

New Somerset Council

Adoption Leave Policy

Policy Statement

Adoption Leave provisions are designed to enable adoptive parents to take extended leave of absence from work to undertake responsibilities associated with childcare and to encourage their return to work with Somerset Council. It also covers provisions made for the period during which employees become adopters to support them through their training and assessment.

Adoption Leave is available to all employees from day one of their employment. To receive Statutory Adoption Pay (SAP) the employee must complete 26 weeks' continuous service with Somerset Council.

Adoption Leave provision also includes employees who are becoming parents via a Parental Order due to surrogacy (in this case the employee must have been continuously employed by Somerset Council for at least 26 weeks by the 15th week before the baby is due) or who are taking part in the Fostering to Adopt Scheme.

This policy does not form part of the Somerset Council Terms and Conditions and may be subject to change.

Eligibility

- The employee must be newly matched with a child for adoption (or Foster to Adopt) by an approved adoption agency (stepfamily adoptions or adoptions by a child's existing foster carers do not qualify).
- Only one parent is entitled to take full Adoption Leave and pay. This parent will be known as the primary adopter. However, the secondary adopter may be eligible for Paternity Leave/Parental Support Leave and Shared Parental Leave if they satisfy the qualifying criteria. For further information please refer to the Paternity Leave Policy ([add link](#)) and the Shared Parental Leave Policy ([add link](#)).

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

Pre-Placement Entitlements

Somerset Council offers paid time off for up to five adoption appointments for both the primary and secondary adopter in an adoption or foster to adopt scenario. For those becoming parents via a parental order due to surrogacy the primary adopter is

offered two paid appointments to accompany the surrogate to antenatal appointments.

Ahead of adopting, individuals are required to undertake training and assessments over several months. Employees are expected where possible to make appointments for training and assessment outside of paid working hours. Where there is no alternative but to attend training or assessment during working hours managers must offer paid time off to assist the employee in attending these appointments.

Leave Entitlements

Primary adopters are entitled to 26 weeks Ordinary Adoption Leave (OAL) followed immediately by up to 26 weeks Additional Adoption Leave (AAL), a total of 52 weeks leave.

Employees can choose to start their leave:

- from the date of the child's placement, or
- from a fixed date which can be up to 14 days before the expected date of placement.

Adoption leave can start on any day of the week.

In Foster to Adopt cases the primary adopter can choose when they would like to use Adoption Leave, this can either be when the child is first placed or when the child is adopted. Employees in this situation should be made aware that SAP is paid based on the final 8 weeks salary before taking leave and therefore if they choose to take unpaid leave and then Adoption Leave the SAP received would be affected. For further information on fostering please consult the Fostering Policy ([add link](#)).

Adopting a Child from the UK

Employees must provide proof to show that matching with a child has taken place through an approved adoption agency within the UK. This will usually be in the form of a matching certificate. [Adopt South West](#) is available to provide advice on what constitutes an approved agency, should there be any queries.

Employee's must make their manager aware that they want to take Adoption Leave as soon as reasonably practicable after being told that they have been matched with a child for adoption. The employee must complete an [Adoption Leave Application Form](#) as soon as possible and return to their line manager. This will include the notification date from which SAP calculations are made.

Adopting a Child from Abroad

Employees adopting a child from abroad must follow the process outlined above as well as the following process: When initially making their manager aware of the upcoming adoption the employee must provide:

- the date on which they received official notification in relation to the child that they will be adopting
- the date on which their child is expected to enter the UK

Employees can choose to start their leave:

- on the day on which the child enters the UK
- on a chosen date no later than 28 days after the child enters the UK

Employees adopting from abroad must also complete an [SC6 form](#) and return to their **Line Manager**.

Time off will not normally be authorised to allow parents to travel abroad in relation to overseas adoptions; annual leave should be used to cover this.

Pay – UNIONS WISH TO CONSULT MEMBERS ON PAY THEREFORE THIS SECTION IS CURRENTLY OUT OF SCOPE FOR APPROVAL

Statutory Adoption Pay

SAP will be paid for up to 39 weeks. To be eligible for SAP the employee must be on adoption leave and:

- have had average weekly earnings in the 8 weeks ending with the notification week equal to or greater than the lower earnings limit for NI
- have 26 weeks continuous service with Somerset Council by the end of the notification week
- have elected to receive adoption pay
- expect to have a child placed with them for adoption

SAP will be payable for the first 6 weeks at the SAP rate or at 90% of the employee's average weekly earnings if this is less.

Contractual Adoption Pay

Employees with one year's continuous service at the time of adoption will be entitled to Contractual Adoption Pay (CAP). The contractual scheme provides adoption pay for 18 weeks. The first six weeks are paid at 90% of a week's pay. However, the CAP due will be offset by any SAP paid during the first 6 weeks of adoption leave.

For each of the next 12 weeks, half pay will be received plus SAP (provided that this combination does not exceed the employee's normal weekly pay) on condition that the employee has previously declared their intention to return to work for 3 months

following adoption leave. The return to work is inclusive of agreed holiday and is unaffected by any change to the hours worked on return.

If an employee fails to return to work for a minimum of 3 months, HR Admin and Payroll Services will take the appropriate steps to recover the 12 weeks half pay element of CAP as necessary.

Neonatal Leave

An employee is eligible for neonatal leave if their baby requires neonatal care within 28 days of their birth (and is in hospital for 7 days or more) or is born prematurely (more than 4 weeks early). The employee will be offered special leave (and pay at the statutory parental leave rate) of one week off per week that the baby receives neonatal care up to a total of 12 weeks, this is to be taken after adoption leave.

Keeping in Touch (KIT)

Whilst on adoption leave reasonable contact between the employee and the Council is encouraged. In addition, the employee may request, or be offered (without obligation) up to 10 days paid work. These are known as 'Keeping in Touch' days (KIT) and mirror the maternity KIT day provisions. The operation of these days is detailed in the Maternity Leave Policy ([add link](#)).

Annual Leave

An employee's annual leave entitlement, including bank holidays, will accrue throughout their adoption leave. If an employee does not return to work, they will be paid in lieu any leave accrued but not taken.

Where employees are taking adoption leave which crosses the leave year, they will be able to carry over automatically the outstanding leave. It is expected that the manager and the employee will discuss and agree in writing prior to adoption leave starting, how leave can best be taken.

Employees on term-time only contracts

Employees on term-time contracts receive an extra payment incorporated into their salary which is paid in lieu of holiday entitlement. Consequently, instead of accruing holiday during adoption leave this element of salary will be paid on a pro-rata basis according to the period of adoption leave taken.

Pension

If the employee is a member of the Local Government Pension Scheme, deductions for pension will be made automatically on all SAP received during the paid period of Adoption Leave. Consequently, periods of paid leave will count towards pension.

If an employee wishes, they can elect to pay contributions for the unpaid period of additional SPL when they return to work in order that the period of additional leave can be counted for pension purposes. Further information on this can be found in the Pensions Policy ([add link](#)) or by contacting Peninsula Pensions ([add contact details](#)).

Return to Work

Employees are entitled to return to work at the end of AAL without giving prior notice; it is assumed that the employee will take their full entitlement unless they give written notice to the contrary.

Employees returning from OAL are entitled to return to the same job, on terms no less favourable than if they had not been away.

After AAL employees have the right to return to the job in which they were employed before their absence unless:

- there is a redundancy, in which case they are entitled to be offered employment in a suitable alternative vacancy, where one exists. The work must be both suitable in relation to the employee and appropriate for them in the circumstances, location, and capacity in which they are employed. The terms and conditions of employment must not be substantially less favourable.
- it is not reasonably practicable for the employer to permit this, in which case employees must be offered suitable alternative work, on terms and conditions that are no less favourable than would have applied if the employee had not been absent.

If the employee wishes to return to work earlier than the original notified date the employee may do so by providing the following written notice:

- Return before the end of OAL by giving at least 7 days' notice
- Return after OAL has ended, but before the end of AAL by giving at least 21 days' notice

Less notice may be given, but the Council reserves the right to postpone return so that the minimum notice period is achieved.

Redundancy During Adoption Leave

Employees at risk of redundancy during maternity, adoption, or shared parental leave are to be offered potential redeployment ahead of other employees. For further information please consult the Redundancy Policy ([add link](#)).

Disrupted Placement

In the case of adopted children failing to be placed or the placement ending for any reason the adoption pay period will cease 8 weeks after the end of the week in which the disruption occurs. If the disruption occurs after the end of the adoption pay period, the employee will not receive any additional pay, but they will be able to take a further 8 weeks leave or their remaining entitlement to adoption leave if this is less.

Version	1
Date	
Relevant Legislation	Paternity and Adoption Leave Regulations 2002