



## **ADOPTION LEAVE POLICY**

### **To whom this policy applies**

This policy applies to all Council employees seeking to adopt a child from approved Adoption Agencies.

The right to Adoption Leave is available to men and 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 (known as the primary adopter) will be entitled to take adoption leave (the couple can choose which). The other adoptive parent (known as the secondary adopter) will normally be entitled to take Statutory Paternity Leave, provided that he or she meets the relevant statutory criteria.

### **Adoption Leave**

All employees, regardless of their length of service, are entitled to 26 weeks of Ordinary Adoption Leave and 26 weeks Additional Adoption Leave, subject to providing the sufficient evidence as per below.

Adoption leave can start:

- Up to 14 days before the date the child starts living with the adopter (UK adoptions).
- When the child arrives in the UK or with 28 days of this date (overseas adoptions).
- The day the child is born or the day after (if the employer has used a surrogate to have a child).

An employee can change their mind about when they start their leave, provided they give sufficient notice. They must inform their manager of the new date 28 days before the date they now wish their leave to start, or as soon as is reasonably practical.

### **Adoption Pay**

Payments for employees shall be the employee's entitlement to Statutory Adoption Pay, where eligible.

Statutory Adoption Pay is paid for up to 39 weeks. The weekly amount is:

- 90% of employee's average weekly earnings for the first 6 weeks;
- Statutory Adoption Pay or 90% of employee's average weekly earnings (whichever is lower) for the next 33 weeks.

This provision is the statutory entitlement. Details of the current rates of Adoption Pay may be found on the government's website [www.gov.uk](http://www.gov.uk).

### **Eligibility Criteria**

To qualify for Adoption Pay, an employee must:



- Have 26 weeks' service by the notification week; and
- Be the child's adopter, i.e. have been matched with the child for adoption. A person is matched with a child when an adoption agency decides that they would be a suitable adoptive parent for the child.

The notification week is the week in which the employee is informed by the adoption agency that they have been matched with a child.

The employee needs to have agreed with the adoption agency that the child should be placed with them and the date the placement should occur and provide the Council with the appropriate notice and evidence of entitlement.

### **Notification Requirements**

Within 7 days, or as soon as possible after the day the employee receives notification from the adoption agency that they have been matched with a child, an employee must inform the Parish Clerk, or the Staffing Committee if it relates to the Clerk, in writing of the following:

- The date the child is expected to be placed with them for adoption; and
- The date the employee has chosen to start their leave and pay.

### **Evidence**

In order to receive Adoption Pay and Leave, the employee must provide the Parish Clerk, or the Staffing Committee if it relates to the Clerk, with either a matching certificate and/or a letter from the adoption agency which shows the following:

- The name and address of the adoption agency;
- The employee's name and address;
- The date the child is expected to be placed for adoption, or where the child has already been placed, the date of placement; and
- The date the employee was informed that the child would be placed with them.

Where an employee is entitled to Statutory Adoption Pay, they must provide a signed declaration that they have elected to receive Statutory Adoption Pay and not Statutory Paternity Pay,

### **Adoption Appointments**

The main adopter has the right to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments.

### **Annual Leave and Bank/Public Holidays**

Annual leave continues to accrue during Adoption Leave.



Bank/public holidays continue to accrue during Adoption Leave.

The employee and their line manager should review annual leave arrangements prior to Adoption Leave being taken. Where taking Adoption Leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding annual leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

## **Continuous Service**

Adoption Leave counts as continuous service for statutory and contractual purposes.

## **Pension**

The following information related to employees who are members of the Local Government Pension Scheme.

### **Employee contributions during Adoption Leave**

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

Employees will not pay pension contributions during any period of unpaid leave. However, there is a distinction between the following:

- Periods of unpaid Ordinary Adoption Leave, when the employer continues to make pension contributions.
- Periods of unpaid Additional Adoption Leave, when the employer does not make any pension contributions.

In the latter case the employee can, if they wish, choose to enter into an age-related Additional Pension Contribution to cover the amount 'lost' during the unpaid leave. Information above this is set out in the employer's information below.

### **Employer contributions during Adoption Leave**

The Parish Council will pay employer contributions on the employee's Assumed Pensionable Pay. Assumed Pensionable Pay is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay during their leave is higher than Assumed Pensionable Pay, the Parish Council will pay contributions based on this higher amount.

Assumed Pensionable Pay does not apply during any unpaid period of Additional Adoption Leave. The employee can, if they wish, choose to enter into an age-related Additional Pension Contribution to cover the amount of pension 'lost' during their unpaid leave.



If the employee notifies the Parish Clerk, or the Staffing Committee if it relates to the Clerk, in writing within 30 days of returning to work that they wish to enter into an Additional Pensionable Contribution then:

- The employee will pay 1/3 of the cost of the Additional Pensionable Contribution; and
- The employer will pay 2/3 of the cost of the Additional Pensionable Contribution.

If the employee notifies the Parish Clerk, or the Staffing Committee if it relates to the Clerk, of this decision later than 30 days after returning to work then the whole costs will be borne by the employee, unless the Parish Council voluntarily agrees to contribute to the Additional Pensionable Contribution.

## Returning to Work

### Notification Requirements

The Staffing Committee must assume that an employee will return after 52 weeks. An employee need only notify their employer that they are returning to work if they are going to do so before the end of the Adoption Leave. Otherwise, the employee simply returns at the end of the Adoption Leave. Please note that an employee can change their mind up to the point when they actually give notice and resign. If an employee can let the Staffing Committee know when they are likely to return as early as possible that would be appreciated.

### Early Return

If an employee wishes to return early or on a different date than they had previously notified, they must give 8 weeks' notice.

### Keeping In Touch

An employee can do up to 10 days' work during their Adoption Leave, in agreement with the Staffing Committee, without bringing their Adoption Leave to an end. Working for part of a day will count as one day. An employee will not lose any Statutory Adoption Pay for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

The Staffing Committee need to ensure that they keep in touch with their employee whilst they are on Adoption Leave. If you do not wish to be contacted, please notify your manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on Adoption Leave.

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