

Adoption Leave Policy

1.0 Policy statement

1.1 This policy sets out employees' entitlements who are adopting a child, including notification requirements and rights to time off work.

1.2 If you are matched for adoption with a child, you may be entitled to either adoption leave or paternity leave. One parent cannot take both periods of leave, and it is up to you and your partner to decide who is the main adopter and so will take adoption leave. The main adopter's partner may be entitled to take paternity leave. You may also wish to refer to our Paternity Leave policy.

1.3 Main adopters are entitled to a total of 52 weeks' leave. The Council has set out below all of your rights and obligations should you be matched for adoption. The Council asks that you notify the Clerk as soon as possible of your situation so that we can ensure you are fully aware of all your entitlements and obligations.

2.0 Time off for adoption appointments

2.1 You are entitled to time off to attend adoption appointments in the period between notification of a match and the date of placement. For single adopters or the main adopter in a joint adoption, you are entitled to paid time off to attend up to five appointments, with a maximum of six and a half hours per appointment. The adopter's partner in a joint adoption will be entitled to unpaid time off to attend up to two appointments.

2.2 Where the time is paid, you will be paid at your normal hourly rate for this time.

2.3 If you are the main adopter's partner, and wish to attend more than two adoption appointments, you should speak to the Clerk who will consider the request.

3.0 Eligibility

3.1 You are entitled to adoption leave from the commencement of employment. Adoption leave is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's child/children. You must have notified the adoption agency of agreement to the placement and of agreement to the date of the placement.

3.2 Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement. However, if an additional child is adopted at a later date as a separate agreement, then you could qualify again for a separate period of adoption leave.

4.0 Ordinary and additional adoption leave

4.1 Adoption leave is divided into two categories, 'ordinary' and 'additional'. Each is for 26 weeks, with additional leave following on from ordinary adoption leave, giving 52 weeks leave in total. If you are eligible for ordinary adoption leave, you will also qualify automatically for additional adoption leave.

4.2 During additional adoption leave the employment contract continues and employees are entitled to the benefit of their normal terms and conditions of employment, except salary.

However, in the majority of cases, you will be entitled to Statutory Adoption Pay during some of this period.

5.0 Commencement of adoption leave

5.1 You can choose to start your adoption leave on the date of the child's placement (whether this is earlier or later than was expected), or on a predetermined fixed date no earlier than 14 days before the expected date of placement and no later than the date of placement. Adoption leave can start on any day of the week.

6.0 Notification requirements

6.1 You are required to give the Clerk notice, in writing, of your intention to take adoption leave within seven days of being notified by the adoption agency that you have been matched with a child, unless this is not reasonably practicable. The notice must specify:

- the date the child is expected to be placed with you; and
- the date you want the adoption leave to start.

6.2 You should provide the "matching certificate" from the adoption agency. The certificate will include basic information on matching and expected placement dates.

6.3 You are able to change your mind about the date on which you want your adoption leave to start provided you inform the Clerk at least 28 days in advance, unless this is not reasonably practicable.

6.4 The Council will write to you to notify you of the date on which you are expected to return to work if the full entitlement to adoption leave is taken, within 28 days of the date on which you notified the Clerk of your intention to take leave, or, if you have varied the date originally chosen to start adoption leave, within 28 days of the date on which adoption leave began.

7.0 Returning to work

7.1 If you are returning to work at the end of additional adoption leave, you can simply present yourself for work at the end of that period but the Council would appreciate prior notification.

7.2 If you intend to return to work before the end of your additional adoption leave, you must give the Clerk at least eight weeks' notice of the date on which you intend to return. If you do not give the Council eight weeks' notice, it may postpone your return to a date ensuring that there has been eight weeks' notice.

7.3 Shortly before your return to work, the Clerk will be in touch with you to arrange an informal meeting to discuss your return and to ensure it is as smooth a transition back to work as possible.

7.4 You have the right to return:

- to your previous position or one of the same seniority, pension rights and similar rights
- on terms and conditions no less favourable than those which would have applied if you had not been absent.

7.5 You will not be subject to any detriment by the Council because you took or sought to take adoption leave.

8.0 Keeping In Touch (KIT) days

8.1 You can work for up to 10 days during your adoption leave period without losing statutory payments for that week, or ending your entitlement to leave.

8.2 For this purpose any work carried out on any day, even just an hour's work, is deemed to constitute "a day's work". Any days' work done under this provision will not have the effect of extending the total duration of the adoption leave period.

8.3 You will be paid at your normal rate of pay for a KIT day.

9.0 Adoption pay

9.1 Dependent upon your length of service, you may be entitled to statutory adoption pay (SAP). If you qualify for SAP this will be paid for the first six weeks at 90% of your normal weekly earnings in the eight-week period up to the date of notification of a match, with the remainder paid at the earnings-related limit or the statutory rate, whichever is lower. SAP will be paid in the same way as your wages would be paid if you were not on leave. If you do not qualify for such a payment, you may, dependent upon your circumstances, be eligible to receive allowances from the appropriate government departments.

10.1 Shared parental leave and pay

10.1 You may be entitled to opt in to shared parental leave, sharing up to 50 weeks of leave and up to 37 weeks of pay (subject to availability). If you think you would like to take shared parental leave instead of adoption leave, please ask the Clerk for more information.

11.0 Surrogacy and adoption rights

11.1 If you are an intended parent in a surrogacy arrangement who intends to apply for, or has already applied for a Parental Order, you may be entitled to either adoption leave and pay or paternity leave and pay. One parent cannot claim entitlement to both periods of leave and pay, and it is up to you to decide which you wish to claim (subject to eligibility).

11.2 You will be entitled to take unpaid time off to accompany the surrogate mother to up to two antenatal appointments, of up to six and a half hours per appointment.

11.3 You are entitled to adoption leave from the start date of your employment. This will be for a total of 52 weeks, split in to two periods of "ordinary" and "additional" adoption leave of 26 weeks each.

11.4 You are required to give the Clerk notice, in writing, of your entitlement to take adoption leave by the 15th week before the expected week of birth. You must also notify the Council of the actual date of birth as soon as is reasonably practicable after birth.

11.5 You should provide documentary evidence - a statutory declaration. This document will state that you have obtained, applied for or intend to apply for a Parental Order in respect of the surrogate child and, where not received, this is expected to be made.

11.6 If you have begun a period of adoption leave in respect of a child before approval of a Parental Order, and you are subsequently notified that the application is refused, your adoption leave period will end eight weeks after the week of that notification or the end of the adoption leave period, if that is earlier.

11.7 Dependent upon your length of service, you may be entitled to Statutory Adoption Pay (SAP). If you qualify for SAP this will be paid for the first six weeks at 90% of your normal weekly earnings in the eight-week period leading up to the end of the 15th week before the baby is due to be born, with the remainder paid at the earnings related limit or the statutory rate, whichever is lower. SAP will be paid in the same way as your wages would be paid if you were not on leave. If you do not qualify for such a payment, you may, dependent upon your circumstances, be eligible to receive allowances from the appropriate government departments.

12.0 Dual approved prospective adopters and adoption leave

12.1 If you are a dual approved prospective adopter, a local authority foster parent who has a child placed with you with an expectation to adopt that child in accordance with section 22C of the Children Act 1989, you may be entitled to either adoption leave and pay or paternity leave and pay. One parent cannot claim entitlement to both periods of leave and pay, and it is up to you to decide which you wish to claim (subject to eligibility).

12.2 You are entitled to adoption leave from the start date of your employment. This will be for a total of 52 weeks, split in to two periods of “ordinary” and “additional” adoption leave of 26 weeks each.

12.3 Only one period of leave is available irrespective of whether you go on to adopt the same child or children placed with you under section 22C. However, if an additional child is placed with you under section 22C at a later date as a separate agreement then you could qualify again for a separate period of adoption leave.

12.4 You can choose to start your adoption leave on the date of the child's placement (whether this is earlier or later than was expected), or on a predetermined fixed date up to two weeks before the placement of the child and no later than the date of placement. Adoption leave can start on any day of the week.

12.5 You are required to give the Clerk notice, in writing, of your intention to take adoption leave within seven days of being notified of the child's placement by the local authority in accordance with section 22C, unless this is not reasonably practicable. The notice must specify:

- the date the child is expected to be placed with you; and
- the date you want the adoption leave to start.

12.6 If you have begun a period of adoption leave in respect of a child placed with you under section 22C, and this placement does not proceed to a formal adoption, your adoption leave period will end eight weeks after the child is removed or the end of the adoption leave period, if that is earlier.

12.7 Dependent upon your length of service, you may be entitled to Statutory Adoption Pay (SAP). If you qualify for SAP this will be paid for the first six weeks at 90% of your normal weekly earnings in the eight week period leading up to the date of notification, with the remainder paid at the earnings related limit or the statutory rate, whichever is lower. SAP will be paid in the same way as your wages would be paid if you were not on leave. If you do not qualify for such a payment, you may, dependent upon your circumstances, be eligible to receive allowances from the appropriate government departments.