

## **Adoption Leave**

### **1. Eligibility for Adoption Leave**

1.1 An employee is entitled to take up to 52 weeks of adoption leave which is made up of 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave.

1.2 Adoption leave and pay are available to:

- individuals who adopt
- one member of a couple where a couple adopt jointly (the couple must choose which partner takes adoption leave)

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

1.5 The employee(s) must be "newly" matched with a child for adoption by an approved adoption agency (e.g. does not apply where step-parent is adopting a partner's child).

1.7 The partner of an employee who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and pay.

1.8 Some surrogate parents will become eligible for adoption leave.

### **2. Entitlement to Adoption Pay**

2.1 Full entitlements to Adoption Leave and Adoption Pay can be found in Tables 1 and 2.

2.2 Eligible employees' will be able to "opt" into the new Shared Parental Leave scheme.

### **3. Taking Adoption Leave**

3.1 An adopter can choose to start their leave from any day of the week:

- From a fixed date which can be up to 14 days before the expected date of placement
- From the date of the placement of the child (regardless of whether this is earlier or later than expected).

3.2 The main adopter can 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.

### **4. Notification Process**

4.1 An adopter must inform their manager of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable.

They should tell their manager when:

- The child is expected to be placed with them, and
- They want their adoption leave to start if before expected date of placement

4.2 The adopter must send a notification letter to their manager and a "matching certificate" from their adoption agency as evidence of their entitlement to Adoption Leave. The Adoption agency should provide this document which includes basic information on matching and expected placement dates. The adoption agency must be recognised in the UK.

4.3 An employee is expected to keep their Manager informed of their progress in the adoption process, as much notice as possible.

4.4 An adopter can change their mind about the date on which they want their leave to start provided they give their manager 28 days notice (unless this is not reasonably practicable).

4.5 The employee's manager must respond, in writing, to the employee's notification of their leave plans within 28 days. They include date they expect the individual to return to work if the full entitlement to adoption leave is to be taken.

4.6 If the child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to eight weeks after the end of the placement.

4.7 The amount of time off necessary before an adoption will vary depending on the circumstance of each case. The employee should be asked to produce evidence of a schedule of appointments and should be allowed reasonable time off with pay to attend such appointments.

## **5. Keeping in Touch**

5.1 An employee and their manager should keep reasonable contact during adoption leave, to discuss such issues as the return to work. The individual should also be kept informed by their manager of other issues such as job vacancies, significant workplace developments and training opportunities.

5.2 An employee on adoption leave can work for up to 10 days during their adoption leave period, without bringing their adoption leave to an end. Working for part of a day will count as one day. 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.

5.3 A manager cannot insist that the employee on adoption leave carries out any work and they are protected from suffering a detriment or being dismissed for refusing to do so. Equally an employee on adoption leave cannot insist on being given any work to do.

5.4 An employee on adoption leave is not entitled to have their adoption leave period extended, due to the fact that they have carried out some work during this period.

5.5 When an employee has worked during their adoption leave, they will receive their contractual hourly rate of pay.

## **6. Returning to work**

6.1 If an employee returns to work at the end of their full adoption leave entitlement (i.e. on the date confirmed to them by their Manager) they are not required to give any notice.

6.2 However, if the employee wishes to return to work before the end of their adoption leave period they must give their Manager 28 days' notice, in writing, of the date they intend to return.

6.3 If an employee fails to return to work for a minimum of 3 months within 15 months of the beginning of their adoption leave, (having said that they were planning to return), they will have to repay their adoption pay less any statutory adoption pay.

## **7. Non Pay Benefits during Adoption Leave**

7.1 An employee's non-pay benefits such as a Lease Car, and access to salary sacrifice schemes will continue as normal during the full adoption leave.

7.2 An employee's annual leave entitlement will continue to accrue during adoption leave but the usual carry over rules into the next leave year apply.

7.3 Employees on NHS terms and conditions are not entitled to accrue bank holidays during adoption leave.

## **10. Pensions**

10.1 An employee will continue to pay basic LGPS contributions on any pay they receive while on Adoption Leave. However, any period of unpaid additional adoption leave will not count for pension purposes unless the individual chooses to pay Additional Pension Contributions (APCs) to purchase the amount of pension lost during that period of unpaid absence.

10.2 If the employee wishes to purchase the amount of lost pension and makes the decision within 30 days of returning to work, then the cost of the APC is split between them and Harrow Council. The individual will pay one-third of the cost and Harrow Council will pay the rest. If they elect after 30 days of returning to work, they will have to pay for the full cost of the APC contract.

10.3 The employee can pay the additional contributions in a one-off lump sum or through regular payments from salary. The maximum period of absence they can elect to buy back is a period of 3 years.

10.4 The employee must send a formal election form to the Pensions Office, in writing, every time they return from parental leave. An election form can be obtained from the website.

<http://www.lgps2014.org/content/how-do-i-buy-extra-or-lost-pension>



10.5 An employee should be advised to discuss the implications of not paying contributions during this period with the HR Service Centre who can be contacted at:

- Tel: 020 8901 2655 Ext 5955
- Email: [AskHR@harrow.gov.uk](mailto:AskHR@harrow.gov.uk) or use our e-Contact Form

10.6 If the employee is a member of the NHS Pension scheme they will be asked to pay pension contributions based on the actual amount of pay they receive during their adoption leave. The Council will pay its normal contributions on their salary. If the employee wishes to pay contributions during their unpaid additional adoption leave this will be based on the rate of pay they were on immediately before their unpaid leave started.

10.7 If the employee cannot afford to pay pension contributions during their adoption leave these can be paid when they return to work. This must be done over a reasonable period of time agreed between the individual and the Council.

10.8 An employee should be encouraged to discuss the implications of not paying contributions during this period with the HR Service Centre who can be contacted at:

- Tel: 020 8901 2655 Ext 5955
- Email: [AskHR@harrow.gov.uk](mailto:AskHR@harrow.gov.uk) or use our e-Contact Form
- Further information can be found on the NHS Pensions site at: [http://www.nhsbsa.nhs.uk/Documents/Pensions/Maternity\\_Paternity\\_Parental\\_Adoption\\_Leave\\_Factsheet\\_V1.0\\_07.2013.pdf](http://www.nhsbsa.nhs.uk/Documents/Pensions/Maternity_Paternity_Parental_Adoption_Leave_Factsheet_V1.0_07.2013.pdf)

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