

Adoption Leave

1. Who does this policy apply to?

1.1 All employees of Lancaster City Council.

2. What is the purpose of this policy?

2.1 To provide guidance to employees who intend to take adoption leave during the course of their employment. It sets out the entitlements, notice requirements, responsibilities of employees and LCC, and other matters that may arise during or after a period of adoption leave. Please note that this policy applies to UK adoptions only; please reach out to HR if you are considering an overseas adoption.

3. What roles do the employee, line managers, the Council and HR play in this policy?

3.1 Employee Responsibilities

- To notify their line manager in writing, no more than 7 days after being notified they have been matched for adoption (or as soon as is reasonably practicable) of their intention to take adoption leave, the expected date of placement, a copy of the matching certificate completed by a UK-recognised adoption agency, and the intended start date and end date of adoption leave.

3.2 Line Manager Responsibilities

- Upon receipt of the notification from the employee of their intention to take adoption leave, to countersign the form and pass to HR.

3.3 HR Responsibilities

- To write to the employee and line manager confirming the adoption leave arrangements.
- To inform payroll to ensure that the correct payments are made.
- To enter into MyView the recredited bank holidays on behalf of the employee, as well as any annual leave.

3.4 Council responsibilities

- To ensure this policy is updated in line with any changes in legislation.

4. Entitlements to leave and pay

4.1 To qualify for adoption leave, the employee must have been matched with a child by a UK adoption agency and the date of placement must have been agreed with the agency. The employee must be the principal carer and the only parent claiming adoption leave and pay. An employee adopting their partner's child is not eligible.

- 4.2 Employees must have completed 26 weeks' continuous service with LCC ending with the week in which they are notified of having been matched with a child.
- 4.3 All employees may take up to a maximum of 52 weeks adoption leave. The first 26 weeks are known as "Ordinary Adoption Leave" (OAL) and the second 26 weeks are known as "Additional Adoption Leave" (AAL).
- 4.4 Adoption leave can start either from the date the child starts living with the employee or up to 14 days before the date the child is expected to start living with the employee.
- 4.5 Employees remain bound by all terms and conditions of employment during adoption leave, save for those applying to pay.
- 4.6 Employees who have less than one year's service at the beginning of the 15th week before the expected week of childbirth (which is the Sunday before the child's expected due date) ("EWC") in cases of surrogacy or the date of notification of placement will be entitled to either Statutory Adoption Pay (SAP) or Adoption Allowance (AA). Employees who have more than one year's service at the beginning of the 15th week before the EWC or the date of notification of placement, may be entitled to an occupational enhancement.
- 4.7 To be entitled to SAP an employee must have at least 26 weeks' service by the beginning of the 15th week prior to the EWC or the date ending with the week the employee is notified of the placement, and their average weekly earnings must be over the lower earnings limit for National Insurance purposes. Employees who qualify for SAP will receive:
- 90% of a weeks' pay for the first 6 weeks of absence (and a weeks' pay for the purposes of this policy is normal pay where hours do not vary, or where there are no normal working hours, an average of pay in the 8 weeks preceding the 15th week before the EWC or week of notification for placement); and
 - The standard rate of SAP for the remaining 33 weeks; and
 - Any additional weeks of adoption leave will be unpaid.
- 4.8 Due to the length of service requirement for SAP, some newer employees may not be entitled to SAP, but AA may be available to them, which is payable by the government at the rates of SAP set out above.
- 4.9 Employees who have completed one years' continuous service at the 15th week before the EWC/date of notification of placement and who intend to return to work will be entitled to:
- 90% of a weeks' pay for the first 6 weeks of absence (inclusive of SAP/AA); and
 - Half a weeks' pay for the next 12 weeks of adoption absence plus SAP or AA. Where half pay plus SAP/AA exceeds the normal weekly rate of full pay; the payment made will be capped at full pay;
 - SAP for the following 21 weeks of adoption absence; and
 - Any additional weeks of adoption leave will be unpaid.
- 4.10 Enhanced payments are made on the understanding that the employee will return to work for at least 3 months following the adoption leave. If an employee resigns before 3 months are completed, LCC will seek to recoup the enhanced element of pay by way of deductions from salary. Employees going on adoption leave who do not intend to return will only be entitled to the pay as set out above at paragraph 4.7.
- 4.11 If an employees' pay increases whilst they are on adoption leave, their adoption pay will be recalculated.

5. Adoption leave arrangements

- 5.1 On notification of a match or as soon as possible in cases of surrogacy, an employee should notify their line manager as soon as possible by submitting the Adoption Leave Notification form to confirm the match, the EWC (if applicable), the intended start and end date of adoption leave (noting that the earliest adoption leave can begin is 14 days prior to the expected placement date). The Adoption Leave Notification Form should be completed no later than 28 days prior to leave being taken, but employees are encouraged to do this as soon as possible to ensure plans can be put in place in a timely manner.
- 5.2 An employee is entitled to bring forward or postpone the intended start date of adoption leave provided this is requested by submitting another Adoption Leave Notification Form 28 days in advance of leave commencing (unless that is not possible).
- 5.3 In the event that the birth or placement occurs earlier than anticipated, the employee should advise their line manager of the birth or placement date who will notify HR. The schedule confirming the leave and pay arrangements will then be amended as adoption leave will have started automatically on the day after childbirth or placement and this will be communicated to the employee in writing by HR.

6. Pension contributions

- 6.1 During periods of paid adoption leave, the employee will continue to make pension contributions based on the amount the employee is actually paid, whilst the Council will make contributions based on Assumed Pensionable Pay, which is what an employee would have earned, but for the adoption leave. Any employees who wish to explore the option of paying additional contributions when they are in a period of unpaid adoption leave, should contact payroll@lancaster.gov.uk at the earliest opportunity.

7. Annual Leave

- 7.1 Annual leave continues to accrue as normal throughout the period of OAL and AAL and due to the length of adoption leave, most adoption absences are likely to fall between two annual leave years. Although it is encouraged to try and take all annual leave in the leave year, adoption may often mean this is not possible, so any outstanding leave can be carried over, and it is permissible to use this to extend the period of paid leave following the placement/birth of a child. Employees may wish to end their adoption leave after the 39 weeks of paid leave, and top this up with accrued holiday entitlement, or they may wish to have the whole 52 weeks leave, and then supplement this with annual leave.
- 7.2 Any carried over leave must be taken or pre-booked within 2 months of the employee's return. If the carried over leave is pre-booked, this can be booked at any time in that leave year; the requirement is only to ensure that all carried over leave is either taken or booked (for a later date) in the first two months following the employees' return. Line managers will engage in a return-to-work conversation with employees, and work with them to use annual leave effectively.
- 7.3 Bank holidays that fall during any period of adoption absence will be recredited to the employee, on a pro-rata basis in line with their existing working pattern, and subject to any bank holidays already taken during the relevant leave year.

8. Contact during adoption leave

- 8.1 LCC acknowledges how important the bonding process is during adoption leave, and how exhausting it can be, so contact will be kept to a minimum, and only where necessary to inform employees about changes at work and ahead of the employees' return to work date (unless of course the employee would like to have a more frequent dialogue with their line manager or colleagues).
- 8.2 An employee can carry out up to 10 "keeping in touch" (KIT) days without bringing adoption leave to an end. They are optional and must be agreed between both parties. A KIT day is used to carry out usual work duties or training. KIT days do not extend the period of adoption leave and will be paid at the usual

rate of pay for the hours worked in addition to either the occupational adoption pay or SAP. If all 10 KIT days are used during adoption leave, any further work performed would mean that a weeks' SAP is lost for any week in which work is performed.

9. Returning to work

- 9.1 If the employee intends to return to work on the date previously agreed, there is no requirement to confirm this to LCC, although it will be natural for the line manager and the employee to have had dialogue prior to this point to discuss the return to work.
- 9.2 For employees who wish to return from adoption leave earlier than the date originally agreed, 8 weeks' notice must be given of the proposed return date. If 8 weeks is not possible, it may be necessary for LCC to postpone the return date until such time as 8 weeks has been achieved (provided this is not later than the original return date). If the employee would like to extend the period of adoption leave (up to a maximum of 52 weeks), they should provide as much notice as possible to their line manager who will confirm the revised return date in writing within 28 days.
- 9.3 Employees who return just after or during the period of OAL have the right to return to the same job occupied before adoption leave on the same terms and conditions of employment. An employee who returns to work during or after AAL retains the right to return to the original job on the same terms and conditions of employment, however where it is not reasonably practicable i.e. due to a general reorganisation, LCC may offer the employee suitable alternative work on terms and conditions which are no less favourable.
- 9.4 If there is a genuine redundancy situation which arises after the notification of adoption, the role of a primary adopter on or returning from adoption leave can be put at risk of and confirmed as redundant. However, the period starting with the notification of the placement, and ending 18 months after the birth/placement date of the child, is a "protected period", and if a genuine redundancy situation did arise during that time, an employee on or returning from adoption leave will be prioritised for any suitable alternative vacancies.

10. Flexible Working Requests

- 10.1 LCC understands that having a child *may* necessitate a desire to work differently, for any number of reasons. Full consideration will be given to requests from employees who, upon their return from adoption leave, wish to change their working commitment. Employees should submit their requests as far in advance of their scheduled return date as possible, to allow adequate time for the request to be considered, and where appropriate, the necessary arrangements to be put in place.

11. When will this policy be reviewed?

- 11.1 This policy will be reviewed every two years or earlier in the event of changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	05.2008	Policy agreed by Personnel Committee	

2.0		Revisions agreed by People & OD Committee	
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FAQ's:

Do I get time off for appointments?

LCC offers reasonable paid time off for prospective adoptive parents to attend pre-adoption meetings, court hearings, case conferences, solicitors and social services appointments etc. We ask that as much notice as possible be given, and where possible to try and minimise disruption to work by scheduling appointments at the beginning or end of day where possible. Evidence of appointments *may* be requested by a line manager.