

# **FAMILY FRIENDLY POLICIES**

## **5. Adoption Leave**

**HR Service**

**April 2015**



LONDON BOROUGH OF  
**BEXLEY**

## ADOPTION LEAVE

The following guidance is for employees under 'Green Book' terms and conditions. For other employees, where your terms and conditions may vary, please speak to your HR contact.

### Introduction

The Government has introduced a number of family friendly policies which enhance those already provided to employees. This document summarises your rights to leave and pay as an adoptive parent.

These entitlements apply to employees who have a child placed with them (within the UK) on or after 5 April 2015.

For further information and advice, please see your manager or HR Service.

### Eligibility

Entitlements to leave and pay apply when a child is newly placed for adoption within the UK. Adoption leave and pay are available to:

- Individuals who adopt;
- One member of a couple where a couple adopt jointly (the couple must choose which partner takes adoption leave); and
- Surrogate parents.

**\* All references to Partner include same sex partner.**

The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to **Paternity Leave (adoption) and Pay and Shared Parental Leave and Pay** (see separate Policies).

To qualify for adoption leave, you must:

- Be \*newly matched with a child for adoption by a UK adoption agency;
- Have notified the agency that you agree that the child should be placed with you and agree the date of placement; and
- Have given notice of taking your adoption leave no more than 7 days after you have been notified of being matched with the child.

**\*Adoption leave and pay 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.**

## Adoption Leave

Adopters are usually entitled to up to 26 weeks' Ordinary Adoption Leave (OAL) followed immediately by up to 26 weeks' Additional Adoption Leave (AAL) – a total of up to 52 weeks leave.

If you meet the qualification requirements above, you will be entitled to OAL. For this leave to extend into AAL, the following requirements must be met:

- The child was placed with you for adoption
- You took OAL in respect of the child, and
- The OAL period did not end prematurely (either by dismissal or by '*disrupted placement*')#

**#'Disrupted Placement'** applies where either the child was not placed with you after all, where the child dies during the OAL period, or if the child is returned to the agency during the OAL period. Please contact HR Service as soon as possible if any of these situations occur.

You may start your leave:

- From the date of the child's placement (whether this is earlier or later than expected), or
- From a fixed date which can be up to 14 days before the expected date of placement.

Leave can start on any day of the week.

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If the child's placement ends during the adoption leave period, you can continue adoption leave for up to eight weeks after the end of the placement – please speak to the HR Service as soon as possible if this situation arises.

If you return to work before exhausting your adoption leave/pay, your partner may be eligible for Shared Parental Leave/Pay. The rate of Shared Parental Pay will be the statutory rate. Qualifying conditions apply and further guidance is available under a separate policy.

## Adoption Pay

### Statutory Adoption Pay (SAP)

If you have been employed continuously by Bexley for 26 weeks, ending with the week in which you are notified of being matched with a child for adoption, and

- you meet the eligibility criteria above, and
- you have given at least 28 days notice of when you wish your SAP to begin (or as soon as is reasonably practicable)

you will usually qualify for Statutory Adoption Pay (SAP). The amount of SAP payable will be:

- 90% of your average weekly earnings for the first 6 weeks of adoption absence
- the standard flat rate of SAP (or 90% of your average weekly earnings if lower) for the next 33 weeks

SAP is payable for up to 39 weeks of adoption leave. The rate of SAP is the lesser of the standard flat rate of SAP or 90% of your average weekly earnings.

If you return to work before exhausting your adoption leave/pay, your partner may be eligible for Shared Parental Leave/Pay. The rate of Shared Parental Pay will be the statutory rate. Qualifying conditions apply and further guidance is available under a separate policy.

## **Contractual Adoption Pay (CAP)**

If you have one years continuous Local Government service, ending with the week in which you are notified of being matched with a child for adoption, and you meet the eligibility criteria above, you will also usually qualify for Contractual Adoption Pay (CAP).

If you qualify for both SAP and CAP, in total, your leave and pay will be as follows:

<u>Weeks 1-6</u>	9/10 of a week's pay * (offset against payments made by way Statutory Adoption Pay)
<u>Weeks 7- 18</u>	half a week's pay* without offset of SAP (except to the extent that the half pay plus the SAP exceeds full pay) <b>PROVIDED</b> you have declared in writing that you will return to local authority (not just the current authority) for at least 3 months.
<u>Weeks 19 to 39</u>	Statutory Adoption Pay only

\* A weeks pay includes all contractual allowances other than essential car user allowance which will continue in payment at full rate for the first 18 weeks and then at 50% for three months.

If you do not intend to return to work you will not be eligible for the 12 weeks contractual half pay as referred to above and these 12 weeks will be at Statutory Adoption Pay only.

## Notice of Intention to take Adoption Leave

You must inform your manager of your intention to take adoption leave within 7 days of being notified by your adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable. You need to inform your manager:

- When the child is expected to be placed with you and
- When you want your leave to start

You may change the start date of your leave if you give at least 28 days notice of the new date.

An application form to apply for Adoption Leave and Pay follows at the end of this document.

## Matching Certificate

You will need to provide documentary evidence of your entitlement to Adoption leave and pay in the form of a Matching Certificate. You should request this certificate from your adoption agency and pass it to HR Business Centre as soon as possible. (This document includes basic information on matching and expected placement dates).

## Adoption Appointments

You have the right to take paid/unpaid time off to attend adoption appointments as follows:

Appointment	Entitlement
For employees who have been notified by an adoption agency that a child is to be placed for adoption with them - time off to attend appointments such as having contact with the child or meeting with the child's social worker or current carer, up to the date of the placement of the child.	Up to 6.5 hours paid time off on up to five occasions.  Appointments must have been made by or at the request of the adoption agency for which evidence may be required.  (Where a couple are adopting jointly, only one of them is entitled to paid time off, the other may take unpaid time off – see below).
Where a couple are adopting jointly, the employee who has not elected to take paid time off to attend appointments can elect to take unpaid leave.	Up to 6.5 hours unpaid leave on no more than two occasions.

You should request the time off via MyView and let your line manager know when your appointments are. They may ask you to show proof of the dates and times.

## **Salary Sacrifice Contracts**

If you have sacrificed salary in return for benefits or vouchers you may wish to review this arrangement in advance of your adoption leave. Please contact your HR Adviser at the earliest opportunity for advice.

## **Lease Cars**

You may continue to use your lease car during the whole period of your adoption leave although you will need to continue to make your contribution to the car. Contributions will be deducted from your pay as usual during the paid period of leave and thereafter you will need to make arrangements with the HR Business Centre to continue payments. This is usually managed through payment of a monthly cheque.

Please note that it is your responsibility to ensure that your contributions are paid.

## **Annual leave and bank holidays**

Your annual leave continues to accrue for the whole period of your adoption leave and your full entitlement should be taken during the leave year to which it relates. Therefore, if your return date is likely to be after the end of the current annual leave year, you should try to take your full leave entitlement before starting your adoption leave.

Any annual leave taken in excess of your entitlement will be reclaimed through your salary.

You are entitled to an additional days leave for each bank holiday that falls during your adoption leave. These additional days should also be taken during the leave year to which they relate.

## **Pension**

You continue with full membership of the Local Government Pension Scheme (LGPS) for any part of your adoption leave where you are receiving pay. Your pension contributions will be based on the actual pay you receive during this period whether this is CAP, SAP or a combination of both.

For any unpaid leave (usually at the end of the 39 weeks SMP period), your membership will not count. If you return to work, however, you can choose to pay back pension contributions to cover the unpaid period and make it count. You will be sent details of the amount required to make up this service by the TOPS payroll team and you must make your election within 30 days of returning to work.

If you have entered into a contract to buy additional LGPS membership, you must honour this by paying pension contributions based on your normal full pay while on adoption leave.

If you are paying AVCs for additional life cover, arrange to continue with these payments throughout your adoption leave or cover may cease.

If you need further details please contact the London Pensions Fund Authority at:

169 Union Street  
London  
SE1 0LL

General Enquiries: 020 7369 6247  
Fax: 020 7369 6238  
Email: [bexley@lpfa.org.uk](mailto:bexley@lpfa.org.uk)  
Website: [www.lpfa.org.uk](http://www.lpfa.org.uk)

## **Keeping in Touch Days**

You may agree with your manager to work up to 10 days during your adoption leave without affecting your statutory adoption pay or bringing your adoption leave to an end. You need not work a full day but any occasion that you do work will count as one KIT day (i.e. if you work a half day this will count as one of your 10 KIT days). Neither you nor your manager can insist that you work during this period although you will be paid for any hours that you do work (offset by any payment already in place).

Contact made to discuss your return to work and any other reasonable contact during your Leave does not constitute work for these purposes. Your manager will maintain reasonable contact with you during your Leave, for example, to discuss your plans for returning to work, to consider training or other support to ease your return to work, or to update you on work developments.

## **Access to E-mail Account**

Your manager will inform Steria when you are going on leave and when you are due to return and you will need to return your ICT equipment before you start your leave. You will also need to complete a Bexnet pro-forma to nominate another member of staff to be given access to your e-mail account for the duration of your leave. If you wish to you may retain access to your e-mail account - subject to the approval of your manager – you can request this at the same time. Access to your e-mails will be via Outlook Web Access.

Please be aware that if you choose not to retain access to your account (or your manager refuses access) it will not be possible to give you access to your account on Keeping in Touch days. Access will only be returned to you at the end of your leave period.

## **Return to Work**

If you are taking your full entitlement to Adoption leave, you do not need to give notice of your intention to return to work. However, if you wish to return before the end of your leave period, you must give 8 weeks notice.

You will normally be able to return to your original job, please contact HR Service for further details. However, if a reorganisation takes place whilst you are on adoption leave, you will be consulted and your rights explained.

There is no automatic right to return to part-time working, however, any request will be considered reasonably taking into account your needs and those of the service. Further information about flexible working is available on the HR intranet site.

If you decide not to return, you will need to write a letter of resignation to your manager giving the required amount of contractual notice. If you have received the half pay element of contractual adoption pay you will be required to refund the payment in full (or such part as the

Council may subsequently decide) to the extent to which the adoption pay exceeds your entitlement to SAP.



# Application for Adoption Leave and Pay

This form should be used to apply for Adoption Leave and Pay. Full details of the Council's Adoption Provisions are available here [Adoption Leave](#). The HR Business Centre will confirm your entitlements on receipt of your application

Please return this form within 7 days of being notified of having been matched with a child and at least 28 days before you wish your Adoption Leave to start. Any subsequent changes to the information provided must be notified to the HR Service immediately.

## Personal Details:

Name: _____	
Post Title: _____	
Department: _____	Employee No. _____

## Adoption Details:

Date notified of having been matched with a child: _____	
Date child is expected to be placed with me: _____	
Matching certificate attached	<input type="checkbox"/>
I would like my leave to start on (date) _____ and end on _____	
If you need to change the dates you have provided you must give us 28 days notice of the new dates.	
I am intending to return to work after my adoption leave OR	<input type="checkbox"/>
I am not intending to return to work following my adoption leave	<input type="checkbox"/>
Employee Signature: _____	Date: _____

Please forward this form to your line manager for operational planning purposes. Your manager should then forward this form without delay to the HR Business Centre, 3<sup>rd</sup> Floor East, Civic Offices. The Business Centre will then write to you and confirm your entitlements to adoption leave and pay.

<b>ACTIONED BY HR BUSINESS CENTRE (HR USE ONLY):</b>	
Signature: _____	Date: _____



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