

Adoption Arrangements



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1. Introduction

This Policy details the arrangements for employees who are newly matched with a child by an approved adoption agency, and who meet the qualification criteria, in relation to adoption leave and pay.

The arrangements apply to all employees directly employed by the Council and are recommended to schools with delegated authority for staffing matters, as “Best Practice”. These do not apply to Elevate employees.

2. General

To qualify for statutory adoption leave employees must have a contract of employment and:

- be newly matched with a child for adoption by an approved adoption agency
- have worked for their employer for 26 weeks continuously ending with the week in which they are notified of being matched with a child for adoption
- give the correct notice
- provide proof of the adoption

Only one period of adoption leave is allowed irrespective of how many children are placed for adoption as part of the same arrangement.

To qualify for statutory adoption pay employees must have a contract of employment and:

- be newly matched with a child for adoption by an approved adoption agency
- have worked for their employer for 26 weeks continuously ending with the week in which they are notified of being matched with a child for adoption
- have average earnings in the 8 weeks up to and including the qualifying week at least equal to the lower earnings limit for National Insurance contributions
- give the correct notice
- provide proof of the adoption

Where a couple adopt jointly only one parent is entitled to take adoption leave and pay; this cannot be shared. The other may be entitled to statutory and additional paternity leave and pay if they meet the qualifying criteria. (See page 6).

Note: Employees do not qualify for adoption leave or pay if they:

- become a special guardian or kinship carer
- adopt a step child
- have a child through surrogacy
- adopt a family member or stepchild
- adopt privately e.g. without permission from a UK authority or adoption agency

3. Roles and Responsibilities

Managers and employees are required to comply with arrangements detailed in this Policy. These are intended to ensure that they understand the statutory adoption entitlements and process for applying, as well as their responsibilities during the adoption leave period.

Employee's responsibility

Employees are required to:

- Ensure that they qualify to apply for adoption leave and pay before making an application
- Discuss the timing of their adoption leave with their manager as early as possible, especially in the case of overseas adoptions
- Provide written notice of their intention to take adoption (or paternity) leave within 7 days of the date they were notified of being matched
- Provide proof of the adoption to qualify for adoption leave and pay
- Notify their manager as soon as possible of adoption appointments and provide the appointment card/letter
- Notify their manager in writing at least 28 days before the
 - new start date if they wish to bring forward their adoption leave
 - originally proposed start date if they wish to postpone their adoption leave
- Return any Council property they will not require whilst on adoption leave such as keys, purchasing cards, equipment (including mobile devices, and memory sticks etc), files and work papers held electronically or on hard copy prior to the start of the leave period
- Keep in contact with their line-manager and ensure they are kept informed as to the employee's contact details, including any change of address.
- Provide their manager at least 8 weeks notice if they want to change the return to work date
- Notify their line manager at the earliest opportunity of any event which may have a bearing on their employment e.g. if under investigation of a criminal offence
- Participate in the consultation process on proposed redundancies / restructures relating to their post and attend any meetings at the time and place designated

Manager's responsibility

Managers are required to:

- Discuss the proposed adoption leave with the employee and where they fail, without good reason, to give the required notice, the date when this will commence
- Confirm the employee's leave start and leave date within 28 days of receipt of their notice to take adoption leave
- Notify the employee of the arrangements that will apply during the adoption leave

- During the adoption leave period:
 - keep in contact with the employee and notify them of any workplace or organisational issues that may affect their employment
 - ensure that the employee is included in the consultation process on proposed redundancies or restructures relating to their post
 - meet with the employee before the scheduled end of the adoption leave period to discuss the arrangements for their return to work including any training needs, temporary support or induction

4. Terms and Conditions

Adoption Leave

Employees who meet the qualification criteria will be entitled to up to 52 weeks adoption leave comprising:

- i) 26 weeks Ordinary Adoption Leave (OAL), followed immediately by
- ii) up to a 26 weeks Additional Adoption Leave (AAL)

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier. (For overseas adoptions, adoption leave can commence when the child arrives within the United Kingdom or within 28 days of that date).

Where the employee has commenced their adoption leave and the placement is delayed, they cannot stop the leave and start it again at a later date.

Where the child's placement ends during their adoption leave, the employee can continue the leave for up to 8 weeks after the end of the placement.

Adoption Pay

Employees who meet the qualification criteria will be entitled to up to 39 weeks adoption pay comprising:

- i) 6 weeks at full pay and
- ii) 33 weeks at the Statutory Adoption Pay entitlement, (£136.78 per week from 7 April 2013), or 90% of average weekly earnings whichever is lower

Notice requirements

Employees must give written notice of their intention to take adoption leave within 7 days of the date they were notified of being matched. The notice must specify the date that the:

- Child is expected to be placed with them for adoption; and
- Employee wants their adoption leave to begin.

Employees must also provide proof of adoption with one or more documents from the adoption agency which show the:

- name and address of the agency;
- date they was notified of being matched with the matching certificate;
- expected date of placement;
and for overseas adoptions, the:
- relevant authority's official notification confirming they are allowed to adopt;
- date the child arrived in the United Kingdom e.g. plane ticket.

Line managers have 28 days to respond to the request for adoption leave and will notify employees in writing of the date on which they expect them to return to work if the full entitlement to adoption leave is taken.

Placement falls through or is disrupted

If after starting adoption leave, the employee is notified that the child will not be placed or after the placement the child dies or is returned to the adoption agency, the adoption leave will end 8 weeks after the end of the week in which the disruption occurred.

There is no extension of Additional Adoption Leave if disruption occurs with less than 8 weeks to the end of the leave period.

Return to work before end of Additional Adoption Leave

Employees must give 28 days notice in writing if they want to return to work before the end of the Additional Adoption Leave (AAL) period.

If employees fail to give sufficient notice the line manager can postpone the return so that the 28 days notice is received, but not beyond the end of the AAL period. If employees insist on working despite the line manager's postponement they will not be paid.

If the employee's adoption leave is cut short due to the disruption of the placement they must still give 28 days notice of their intention to return early.

Paternity leave and pay

i) Ordinary Paternity Leave and Pay

To qualify for statutory paternity leave and pay, the employee must be the child's adopter and

- have worked for their employer for 26 weeks continuously by the end of the week in which they are notified of being matched with a child for adoption or
 - the date the child arrives in the United Kingdom (for overseas adoptions) or
 - the date they want the paternity pay to start.
- confirm in writing that their partner is getting Statutory Adoption Pay
- have average earnings in the 8 weeks up to and including the qualifying week at least equal to the lower earnings limit for National Insurance contributions (adoption pay only)
- meet the other eligibility conditions for paternity leave or pay

Employees who met the qualifying criteria can choose to take either 1 or 2 weeks consecutive leave, (but not odd days), even if they have adopted more than one child. The employee must give:

- notice no later than 7 days of their co-adopter being matched and take the paternity leave within 56 days of the date of the placement of the child or the child's arrivals in the United Kingdom (for overseas adoptions)
- at least 28 days notice before they want their paternity pay to start and which will consist of:
 - 1 week at full pay; and
 - 1 week at £136.78 (£138.18 from 6 April 2014) or 90% pay whichever is lower

ii) Additional Paternity Leave and Pay

Employees can also apply for additional paternity leave and pay if their partner returns to work before the end of their adoption leave or pay period.

The qualifying criteria are the same as for statutory paternity leave and pay and in addition the:

- employee's partner must have at least 2 weeks left of their adoption pay
- employee must give at least 8 weeks notice

Additional paternity leave is for a maximum 26 weeks and can be taken any time from 20 weeks up to 52 weeks after the child starts living with the adopter.

Additional paternity pay is at £136.78 (£138.18 from 6 April 2014) or 90% pay, whichever is lower and stops when the partner's adoption pay would have ended.

Employment terms and conditions

Employees on adoption leave will be entitled to the terms and conditions which would have applied had they not been absent, except for salary.

Examples of contractual benefits employees are entitled to continue receiving include the accrual of their holiday entitlement and continuation of contributions towards their pension plan, which the Council would normally make if they were not on adoption leave.

Employees who are unable to take their full annual leave entitlement or bank holidays that fall in the adoption leave period, may carry over the outstanding amount to the next annual leave year. (The bank holiday entitlement for part-time employees is calculated pro-rata).

The Working Time Regulations do not allow for outstanding leave to be replaced by a payment in lieu except when the employment is terminated e.g. redundancy.

Pensions

Members of the pension scheme will remain in the pension scheme whilst on any child-related leave and will as such continue to pay contributions on any pensionable pay received including statutory pay.

If the member is not entitled to receive pay for their period of child-related leave, they will be treated as if they had paid contributions. Members will be credited with full pension entitlement for this period.

Employees should contact the Pensions Team for further information.

Maintaining contact

The manager and employee should remain in contact during the adoption leave period. The contact arrangements should be agreed with the employee staff before they start their period of adoption leave

The manager will keep the employee updated on any workplace or organisational issues that may affect their employment and include them in any consultation process on proposed redundancies or restructures.

Employees are required to participate in the consultation process on proposed redundancies/restructures relating to their post and attend any meetings at the time and place designated

Keeping in touch (KIT) Days

Keeping in touch can help both the manager and employee when it comes to their return to work.

Employees are not obliged to do any work or attend any events during maternity leave but if the manager and the employee agrees they can work for up to 10 days during their adoption leave. These days are limited to the employee's usual job and they could be used for training or other events. KIT days are paid at the usual rate of pay. Please see manager and employee guidelines for further information.

The total duration of the adoption leave period will remain at 52 weeks regardless of whether or not the employee works any KIT days.

Redundancy during Adoption Leave

Employees that are pregnant or on statutory maternity or additional paternity leave and at risk of redundancy i.e. without a post at the end of the assimilation, ring-fencing or selection processes, must be offered 'suitable alternative positions' before those who are not on maternity leave, in accordance with the Council's Redeployment Arrangements.

Terms and conditions on return to work

Employees returning to work after taking adoption leave are entitled to return to the same job in which they were employed before the leave began.

Employees do not need to give notice if they are returning to work immediately after the end of the adoption leave period but should check with the HR Service Centre when they will go back onto to the Payroll.

Where the employee is too ill to come back to work at the end of their adoption leave the Council's normal sickness procedures will apply.

Time-off to attend adoption appointments

There is no statutory right to time-off for adoption appointments.

Where employee is the primary adopter, they will be allowed time-off with pay to attend up to 5 appointments set up by the local authority between the matching and placement of the child.

Where employee is the secondary adopter, they will be allowed unpaid time-off to attend up to 2 appointments set up by the local authority between the matching and placement of the child.

Note: Employees are not allowed time-off for adoption appointments after the child's placement.

The employee must produce an appointment card/letter and for paid time off evidence they are the primary adopter.

Further information and guidance

Any queries as to the adoption and paternity leave and pay arrangements should be forwarded to the HR Service Centre, who process the applications at:

<http://apphrportal/hrportal/portal.php#>

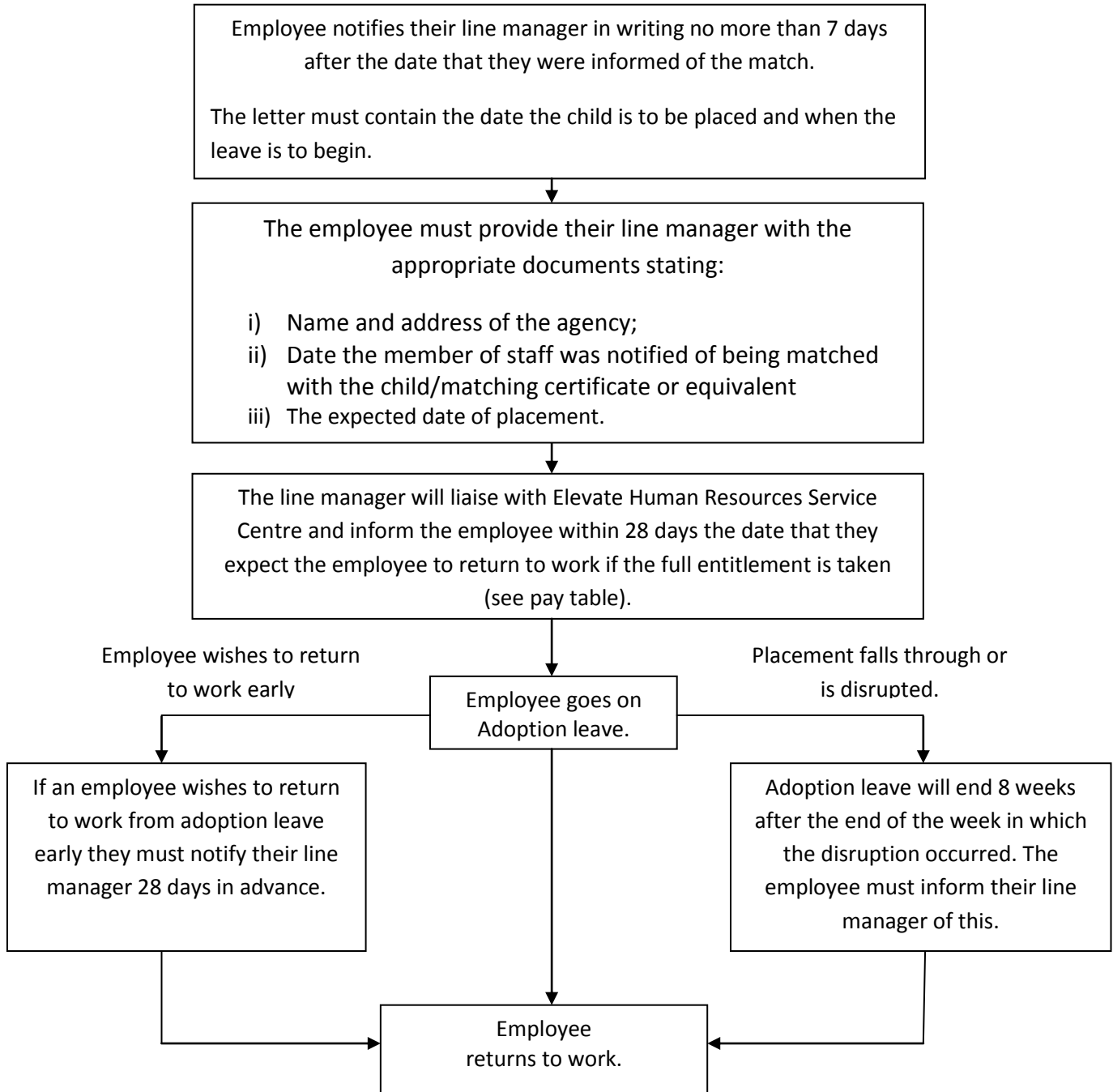
5. Monitoring

Applications for adoption leave will be monitored and reviewed annually to ensure that the arrangements are applied fairly and consistently across the Council.

Human Resources will automatically update the arrangements to comply with any changes to legislation and / or ACAS guidance and notify employees of the amendments.

Appendix 1

Adoption Leave Flowchart



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Call direct on 020 8215 3000

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Phone: 020 8594 8356
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Date: 31 March 2014
Version: 1 Review Date: 31 March 2015

