



ADOPTION POLICY

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1. Terminology and Abbreviations

OAP – Occupational Adoption Pay – the equivalent of 12 weeks half pay

AOL – Ordinary adoption leave

AAL – Additional adoption leave

ASL – Adoption support leave

SAP – Statutory adoption pay

SPP – Statutory paternity pay

MW – Matching week when a child is matched with adopters. A certificate is issued giving expected date of placement

PL – Paternity Leave – one period of leave of either one week or two consecutive weeks to help look after a new born/adopted child when SPP will be paid. Cannot claim ASL as well. Please refer to Paternity Leave Policy for more information.

Week's Pay - The term a “week's pay” is the amount payable by the authority to you under the current contract of employment for working your normal hours in a week. Where there are no normal working hours, a weeks pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

SGO – Special guardianship order – an order appointing one or more individuals to be a child's ‘special guardian’. This is not an adoption order, but does give the individual parental responsibility for day to day decisions about the child's upbringing and care.

2. Introduction

South Cambridgeshire District Council is committed to equality of opportunity in employment for all its staff and to developing work practices that support work-life balance. This document is a guide to the rights of employees who are considering, or in the process of, or have adopted a child, in line with Working Families Legislation. Further advice is available from the Human Resources Team.

SCDC reserves the right to make amendments to this policy to reflect the changes in the statutory provision of relevant legislation.

3. Basic Adoption Provisions

Qualifying for adoption leave

This policy applies to all employees adopting children regardless of the number of hours worked per week or length of service. Length of service may impact on eligibility for payments.

Where two people are jointly adopting a child, one will be the nominated main adopter. You must make it clear to the HR team and your line manager if you are the main adopter or not. Where both

adopters work for SCDC, one must declare themselves as the main adopter and the other will be able to claim paternity leave or adoption support leave (as applicable).

The following qualifying criteria apply:

- The child/children being adopted must be under the age of 18 years.
- Where couples are adopting jointly either of them can take adoption leave under the terms of this policy, and the other will be eligible to take Paternity Leave or Adoption Support Leave.
- In the case of adoption from overseas, the policy will apply where the child to be adopted entered Great Britain on or after 1st April 2007.
- You must be the child's adopter.
- You must have notified the adoption agency that you agree that the child should be placed with you and agreed on the date of placement.

Fixed term contracts

If you are employed on a fixed-term contract you will be entitled to adoption rights in the same way as permanent staff, if you have accrued the necessary employment service. For more details see Section 8.

Where your contract terminates during adoption leave, this will end the adoption leave as well as your employment, however SAP payments may continue if you qualify for these.

4. Procedure

- Advise your manager that you are planning to adopt so that they are aware and can help to support you during the process.
- Contact the HR team to arrange an appointment with a member of the team. This is an informal meeting to discuss your rights in relation to the policy and clarify anything you are unsure of. The meeting is to ensure you have all the relevant information and gives you the opportunity to ask any questions.
- Your line manager may then contact the HR team to request a meeting to discuss the policy with them and clarify anything they are unsure of. This meeting is to ensure they have all the relevant information to support you and gives them the opportunity to ask any questions.
- No more than 7 days after the date you were notified of being matched, or as soon as reasonably practicable, you must give your line manager the adoption notification form (cc head of service and HR). See Appendix A:
 - the date the child is expected to be placed with you; and
 - the date you would like your adoption leave to begin (no sooner than 14 days prior to the expected date of placement).
- The copy of the letter you send must also include documents from the adoption agency that show the following:
 - The name and address of the agency;
 - The date you were notified of being matched with the child; and
 - The expected date of placement.
- A member of the HR team will contact your line manager to advise on the dates of your adoption leave and anticipated return date.

- Your line manager will reply to you within 28 days of receiving your notice (cc head of service and HR), stating your expected date of return at the end of your full entitlement. The expected date of return will be based upon you taking the full 52 weeks entitlement of leave. (If you don't intend to take the full 52 weeks leave, you can state the date you intend to return in your notice form to your line manager and the HR team if you choose to).
- If, once you are on adoption leave, you wish to return earlier or later than the stated date of return, you must give written notice at least 8 weeks before the new date or the expected return date (whichever is earliest). If the required notice is not given, you may be prevented from returning until the notice period has passed. You will be advised if this is the case. (See appendix B)
- When you return to work your line manager will need to complete the memo to payroll confirming your return date from adoption leave, and whether you are taking any annual leave immediately.

Pre-adoption leave

Employees going through an adoption process will be given reasonable time-off with pay for meetings, counselling, etc. in advance of the adoption.

You must request this time off with your line manager/ Head of Service in advance of the dates and times of such appointments and they may request proof of appointments.

5. Timing and Duration of Adoption Leave

All employees who are going through the process to be the main adopter will be entitled to 52 weeks Statutory Adoption Leave made up of 26 weeks of ordinary adoption leave (OAL) and 26 weeks of additional adoption leave (AAL).

Adoption leave can start on either:

- The date the child is placed, but no later than this date; or
- A date no more than 14 days before the date the child is expected to be placed with you

You may take annual leave before your adoption leave start date, if arranged with your line manager in the usual way.

Your return to work date will be calculated from your adoption leave start date and will be on the same day of the week even if this is not a working day i.e. if the first day of your adoption leave is a Saturday then your return to work day will be as of the Saturday and this will be the day your pay resumes on the Payroll.

Placement disruption

If, after leave has started, you are notified that the child will not be placed, or after the child is placed they are returned to the adoption agency, you will not be entitled to the full adoption leave period. Adoption leave will end 8 weeks after the end of the week in which the disruption occurs. There is no extension into AAL if disruption occurs with less than 8 weeks to the end of the OAL period.

Resignation

If you decide not to return to work after your adoption leave you must give the appropriate written notice of your resignation in accordance with your contract of employment. If you do not return to

work due to resignation and have received the 12 weeks half-pay, this must be repaid along with any outstanding payments such as training expenses, cycle scheme, relocation expenses, etc.

6. During Adoption Leave

Contact

Your manager should maintain contact with you during your adoption leave, keeping you updated about issues related to your service (such as significant workplace developments and organisational changes). The HR team will send you current job opportunities. If you do not think this is happening, let your manager or the HR team know as early as possible.

Working during adoption leave – keeping in touch days (KIT days)

You can work up to 10 days during your period of adoption leave (working for part of a day counts as one day) without breaking your adoption leave. The days do not need to be taken consecutively and are designed to be mutually beneficial to you and your service area.

Your manager cannot insist that you come into work for KIT days and any day/s to be worked should be by mutual agreement.

You will not lose any SAP payments for any days /weeks worked. Your adoption leave will not be extended because you have worked during your adoption leave.

A payment for the number of hours worked on each KIT day will be calculated using your current hourly rate. SCDC will offset the SAP for the day/s worked against any pay due. The cost will come from your service area budget.

Your line manager must complete the form: Payment of KIT days, and get authorisation for payment from an authorised signatory. The authorisation must be forwarded to Payroll by the 15th day of the month so the payment can be processed and paid at the end of that month.

Any payment due will be paid through the SCDC payroll on the last working day of each month in the same way as you receive your salary.

7. Returning from Adoption Leave

Returning after adoption leave

If you return to work on the date stated in your notification form you do not need to do anything else to notify us. However, you may wish to have a meeting with your manager and/or HR before returning to work to discuss your return. If you would like to arrange a meeting with HR please email HR@Scams.gov.uk.

When returning to work after Ordinary Adoption Leave (the first 26 weeks of your Statutory Adoption Leave), you have a right to the same job and the same terms and conditions as if you hadn't been away.

This also applies when you come back after Additional Adoption Leave (the last 26 weeks of your Statutory Adoption Leave). However, if the Council can show that it is not reasonably practical for you to return to your original job you do not have the same right. In that case, you must be offered suitable alternative work with terms and conditions as if you hadn't been away.

Workplace changes during absence

If it is not possible by reason of a restructure in your service area for you to return to your substantive post, you will be entitled to be offered a suitable alternative vacancy where one exists. The alternative employment should be suitable and appropriate to you. Your terms and conditions of employment must not be substantially less favourable to you than if you had been able to return to your substantive post.

You will be consulted and given the same opportunities as other work colleagues, in the same way as if you were at work, in line with the Council's Organisational Change policy.

If your post is made redundant during your adoption leave you will not be required to pay back OAP, if you would have otherwise received this, and you will retain entitlement to SAP for the full 39-week period, notwithstanding the termination of your employment. Similarly, if the redundancy occurs before you commence your adoption leave but after you have qualified for SAP, you will retain the right to SAP as well as OAP.

Sickness on return from adoption leave

If at the end of your adoption leave you are unable to return to work because of illness, you will be deemed to have returned to work on the scheduled date of return and be classed as absent because of sickness beyond that date. The Council's Attendance Management Policy will then be followed.

Returning to work part-time or on a job-share basis

If you worked full-time before adoption leave but wish to return on a job-share or a part-time basis, either temporarily or permanently, you should discuss this with your manager.

You have a statutory right to request flexible working to enable you to care for a child, resulting in a permanent change to your contract if granted. Details of how to request a change to your working arrangements are in the Flexible Working Policy. Contact the HR team for further advice on this.

Continuous service

Adoption leave, paid or unpaid, will count towards your continuous service.

Annual Leave Entitlement

Holiday entitlement will continue to accrue whilst you are on adoption leave, and you will also accrue any bank holidays, and the SCDC concessionary day (where this is given), that you miss during your adoption leave. Part time staff will have a pro-rated allocation of bank holiday leave. The HR or Payroll team will advise on days accrued.

Any arrangements for taking this leave must be agreed and authorised by your line manager in the usual way even if you intend to take the accrued annual leave immediately after your adoption leave finishes.

It is recommended that you consider taking any outstanding holiday for the current year, depending on your adoption leave start and return date, prior to commencing adoption leave. You can take your accrued leave as you return to work. Accrued annual leave should be taken within three months of your return date.

The HR team can discuss this option further with you in light of your individual circumstances.

On returning from adoption leave, full-time employees who have agreed to return on a part-time or job-share basis will be entitled to the full time holiday entitlement until their first day on reduced hours.

8. Payments

Statutory Adoption pay (SAP)

SAP is Government funded. To qualify for SAP you must have 26 weeks continuous service at SCDC by the matching week (MW) and have average weekly earnings above the weekly national insurance (NI) lower earnings limit (for the most up to date limit amounts speak to the HR/Payroll team or look at the HMRC website). SAP is paid whether you intend to return to work or not. If you do not return to work you will not have to repay it.

An employee who qualifies for SAP will be entitled to 39 weeks of SAP at the standard SAP rate as follows:

- The first 6 weeks at the higher rate SAP which is 90% of your average weekly earnings.
- Followed by 33 weeks of flat rate SAP **or** 90% of your average weekly earnings, whichever is lower.
- There is no SAP after week 39.
- SAP entitlement will be lost if during your adoption pay period you are taken into legal custody.
- SAP will cease if you return to work before the end of the 39 week SAP period.

Deductions from SAP

SAP is treated as earnings, so the Council will make any deductions (such as income tax and NI contributions) that are due. The Council will also make other deductions from your SAP, for example pension contributions.

Pay rises

If SCDC awards a pay rise that is effective at any time from the start of the period used to calculate your SAP (the relevant period) and the end of your adoption leave, SAP will be recalculated to take into account the pay rise. SAP will also be re-calculated if you are awarded a pay rise with an effective date before the start of the set period but the earnings used in the SAP calculation did not reflect that pay rise. The HR Team will advise you if this arises.

More than one employer

If you have more than one employer, you may be entitled to more than one lot of SAP. Although you may want to stop work in each job at the same time, you can still go on working longer with one of them if you feel you can do so. Your adoption leave and payments with each employer would then start at different times.

More than one contract with SCDC

You may also be entitled to more than one SAP payment if you have separate contracts with the same employer. You can start your SAP at different times in relation to each contract.

If you leave SCDC and start work with another employer

If you leave your employment after your adoption leave has started but before the end of the 39-week SAP payment period and start work with another employer, you will cease to get SAP from SCDC. It is your responsibility to tell the Council about starting work. Please inform the HR/Payroll team. You must do this as soon as possible, and make sure you return any SAP payment you get that covers the week you started work and any part of the period after you resumed work.

If you do not qualify for SAP

Payroll will contact you if you do not qualify for SAP and send you form SAP1. You require form SAP1 to claim benefit from Jobcentre plus. Jobcentre plus will tell you if you are entitled to any allowance.

Occupational adoption Pay (OAP)

You qualify for OAP if you have completed one year's continuous local government service at the matching week (MW).

If you qualify, and intend to return to work after adoption leave for a minimum of 3 months, then you will receive OAP as follows:

- 12 weeks of half pay from week 7 onwards
- Or as a lump sum on return to work

If you do not return to work and complete 3 months service, any OAP you have received will have to be repaid, unless the reason you do not return to work is because you were on a fixed term contract which has ended. If you return to work and are on a fixed term contract which is due to terminate before you are able to complete 3 months service you will not be required to repay any OAP received.

Combined OAP and SAP should not exceed full pay. In some circumstances, OAP and SAP would exceed full pay. In this case, OAP can be paid as 24 weeks of quarter pay from week 7 onwards. Any requests for this arrangement must be made in writing to Payroll.

All SAP and OAP payments will be paid through the SCDC payroll on the last working day of each month in the same way as you received your salary. You will continue to receive pay slips in your usual manner during your adoption leave.

Payroll can give further advice on pay related issues.

Pension payments

If you contribute to the Local Government Pension Scheme, deductions will continue to be made during paid adoption leave on the payment you actually receive. SCDC as the employer will pay pension contributions on notional full pay.

In the unpaid period of adoption leave, your pension contributions will cease. However, you will be given the option of paying contributions based on the level of your earnings during the last week of your paid adoption leave, by arrangement with Payroll. Whilst you continue to contribute to the Pension Scheme the Council will also contribute proportionately.

If you do not pay contributions during unpaid leave, this period will not count as pensionable service. If you wish to discuss this further please contact the Pensions Section on 01604 366537.

Deductions

If you have any deductions made from your salary you will need to talk with Payroll staff to ensure you have in place arrangements to cover your payments during adoption leave, specifically when you enter the period of unpaid leave. Examples you need to consider are cycle schemes, training loans, pensions etc.

Trade Union Subscriptions

If you are a member of a Trade Union you will continue to pay your existing subscription rate until your pay drops for a full month when you are then treated as having a salary equal to half pay and you would then pay subscriptions on that band whilst you receive pay. Contact the Payroll Team for further advice. In the unpaid leave period you have free membership until you return. If you do not return and stay unemployed you would be eligible to become an unemployed member. Please contact your union branch for further advice on this.

Childcare Vouchers

If you are a member of the Childcare Voucher Scheme through the Council, deductions will continue to be taken from your salary payments during adoption leave. If you are not receiving enough payment to cover the deduction for childcare vouchers, the Council will make up the difference in cost.

You may opt to 'take a break' from being in the Childcare Voucher Scheme during your adoption leave, of up to 12 months. If you decide to do this then you will need to let the Payroll team know, and you need to update your account on the voucher providers' website.

9. Related Issues

Sharing your adoption leave with your husband/partner/wife

You and your partner can opt to share your adoption leave. For further details please see the Shared Parental Leave Policy.

Antenatal appointments

The main adopter can take time off for up to 5 adoption appointment. The secondary adopter is entitled to take unpaid time off for up to 2 appointments,

The right to attend up to 2 unpaid antenatal appointments also applies to those who intend to become parents through a surrogacy arrangement, if they intend to apply for a Parental Order for the child.

The Council's Flexitime policy can also be used to cover time off for appointments.

Special Guardianship Order

There is no statutory right for paid leave for those undertaking a special guardianship order. Those undertaking a SGO will be entitled to leave through the parental leave policy, and the special dependant leave policy. For more information please speak to a member of the HR team.

Appendix A

Notification of Adoption Form

SECTION A

Name	Employee No.
Job Title	Manager
Section	Department
SCDC Start Date	Local Govt. Start Date
More than 1 contract with SCDC?	Yes/No
Part Time?	Yes/No (Hours if Part Time =)

I confirm that I am intending to adopt and notify the Council of the following:

The child/children I am adopting is/are due to be placed with me on:	
I wish to start my adoption leave on:	
I am taking outstanding leave prior to adoption leave and my last working day will therefore be:	
Leave year dates	
Outstanding annual leave entitlement to end of leave year	Days/hours
Following my adoption leave I intend to:	Return to work/ Not return to work
Childcare Vouchers <i>Please note that you can only pause your childcare vouchers for a maximum of 12 months</i>	Yes/No
Payslip to be sent to home address	Yes/No

SECTION B - All employees

I understand that if I do not wish to return to work I must give weeks/months written notice of my resignation (the notice period applicable under my terms of employment).

If I cannot return to work on my expected return date I understand the normal rules relating to absence apply.

SECTION C – Adoption Leave - Please select one of the following options:

- a) I understand I am entitled to 26 weeks Additional Adoption Leave (AAL) in addition to 26 weeks of Ordinary Adoption Leave (OAL), totalling 52 weeks adoption leave. I therefore understand that I will be expected back at work on the first working day after AAL
- b) I do not intend to take Ordinary Adoption Leave (OAL) of 26 weeks. I intend to return to work earlier on

Signed Date

SECTION D – Statutory Adoption Pay - Please select one of the following options:

- a) I confirm that I have/will have 26 weeks continuous service at SCDC by the matching week and have average weekly earnings above the weekly national insurance (NI) lower earnings limit. I therefore qualify for SAP
- b) I do not qualify for SAP

Signed Date

SECTION E - Occupational Adoption Pay - Please select one of the following options:

You qualify for OAP if you have completed one year's continuous local government service at the matching week. If you do not return to work for three months following your adoption leave then you may be required to repay the OAP.

- a) I confirm that I qualify for OAP, and wish to receive the OAP as 12 weeks of half pay from week 7 onwards
- b) I confirm that I qualify for OAP, and wish to receive the OAP as a lump sum on my return to work
- c) I confirm that I qualify for OAP, but that my combined OAP and SAP would exceed my full pay. I request to receive OAP as 24 weeks of quarter pay from week 7 onwards
- d) *Those on fixed term contracts only:* I confirm that I qualify for OAP, and wish to receive the OAP as a lump sum when I start my adoption leave
- e) I do not qualify for OAP

I understand that if I do receive OAP and do not return to work for a minimum of 3 months I may be expected to refund the full amount of adoption pay in excess of that to which I am entitled under statutory regulations.

Signed Date

SECTION F - Pension Members

Pension options during unpaid adoption leave after OAL (Please delete those which do not apply):

- a) **I wish to opt for a break in my pension contributions which will constitute a break in pensionable service**
- b) I wish to continue paying pension contributions for the duration of any unpaid adoption leave

Signed (employee)..... **Date**.....

Signed (manager) **Date**

Signed (HR Advisor) **Date**

Appendix B

Example letter - Notice of change of return date

Note: If you wish to return earlier or later from adoption leave (according to your full entitlement and return date given in the reply to your adoption leave notice form) you need to send a letter to your line manager cc head of service & the HR/Payroll team requesting the change and giving the date you wish to return. You must give at least 8 weeks notice if returning from adoption leave.

Date

Dear (Name of Line manager)

Re: Notice of change to return to work date following adoption leave

I write to formally give 8 weeks notice that I wish to change my date of return from adoption leave from day/date/year (this should be the date you stated as the date you were expecting to return to work) to day/date/year.

Note: This date is the actual date of return to work and your adoption leave will come to an end on the preceding day.

Note2: If you intend taking annual leave after your adoption leave but before returning to the workplace this should be agreed with your line manager in the usual way and clearly stated in this letter.

Note 3: The date must be calculated in full weeks from your adoption leave start date i.e. the first day of adoption leave and the first day of return must be the same day of the week.

Yours sincerely

Your name

Your position

cc: Head of Service
HR- Payroll Team