental Leave Policy' for further details.
- 3.3 Ideally, an employee should give 28 days' notice before they wish to be paid Statutory Adoption Pay (SAP).

There is discretion to this timeframe whereby the time between the child being matched and placed is less than 28 days. If an employee does not give the correct notification of their intention to take 'Adoption Leave' and to claim 'Statutory Adoption Pay' then the Council may delay the start of 'Adoption Leave' and pay, until the correct notification is given.

- 3.4 Where an employee is already a foster parent for a child and also a prospective adopter, ('Foster to Adopt') then they are entitled to take Ordinary Adoption Leave up to a maximum of 26 weeks.
- 3.5 An employee who will become the legal parent of a child under a surrogacy agreement is entitled to take Statutory Adoption Pay (SAP) and Leave. The eligibility criteria are the same with the exception of the qualifying service for Statutory Adoption Pay (SAP). An employee (the primary carer) must have 26 weeks continuous service with the Council by the 15th week before the baby is due.

3.6 Situations where employees do not qualify for 'Adoption Leave' or pay are listed, but not restricted to:

- Becoming a special guardian or kinship carer;
- Adopting a stepchild;
- Adopting a family member or stepchild;
- Adopting privately (e.g. without permission from a UK authority or adoption agency).

#### **4. Annual Leave**

4.1 Employees that are on 'Adoption Leave' will continue to accrue 'Annual Leave' during a period of paid or unpaid 'Adoption Leave' however this does not include Bank Holidays, which are not accrued.

4.2 Any 'Annual Leave' accrued before 'Adoption Leave' starts should be taken prior to commencing 'Adoption Leave' or immediately on return from 'Adoption Leave' thereby effectively extending the employee's actual physical return to work

4.3 Any 'Annual Leave' accrued from a previous financial year whilst on 'Adoption Leave' should be taken immediately on return from 'Adoption Leave' thereby effectively extending the employee's actual physical return to work.

4.4 Where it is agreed that an employee will return to work on reduced contractual hours, then the employee's new reduced hours should not normally take effect until any 'Annual leave' accrued under the previous contractual hours has been taken.

#### **5. Employees on Fixed Term Contracts**

5.1 Where an employee has a fixed-term contract of employment that expires before the start of 'Adoption Leave' then the employee will be able to claim 'Statutory Adoption Pay' from the Council subject to their eligibility.

#### **6. Pension Contributions**

6.1 Employees on 'Adoption Leave' who are in receipt of full pay will continue to have 'Employee Pension Contributions' deducted in the usual way.

6.2 During periods of half pay or 'Statutory Adoption Pay', 'Employee Pension Contributions' will be deducted according to the total amount of pay received. The Council will make up the 'Employee's Pension Contributions' and pay the 'Employers' Pension Contributions' as if the employee were on full pay for the period.

6.3 During periods of unpaid leave i.e. 13 weeks unpaid 'Adoption Leave' the Council will only pay pension contributions if the employee does.

## **7. Salary Progression**

7.1 Employees will continue to receive any contractual salary increases up to the top of their Grade whilst on 'Adoption Leave'.

## **8. Continuity of Service**

8.1 The contract of employment continues throughout any period of 'Adoption Leave'.

8.2 Continuity of service will not have been broken by a period of unpaid leave under the adoption entitlement, therefore entitlement to notice periods, holidays and absence related pay which were accrued at the beginning of 'Adoption Leave' will not be lost.

## **9. Communications**

9.1 It is recommended that employees and People Managers make arrangements to maintain reasonable contact during 'Adoption Leave' in order to keep the employee informed of important developments at work and to discuss plans for returning to work.

9.2 People Managers should draw particular attention to any changes in structures within the department and ensure that the employee is aware of any possible promotion opportunities.

9.3 Employees on 'Adoption Leave' should also ensure that they keep themselves informed as appropriate for example by regularly reviewing the Councils' current vacancies on the website.

## **10. Keeping in Touch` (KIT) Days**

10.1 Employees on 'Adoption Leave' can with the agreement of their People Manager work up to 10 days during their 'Statutory Adoption Leave' without bringing their 'Adoption Leave' to an end.

10.2 'Keeping in Touch' (KIT) days are designed to allow contact with the workplace and can include work, training or any other activity to assist the employee in 'Keeping in Touch'. 'KIT' days can be taken at any time during 'Adoption Leave'.

10.3 There is no obligation on either the Council or the employee to make use of these 'KIT' days and there is no obligation for an employee who is on 'Adoption Leave' to attend work.

- 10.4 'KIT' day's that are worked will not extend the total 'Statutory Adoption Leave' period that can be taken and do not affect an employee's entitlement to 'Adoption Leave' or pay.
- 10.5 Employees should make arrangements for 'KIT' days directly with their People Manager and will be paid at their normal daily rate for each day worked.
- 10.6 Employees who attend work for a 'KIT' day during 'Adoption Leave' will need to complete a 'Keeping in Touch Claim' which can be completed on the Employee Self Service System.
- 10.7 Employees will be paid for the number of hours worked during the 'KIT' day and attendance at work will be counted as the use of one 'KIT day' even if only a few hours are worked.

## **11. Returning to Work Following Adoption Leave**

- 11.1 Employees may exercise the right to return to work at any time during the period of 'Adoption Leave.'
- 11.2 If an employee returns to work following a period of ordinary 'Adoption Leave' i.e. up to 26 weeks then they have the right to return to work and resume working in the same role.
- 11.3 If an employee returns to work following a period of additional 'Adoption Leave' i.e. over 26 weeks, then the employee has a right to return to either the same job or, where this is not reasonably practicable, alternative employment shall be offered.
- 11.4 The Council will consult with the employee where alternative employment is offered, and any offer of alternative employment should not be less favourable in respect of terms and conditions.
- 11.5 If an employee wishes to return to work before the end of the maximum period of 'Adoption Leave' (52 weeks) then the employee must notify HR in writing giving at least 8 weeks' notice of the date that they wish to return. If the employee fails to give the required notice, then the Council may postpone the return to work for up to 8 weeks.
- 11.6 Employees have a statutory entitlement to request an alternative working pattern or a change in hours of work under the 'Flexible Working Policy'. The Council has a duty to give reasonable consideration to such requests but reserves the right to refuse on business grounds.



- The Council will give appropriate consideration to such requests, on either a temporary or permanent basis, from employees returning to work following 'Adoption Leave'.
- Applications for flexible working must be made as early as possible but not later than 8 weeks before the notified date of return to work. Further guidance on submitting an application for flexible working can be found in the 'Flexible Working Policy'.

11.7 The latest an employee can return to work is 52 weeks after the week they left to go on 'Adoption Leave' unless:

- The employee is not well enough to return to work; if this is the case then the employee should follow the guidance set out in the 'Managing Sickness Absence Policy'
- The employee requests to take time off under the 'Parental Leave Policy', if they are eligible to do so.

11.8 If an employee chooses not to return to work at the end of 'Adoption Leave' then they should give the minimum written notice as specified in their contract of employment.

## **12. Tax and National Insurance**

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