



# SHREWSBURY TOWN COUNCIL

## Adoption Leave Policy

### AIMS OF THE POLICY

One member of a couple who have jointly adopted a child (male or female), who has been employed for 26 weeks by the date they have been notified of being matched with a child for adoption, will be entitled to Adoption Leave. Similar periods will apply, except for individuals to notify no later than 7 days from when they have been informed of a match.

The leave can start from 14 days before the child is due to be placed, but no later than the date of the child's placement. Pay will replicate Statutory Maternity Pay.

### ELIGIBILITY

All employees who provide correct notice are entitled to a maximum of 52 weeks of adoption leave. In order to qualify for this, you must have been employed by the Town Council for 26 weeks by the date of the placement.

The partner (male or female) of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and pay.

This leave does not apply when an individual is adopting their partner's children and must be newly matched for adoption.

### STATUTORY ADOPTION PAY (SAP)

An employee who meets the relevant conditions for SAP is entitled to the lower rate of the following:

- 90% of your average weekly earnings
- or the set statutory amount available at <https://www.gov.uk/adoption-pay-leave/pay>

### OCCUPATIONAL ADOPTION PAY AT SHREWSBURY TOWN COUNCIL

If an individual has **less than** one year's continuous local government service by the date they have been notified of being matched with a child for adoption, they will be paid SAP only.

If you have **more than** one year's continuous local government service by the date that you have been notified of being matched with a child for adoption, payments will be as follows:

- SAP as described above.
- 12 weeks at half pay in addition to SAP, given that the two combined do not exceed full pay and that the Council has been notified in writing of the individual's intention to return to work following their adoption leave.

- An alternative agreement can be arranged so that same sum (12 weeks at half pay) may be spread over any other mutually agreed distribution, eg. evenly over 26 weeks. The distribution of the payment should be agreed between the employee and the Authority.

Following receipt of occupational adoption pay the individual is obliged to return to local authority employment for a period of at least three months. If the individual is unable to return to work they will be expected to refund all or part of this payment, dependent on Town Council agreement. Payments made to you by way of SAP do not have to be repaid.

## **PENSION**

If an individual is a member of the Local Government Pension Scheme, they will be required to pay contributions based on the total SAP they receive. There is the option to pay contributions in respect of the period of their adoption leave when they are no longer in receipt of pay. If they wish to do this, the individual should advise the Payroll Section, who will notify them of the amount payable.

## **ANNUAL LEAVE**

If an individual intends to return to work, they will continue to accrue annual leave during all 52 weeks of their adoption leave. However, if they do not return to work following their adoption leave, holiday entitlement will only be accrued during the first 26 weeks of their adoption leave (during the ordinary adoption leave period). Bank holidays do not accrue during adoption leave.

It is not possible to carry over statutory holidays. Therefore, every effort should be made to take leave within the individual's designated leave year that it is accrued. So, once the individual has given notice of their intention to adopt and subsequent placement date, it is useful to incorporate annual leave arrangements into their planning. As holidays cannot automatically be carried over into the next leave year, arrangements to do so must be made in advance and are at the discretion of the Line Manager.

An individual is eligible to request they Return to Work on a part-time basis. If this request is accepted, the annual leave that has been accrued during their full-time contract should be taken prior to the part-time contract coming into effect; following this is all annual leave will be calculated on a pro-rata basis.

## **PROCEDURE**

### **Commencement Date of Adoption Leave**

Adopters will be required to inform the Town Council 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.

Employees must complete the Council's Notification of the Commencement of Adoption Leave Form. On this form, employees will notify their line manager:

- When a child is expected to be placed with them
- When they want their adoption leave to start

Employees will also have to give the Town Council documentary evidence – a 'matching certificate' for their adoption agency as evidence of their entitlement to Statutory Adoption Pay.

Adopters will be able to change their mind about the date on which they want their leave to start providing they tell their employer at least 28 days in advance, unless this is not reasonably practicable.

## **DURING ADOPTION LEAVE**

### **Keeping in Touch**

To ensure that the individual does not miss out on developmental opportunities, such as job opportunities, while on adoption leave, individuals have the option to select if they wish to receive updates regarding Town Council matters. This is done electronically or by mail. As individuals may not wish to receive all information, or may only want to receive selected articles, a checklist is issued with the confirmation of dates letter as mentioned above.

This checklist also provides the opportunity for the individual to indicate whether they wish to return to work during their adoption leave for up to 10 days.

If the individual does return during this period, they will be entitled to receive their pay as defined in their contract of employment and will be offset against their SAP. In order that the individual receives payment for this, the line manager must confirm with the HR team, by completing the Keeping in Touch with Work form, of the dates that the individual has attended work.

## **RETURNING TO WORK**

Unless an individual amends the date which has been confirmed as their return to work date (usually at the end of the 52 weeks of adoption leave) they do not need to provide any further notice.

If the individual wishes to return to work earlier than this date, or amend an earlier date than was agreed, they are required to give 21 days in writing to their line manager.

If the individual decides not return to work at the end of their adoption leave they are entitled to continue to receive full amount of adoption leave and pay. The individual must ensure that they provide the notice required in their contract of employment.

## **PAY ON RETURN TO WORK**

Should the individual's return to work date be after the 12<sup>th</sup> of the month it would be advisable to contact Payroll to confirm that they will be returning to work by the 12<sup>th</sup> of that month. This is to ensure that they are paid on the 25<sup>th</sup> of that month. Otherwise they may receive their pay in the following month.

## **RETURNING TO WORK AFTER A PERIOD OF ADOPTION LEAVE**

Employees who fail to return to work after a period of adoption leave or resign before completing three months' service on return from adoption leave will be required to repay all monies received during the period of leave.

## **PATERNITY LEAVE FOR ADOPTION OF A CHILD**

One member of a couple (male or female), who have jointly adopted a child and who has been employed for 26 weeks by the date they have been notified of being matched with a child for adoption, will be entitled to the same leave as maternity. Similar periods will apply, except for individuals to notify no later than seven days from when they have been informed of a match.

As with statutory paternity leave, following the placement of a child for adoption, one member of a couple who have jointly adopted a child (male or female) will have the right to take two weeks' paid paternity leave to care for their new child or support the adopter. This consists of two weeks at the standard rate of Statutory Maternity Pay, to be taken within 8 weeks of the child being placed.

## **ELIGIBILITY**

Individuals will need to satisfy the following conditions in order to qualify for paternity leave.

They must:

- Have or expect to have responsibility for the child's upbringing
- Be an adoptive parent or the adopter's spouse or partner
- Have worked continuously for the Council for 26 weeks leading into the week in which the adopter is formally notified of being matched with a child.

The leave can be taken at any time up to eight weeks after the placement.

The employer can request that the employee provide the following information:

- The week in which the adopter expects a match to be found
- The date that the placement is expected
- The length of the leave requested
- The date the leave is intended to start
- A declaration that he or she is in an enduring relationship with the other member of the adoptive couple, will be responsible for the child's upbringing and will be taking time off to support the child's other adopter or to care for the child.

## **PATERNITY LEAVE PROVISION**

Paternity leave can be taken:

- From the date of the child's placement (whether this is earlier or later than expected)
- From a chosen number of days or weeks after the date of the child's placement but must be completed within 8 weeks of the child's placement
- From a chosen date

## **APPLICATIONS FOR PATERNITY LEAVE AND PAY**

As soon as practically possible an individual should advise their line manager:

- Of their intention to take paternity leave
- Agree a date of paternity leave. If not before, this must be done within seven days of the adopter being notified by their adoption agency that they have been matched with a child, unless this is not reasonably practicable.
- A completed SC3 form must be completed and returned to the line manager with a copy of the notification letter (available at [www.hmrc.gov.uk/forms/sc3.pdf](http://www.hmrc.gov.uk/forms/sc3.pdf)). This will be forwarded to Payroll on receipt
- The length of the leave requested
- The date the leave will start.

Only one period of leave is provided per placement so for example, if the individual receives a simultaneous placement for more than one child, the entitlement will still only be two weeks' leave.

Individuals will be able to change their mind about the date on which they want their leave to start, providing they inform their line manager and Personnel at least 28 days in advance (unless this is not reasonably practicable).

<b>Approved by Personnel Committee</b>	<b>3 August 2022</b>
<b>Adopted by Council</b>	
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