

**BEKESBOURNE WITH PATRIXBOURNE PARISH COUNCIL**  
**ADOPTION LEAVE AND PAY POLICY**  
**MAY 2023**

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## **Purpose and scope**

This policy and procedure apply to all current employees, whether full or part-time, temporary or fixed-term.

The purpose of this policy and procedure is to provide clear information about our adoption provisions. This document sets out our policy on adoption leave, pay, and arrangements surrounding returning to work after adoption leave. It also sets out the procedures which we need to follow at various stages, before, during and after adoption leave.

## **Statutory Adoption Pay**

Employees must give you 28 days' notice before they want to be paid Statutory Adoption Pay, unless the time between the child being matched and placed is less than that.

## **Statutory Adoption Leave**

Within 7 days of being matched with a child, employees must tell you:

- how much leave they want
- their leave start date
- the 'date of placement' - the expected or actual date the child is placed with them.

You have 28 days to write to them confirming their leave start and end date. There are different rules for overseas adoptions and surrogacy arrangements.

## **Leave for employees adopting a child from overseas.**

Within 28 days of getting their 'official notification', employees adopting from overseas must tell you the date of the notification and when they expect the child to arrive in the UK.

If they've worked for you for less than 26 weeks, they can tell you within 28 days of the Sunday in their 26th week instead.

They must also tell you:

- the actual date the child arrives in the UK - within 28 days of this date
- how much leave they want and when they want it to start - giving you 28 days' notice.

The employer has 28 days to write to them confirming their leave start and end date.

## **Leave for employees in surrogacy arrangements**

At least 15 weeks before the due date, employees in surrogacy arrangements must tell you when the baby is due and when they want to start their leave. You can ask for this in writing.

The employer has 28 days to write to them confirming their leave start and end date.

## **Changes to leave dates**

Employees must tell you about changes to leave dates at least 28 days before their original start date or the new start date - whichever is earlier.

You must write to them if you have to amend their leave start and end dates.

Employees must give 8 weeks' notice if they want to change the date they return to work.

## **Proof of adoption**

Employees must provide proof of adoption to qualify for Statutory Adoption Pay. Proof is not needed for Statutory Adoption Leave unless requested.

For adoption, the proof must show the:

- name and address of the agency and employee
- date the child was matched, for example the matching certificate
- expected or actual date of placement, for example a letter from the agency
- relevant UK authority's 'official notification' confirming the parent is allowed to adopt (overseas adoptions only)
- date the child arrived in the UK, for example a plane ticket (overseas adoptions only)

The employer must keep records of the proof.

## **Statutory Adoption Leave**

Employees can take up to 52 weeks' Statutory Adoption Leave. The first 26 weeks is known as 'Ordinary Adoption Leave', the last 26 weeks as 'Additional Adoption Leave'.

Leave can start:

- on the date the child starts living with the employee or up to 14 days before the expected placement date (UK adoptions)
- when an employee has been matched with a child to be placed with them by a UK adoption agency
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (parents in surrogacy arrangements)
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## **Statutory Adoption Pay**

Statutory Adoption Pay (SAP) for employees is:

- 90% of their gross average weekly earnings for the first 6 weeks
- £151.20 a week or 90% of their gross average weekly earnings (whichever is lower) for the next 33 weeks.

Tax and National Insurance need to be deducted.

## **The effect of adoption leave on contractual benefits**

During your adoption leave you will be entitled to receive the contractual benefits that you would normally receive if you were at work with the exception of cash benefits (e.g. remuneration and allowances).

On return to work following OAL and AAL you are entitled to benefit from any general improvements to the rate of pay (or other terms and conditions) that you would have received had you been at work. This may also lead to a re-calculation of your SAP Entitlements.

## **Annual leave**

Your contractual annual leave entitlement continues to accrue during your adoption leave. You can choose to take any leave accrued, as a block, either before you commence adoption leave, immediately upon your return to work or a combination of the two. You should be aware that if you take the annual leave before starting adoption leave and then

leave employment mid-way through the adoption leave, the usual deductions will apply from your final salary or we may ask for an appropriate refund.

### Pension scheme

Occupational pension contributions continue during OAL and during any period of paid adoption absence.

### **Maintaining contact during adoption leave**

Some people choose to have little if any contact with work during their adoption leave while others want to maintain a high level of contact. Before you start your adoption leave, we will meet with you to discuss reasonable contact arrangements during your adoption leave.

Below is a list of the sorts of information you may want to be kept informed about:

- Notes of important meetings or announcements affecting staff
- Details of internal vacancies which arise
- Details of significant developments to working practices
- Details of any training courses which are offered to the team.

There may be occasions when we need to contact you even if you have indicated that you do not wish to be contacted. In these circumstances contact will only be made when there is significant information which might affect you. For example, where there are changes proposed to the job you are expected to return to.

### **Keep in Touch (KIT) Days**

You may work for up to 10 days during your adoption leave. KIT days can only be worked by mutual agreement; that is to say both you and the council must agree to the work / training taking place. When agreeing KIT days, we will agree the type of work to be carried out and the duration in advance. Particular care should be taken when agreeing a rate of pay because payment for KIT days is off set against Statutory Adoption Pay and not in addition to it. Therefore, we should agree a rate for that week which must be equal to or in excess of the rate of SAP.

### **Returning to work**

We will assume that you will take your full adoption leave entitlement and intend to return to work doing the same job (see paragraph below regarding entitlement to return to the same job after maternity leave), with the same hours, unless you notify us, in writing, or request otherwise. In other words, you do not have to notify us if you intend to return to work at the end of your AAL.

If you want to return to work before the end of your adoption leave, you will need to notify us in writing giving at least eight weeks' notice of your intended return date. If you do not give at least eight weeks' notice, we may delay your return to work by up to a further eight weeks where there is good reason.

You have the right to resume working in the same job if returning to work from OAL. If you return to work after a period of AAL, you are entitled to return either to the same job or, if this

is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

If you decide not to return to work after your adoption leave, you will need to resign giving the appropriate notice as specified in your contract of employment.

You may be required to pay back the enhanced amount of maternity pay (anything more than Statutory Maternity Pay) if you:

- do not to return to work
- leave within 3 months of returning from maternity leave

### **Requesting a change to your pattern of work**

You have the right to request that we consider changing your pattern of work (subject to eligibility criteria). See the Flexible Working Policy

### **Data protection**

When managing your adoption leave and pay, we will process personal data collected in accordance with the data protection policy. Personal and or sensitive information is held securely and accessed by, and disclosed to, those who need to manage maternity leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policy and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

This is a non-contractual procedure which will be reviewed from time to time.

- End of Policy -