Adoption Leave and Pay Policy

This policy sets out the entitlements for staff who are adopting a child, including notification requirements and rights to time off work.

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 and Pay policy.

Main adopters are entitled to a total of 52 weeks' leave. We have set out below all of your rights and obligations should you be matched for adoption. We would ask that you notify your manager as soon as possible of your situation so that we can ensure you are fully aware of all your entitlements and obligations.

Time off for adoption appointments

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.

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

If the main adopter's partner wishes to attend more than two adoption appointments, they should speak to their manager who will consider the request at their discretion.

Notification requirements for appointments

To take time off for adoption appointments, we may require you to provide confirmation of the following to your manager and Human Resources:

- that you would like to take either time off for appointments
- the date and time of the appointment;
- that the appointment has been arranged by or at the request of the adoption agency.

Eligibility for adoption leave

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 stepparent 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.

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.

Commencement of adoption leave

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.

Notification requirements

You are required to give us 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.

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

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

We 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 us 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.

Returning to work

If you are returning to work at the end of additional adoption leave, you should simply present yourself for work at the end of that period.

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

Shortly before your return to work, we will be in touch with you to arrange an informal meeting with your manager. The aim of this meeting is to discuss your return and to ensure it is as smooth a transition back to work as possible.

You have the right to return:

- with your 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.

Keeping in touch (KIT) days

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.

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.

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

Adoption pay

Dependent upon your length of service, you may be entitled to statutory adoption pay (SAP) the amount due can be found on the Government website: Adoption pay and leave: Pay - GOV.UK. 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.

Shared parental leave and pay

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 us for more information.

Surrogacy and adoption rights

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).

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.

You are entitled to adoption leave from the start date of your employment. This will be for a total of 52 weeks.

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

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.

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.

Dependent upon your length of service, you may be entitled to Statutory Adoption Pay (SAP) the amount due can be found on the Government website: Adoption pay and leave: Pay - GOV.UK.

Dual approved prospective adopters and adoption leave

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).

You are entitled to adoption leave from the start date of your employment. This will be for a total of 52 weeks.

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.

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.

You are required to give us 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.

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.

Dependent upon your length of service, you may be entitled to Statutory Adoption Pay (SAP) the amount due can be found on the Government website: Adoption pay and leave: Pay - GOV.UK.

Redundancy and adoption leave

If a redundancy situation occurs during your Adoption Leave, we will let you know about the proposals and involve you in any consultation process. We will invite you to a meeting before any final decision is reached regarding redundancies.

Staff taking Adoption Leave will be given first refusal on any suitable alternative vacancies that are appropriate to their skills both during their period of leave and for a period of 18 months from date of placement for adoption.