St Stephen in Brannel Parish Council

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Adoption Policy[1]

1 To Whom This Policy Applies

This policy applies to all employees. It does not apply to workers, contractors, volunteers or interns working for the organisation.

2 Adoption Leave

2.1 Adoption from within the UK

Eligibility to Adoption Leave
There is no qualifying service requirement to be eligible for statutory adoption leave for employees who are adopting a child from within the UK.

Entitlement to Adoption Leave
Employees are entitled to 26 weeks' ordinary adoption leave followed immediately by 26 weeks' additional adoption leave, provided they have:

- been matched with a child for adoption (this includes the situation where a local authority places a child with the employee in a "foster to adopt" arrangement); and
- notified the adoption agency that they agree that the child should be placed with them for adoption and on the date of placement.

Notice of Adoption Leave
Employees must give the Clerk notice in writing within seven days of being matched with a child, or as soon as possible afterwards, of:

- their intention to take adoption leave;
- the date on which the child is expected to be placed with them;
- the date on which they wish their adoption leave to start; and
- if they don't intend to take the full 52 weeks of adoption leave, the date they intend to return to work.

The Clerk will normally write to the employee within 28 days of receipt of their notice confirming the date on which the employee is expected to return to work. If no return date has been given, it should be assumed that they will take the full 52 weeks of adoption leave.

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[1]Adopted by Full Council at the meeting held on Wednesday ??? under minute number ???. Due for review in 2029.

LOCAL COUNCIL AWARD SCHEME QUALITY

We are a Living Wage Employer

The Clerk may ask the employee to provide evidence in the form of one or more documents issued by the adoption agency confirming:

- the name and address of the adoption agency;
- the date on which the employee was notified that they'd been matched with the child; and
- the expected date of placement.

Commencement of Adoption Leave
Employees can choose to start their adoption leave on the day the child is placed with them for adoption or on a fixed date up to 14 days before this date.

Changing Adoption Leave Start Date
Employees who wish to bring forward their adoption leave start date, must inform the Clerk in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

Employees who wish to postpone their adoption leave start date, must inform the Clerk in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

If an employee changes their adoption leave start date, the Clerk will write to them within 28 days of the start of their adoption leave confirming the revised date on which they must return to work if they take the full 52-week entitlement to adoption leave.

2.2 Adoption from Overseas

Eligibility to Adoption Leave
There is no qualifying service requirement to be eligible for statutory adoption leave for employees who are adopting a child from overseas.

Entitlement to Adoption Leave
Employees who are adopting a child from overseas and have received official notification in respect of that child, are entitled to 26 weeks' ordinary adoption leave followed immediately by 26 weeks' additional adoption leave.

Notice of Adoption Leave
Employees will need to give the Clerk notice in writing within 28 days of receiving the official notification of:

- their intention to take adoption leave;
- the date on which the official notification was received by the employee;
- the date on which the child is expected to enter Great Britain;
- the date on which they intend to start their adoption leave; and
- if they don't intend to take the full 52 weeks of adoption leave, the date they intend to return to work.

The Clerk will normally write to the employee within 28 days of receipt of their notice confirming the date on which the employee is expected to return to work. If no return date has been given, it should be assumed that they will take the full 52 weeks of adoption leave.

Within 28 days of the child entry into Great Britain, the employee must inform the Clerk of the date of entry and provide evidence in the form of a plane ticket or copies of entry clearance documents. The Clerk may also ask the employee to provide a copy of the official notification.

Commencement of Adoption Leave
Employees can choose to start their adoption leave on the day on which:

- the child enters Great Britain or
- on a fixed date that is no later than 28 days after this date.

Changing Adoption Leave Start Date
Employees who wish to bring forward their adoption leave start date, must inform the Clerk in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

Employees who wish to postpone their adoption leave start date, must inform the Clerk in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

If an employee changes their adoption leave start date, the Clerk will write to them within 28 days of the start of their adoption leave confirming the revised date on which they must return to work if they take the full 52-week entitlement to adoption leave.

2.3 Surrogacy

In a surrogacy arrangement:

- The surrogate mother may be entitled to maternity leave and pay (see Maternity Policy)
- One intended/adoptive parent may be entitled to adoption leave and pay (as set out in this policy)
- The other intended/adoptive parent may be entitled to paternity leave and pay (see Paternity Policy)

Eligibility to Adoption Leave
There is no qualifying service requirement to be eligible for statutory adoption leave for employees who are having a child through a surrogacy arrangement.

Entitlement to Adoption Leave
Employees who are having a child through a surrogacy arrangement are entitled to 26 weeks' ordinary adoption leave followed immediately by 26 weeks' additional adoption leave, provided they:

- adopt the child; or
- intend to apply for a parental order within six months of the child's birth and expect the order to be granted.

Notice of Adoption Leave
In the case of a surrogacy arrangement, employees will need to give the Clerk notice in writing by no later than the 15th week before the expected week of childbirth, or as soon as possible afterwards, of:

- their intention to take adoption leave; and
- the expected week of childbirth.

The Clerk will normally write to the employee within 28 days of receipt of their notice confirming the date on which the employee is expected to return to work if they take the full 52-week entitlement to adoption leave.

The Clerk may ask the employee to provide a statutory declaration confirming that they intend to apply for a parental order within six months of the child's birth and expect the order to be granted.

Employees must give the Clerk further notice, as soon as reasonably practicable, of the child's date of birth.

Commencement of Adoption Leave
Employees having a child through a surrogacy arrangement, can start their adoption leave on the day on which the baby is born or the day after.

Changing adoption leave start date
Employees who are having a child through a surrogacy arrangement cannot change their adoption leave start date.

3 Adoption Pay

The following information applies to employees adopting a child within the UK, from overseas, or via surrogacy.

3.1 Entitlement

Payments for employees shall be the employee's entitlement to Statutory Adoption Pay (SAP), where eligible.

Statutory Adoption Pay is paid for up to 39 weeks. The weekly amount is:

- 90% of employees average weekly earnings for the first 6 weeks
- SAP or 90% of employees average weekly earnings (whichever is lower) for the next 33 weeks

This provision is the statutory entitlement. Details of the current rates of Adoption Pay may be found on the government's website www.gov.uk

3.2 Eligibility Criteria

Employees will qualify for statutory adoption pay if:

- they have been continuously employed for at least 26 weeks ending with the week in which they were notified of being matched with the child for adoption (or in a surrogacy arrangement, ending with the 15th week before the expected week of childbirth);
- they have chosen to receive statutory adoption pay rather than statutory paternity pay;
- they have given the correct notice;
- they have stopped working; and
- their average weekly earnings are not less than the lower earnings limit for national insurance contributions.

3.3 Evidence

To receive adoption pay, the employee must provide the Clerk with either a matching certificate and/or a letter from the adoption agency which shows the following:

- the employee's name and address;
- the name and address of the adoption agency;
- the date the child is expected to be placed for adoption, or where the child has already been placed, the date of placement, and;
- the date the employee was informed that the child would be placed with them
- the date the foster carer was told that a child would be placed with them on a foster to adopt basis;
- the relevant UK authority's 'official notification' confirming you're allowed to adopt (overseas adoptions only);
- the date the child arrived in the UK - for example a plane ticket (overseas adoptions only).

Employees will also be required to provide a 'matching certificate' from their adoption agency to enable the organisation to establish whether an entitlement to Statutory Adoption Pay exists.

Where an employee is entitled to Statutory Adoption Pay (SAP) they must provide a signed declaration that they have elected to receive SAP and not statutory paternity pay (SPP).

4 Adoption Appointments

The main adopter has the right to take paid time off for up to five adoption appointments.

The secondary adopter will be entitled to take unpaid time off for up to two appointments.

The purpose of the adoption appointments is to enable employees to have contact with the child and for any other reason connected with the adoption.

St Stephen in Brannel Parish Council may ask employees to provide proof, such as a letter or email from the adoption agency confirming the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency.

Employees must give the Clerk as much notice as possible of their adoption appointments and, wherever possible, try to arrange them outside working hours/outside core hours/as near as possible to the start or end of the working day.

5 Leave During Adoption Leave

5.1 Annual Leave

Annual leave continues to accrue during adoption leave.

5.2 Bank/Public Holidays

Bank/public holidays continue to accrue during adoption leave.

5.3 Carry Forward of Annual Leave

The employee and their line manager should review annual leave arrangements prior to adoption leave being taken. Where taking adoption leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave

(including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

5.4 Treatment of Leave Where an Employee Changes Their Hours after Adoption Leave
If an employee changes their hours after taking adoption leave, all leave accrued up to the agreed date when their hours change is calculated based on their original hours and any leave accrued subsequently is calculated on their new hours.

6 Continuous Service

Adoption leave counts as continuous service for statutory and contractual purposes.

7 Foster Parents Who Adopt a Child

If an employee has been notified of a child's placement they may be able to take statutory adoption leave if they go on to adopt a child but only if:

- The child that the employee fostered is then matched with the employee for adoption by a UK adoption agency - adoption via a court order does not count.
- The child is then actually placed with the employee for adoption.
- The adoption leave relates to the actual placement for adoption - any period of foster caring does not qualify for adoption leave.

8 Returning to Work

8.1 Notification Requirements
Managers must assume that an employee will return after 52 weeks. An employee need only notify their employer that they are returning to work if they are going to do so before the end of the adoption leave. Otherwise, the employee simply returns at the end of the adoption leave. Please note that an employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

8.2 Early Return
If an employee wishes to return early or on a different date than they had previously notified, they must give 8 weeks' notice.

8.3 Keeping in Touch
An employee can do up to 10 days' work during their adoption leave, in agreement with their manager, without bringing their adoption leave to an end. Working for part of a day will count as one day. An employee will not lose any SAP (Statutory Adoption Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employee whilst they are on adoption leave. If the employee does not wish to be contacted, then they should notify their Line Manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on adoption leave.