



Adoption Leave & Adoption Pay Policy

Document Status: Draft

Document Ref: HRPOL - 016

Originator: Anica Goodwin

Owner: Anica Goodwin

Version: 01.01.03

Date: October 2022

Approved by Corporate Management Team / Appointments and Staffing

Classification: SEC1 - Routine

Document Location

This document is held by Tamworth Borough Council, and the document owner is HR.

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Revision History

Revision Date	Version Control	Summary of changes
September 17	01.01.03	Clarification of Review period, new format, amalgamated Adoption Leave (UK) and (Outside UK) policy into this policy but no change to policies, new CIA
May 2022	01.01.04	Shared Parental Leave replaces Additional Parental Leave. Foster to Adopt and Adoption Appointments have been included. Clarification that adoption leave is a day 1 right but adoption pay requires 26 weeks service

Key Signatories

Approvals Creation and Major Change

Name	Title	Approved

Approvals Minor Change and Scheduled Review

Name	Title	Approved
TULG	Consultation	December 13
Anica Goodwin	Director, Transformation & CP	May 17
TULG	Consultation	September 2022

Approval Path

Major Change

Originator
Owner
TULG
CMT
Appts & Staffing Committee

Action

HR
Head of Paid Service
Consultative Group
Corporate Approval
Council Approval

Minor Change

HR
TULG
Director

Submission
Consultative Group
Delegated Approval

Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

Distribution

The document will be distributed through Astute as a NON MANDATORY policy and will also be available on the Intranet and paper based copies.

Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

This policy consists of 2 parts:

Part 1 – Adoption (within the UK)

Part 2 – Adoption (outside the UK)

PART 1 – Adoption (within the UK)

1. Adoption Leave

An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks Adoption Leave from day one of their employment.

It is not available where a child is not newly matched for adoption, e.g. where a step-parent is adopting a partner's child.

Parents who become legal parents of a child under a surrogacy arrangement are entitled to take Statutory Adoption Leave. Local authority foster parents who are also prospective adopter ("foster to adopt") are entitled to take Adoption Leave.

The entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. Adoption leave can start on the day the child is placed with you for adoption, or up to 14 days earlier.

During ordinary adoption leave and additional adoption leave, all terms and conditions of your contract, except normal pay, will continue. Only one parent is entitled to claim adoption leave, the other parent will be eligible for paternity leave.

1.1 Adoption Pay

Adoption pay comprises two parts, Statutory and Occupational.

1.2 Statutory Adoption Pay (SAP)

You will be eligible for Statutory Adoption Pay (SAP) if:

- you have been continuously employed by Tamworth Borough Council for at least 26 weeks ending with the week in which you are notified of being matched with a child for adoption
- you have average weekly earnings of over the lower limit for National Insurance contributions

SAP is treated as "pay" and will be subject to deductions, e.g. tax, National Insurance and pension (if a member of the pension scheme).

SAP is paid for up to 39 weeks and is paid at the standard rate of Statutory Adoption Pay giving an overall entitlement of 52 weeks' leave of which 39 weeks can be paid.

1.3 Occupational Adoption Pay

You will be eligible for Occupational Adoption Pay if you have been continuously employed by Tamworth Borough Council for 26 weeks at the time the adoption leave commences and provided you return to work following adoption leave for at least 3 months.

Occupational Adoption Pay is payable for the first 6 weeks at 90% of your average weekly earnings including any entitlement to SAP.

1.4 Additional Occupational Adoption Pay

You will be eligible for Additional Occupational Adoption Pay if you have been employed continuously by Tamworth Borough Council for 1 year at the time the adoption leave commences and provided you return to work following adoption leave for at least 3 months.

Weeks 1- 6 9/10 of a week's pay* (including payments made by way of SAP).

Weeks 7- 18 half of a week's pay* plus SAP (except to the extent that the half pay plus SAP exceeds full pay) **PROVIDED** they have declared in writing that they will return to local authority (not just the current authority) employment for at least 3 months after the period of adoption leave. In the event that an employee does not honour their commitment to return to local authority employment for at least 3 months, the Council will take steps to recover contractual adoption pay for this period which may include deducting it from any others sums that are due.

Weeks 19 – 39 9/10 of a week's pay* or the lower rate weekly SAP whichever is the lowest

*A week's pay includes all contractual allowances. If employees are eligible to receive the half pay element of contractual adoption pay, they can opt to have the total aggregate payment that would be due to them between weeks 7 and 18 paid to them over 33 weeks instead of the standard 12 weeks. Alternatively, employees can defer payment until they have returned to work. However, both these options are dependent on the employee committing to return to work following maternity leave for a period of 3 months. Please contact Human Resources for further information.

You must inform Tamworth Borough Council before you start your Adoption Leave about your intentions for returning to work in order that suitable payment arrangements can be made.

1.5 Reclamations of non-statutory contractual elements of maternity pay

If the employee fails to return to work or continue in employment for 3 months, the contractual element of adoption pay will be reclaimed.

2. Adoption Leave

In order to qualify for adoption leave, you must give notice of your intention to take adoption leave to your manager no later than seven days after the date on which notification of the match with the child is provided to you by the adoption agency.

Notice, which must be in writing if the Council requests it, must specify the date the child is expected to be placed with you for adoption and the date you intend your adoption leave to start. If you subsequently wish to change the start date of your adoption leave, you must give 28 days' written notice of the revised start date. You

must also, if the Council requests it, provide evidence of your entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.

The Council reserves the right to maintain reasonable contact with you during adoption leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or to update you on developments at work during your absence.

You will have the automatic right to return to work after your period of adoption leave. If, however, you wish to return to work before the expiry of the full period of adoption leave, you must give at least eight weeks' notice of your intended return date to your manager.

If you return to work by giving proper notification, your spouse, civil partner or partner may be eligible to take Shared Parental Leave - Adoption once you have returned to work.

2.1 Shared Parental Leave - Adoption

Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date.

Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of separate blocks of leave (in which case the employee needs the organisation's agreement).

To be able to take shared parental leave, an employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the adopter curtailing their adoption leave.

Employees can refer to TBC's policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how the adopter's adoption leave can be curtailed. TBC's policy on Shared Parental Leave sets out the notice periods with which employees must comply and what evidence they must provide to the organisation.

The adopter and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

2.2 Time off to attend adoption appointments

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments

(under s.57ZJ of the Employment Rights Act 1996). The other can elect to take unpaid time off to attend up to two adoption appointments (under s.57ZL of the Employment Rights Act 1996).

The purpose of the appointment is to enable the employee and their partner to have contact with the child (for example, to bond with them before the placement) and for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.

The organisation will ask the individual for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).

3. Keeping-in-touch days during adoption leave

An employee can agree to work for the Council (or to attend training) for up to 10 days during adoption leave without that work bringing the period of their adoption leave and pay to an end. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The Council has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during their adoption leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between the Council and the employee. Any keeping-in-touch days worked do not extend the period of adoption leave. Once the keeping-in-touch days have been used up, the employee will lose any further entitlement to statutory adoption pay for any week in which they agree to work for the Council. It will also bring the adoption leave period to an end.

3.1 Annual Leave

Employees' entitlement to annual leave continues to accrue for the whole period of their maternity leave although their entitlement must be taken during the leave year. If the return date is likely to be after the end of the current annual leave year, they may wish to ensure that they have taken their full leave entitlement before starting their adoption leave.

Any annual leave taken in excess of their entitlement will be reclaimed through their salary.

If any bank or public holidays fall within the paid adoption leave period these can be re-claimed and the employee will be allowed to take the time when they return to work, subject to prior approval.

4. Leaving the Council

If you leave the council prior to the child being placed but after you have qualified for adoption pay then the council will continue to pay you statutory adoption pay.

If you leave the council, prior to the child being placed but have not qualified for adoption pay then the council will not make any payments to you following your date of termination.

5. Local Government Pension Scheme

During any period of paid adoption leave, pension contributions will continue to be made. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had they not gone on adoption leave (the notional salary).

During any period of unpaid ordinary adoption leave, employees will continue to receive employer contributions based on their notional gross salary. However, during any period of unpaid additional adoption leave, the Council is under no obligation to continue to make employer contributions.

Employees will be contacted upon return to work to discuss whether they wish to make additional contributions to maintain continuity within the pension fund for their period of unpaid leave.

6. Voluntary Deductions from Salary/Other Allowances etc

TBC Car Loan Repayment Scheme

During the paid adoption leave period, the repayments will be deducted from adoption pay in the usual way. If the employee is intending to be absent from work for more than 39 weeks (i.e. the end of the paid adoption leave period) or if there is insufficient pay during the paid adoption leave period to cover the repayments the employee will need to contact Payroll to arrange payment. Repayments of the loan would still need to be made by the 18th of each month.

Essential Car User Allowance & Home Working Allowance

If you are entitled to essential car user allowance or Home Working Allowance, this will continue to be paid throughout the whole of your adoption leave period.

All other voluntary deductions (ie. UK Healthcare, Union Subscription, Charities, Rent,)

These will continue for as long as there is enough pay to cover the deduction, unless the employee notifies the Payroll Manager in writing that they would like them to cease.

Council Tax/Rent – Nil Pay Situation

The employee will need to make alternative arrangements by contacting the relevant Service Unit.

Unison etc – Nil Pay Situation

Deductions are suspended until the employee returns to work.

If an employee wishes to continue making payments to preserve their benefits under the scheme they would need to make their own arrangements.

UK Healthcare – Nil Pay Situation

The corporate membership will continue throughout the period of adoption leave. If employees voluntarily 'top up' their membership then these 'top-up' deductions will be suspended during adoption leave. If employees wish for their level of cover to

continue they may wish to continue to make these 'top-up' payments by contacting UK Healthcare directly.

First Aid Payment

If employees receive this payment as a qualified first aider, it will continue during the adoption leave period, subject to the employee's qualification remaining valid.

7. Penalties

The HM Revenue and Customs may charge you if you, either fraudulently or negligently, give incorrect information, make a false statement or declaration, or fail to advise about legal custody/imprisonment for the purpose of claiming Statutory Adoption Leave and pay. The employee may also be subject to disciplinary action under the Council's Disciplinary Policy.

PART 2 - Adoption Leave (Outside of UK)

The Adoption Leave and Pay scheme for overseas mirrors the Adoption from the UK with the following exceptions or clarification:

The relevant domestic authority is defined as the Secretary of State, except in the case of an adopter to whom the Intercountry Adoption (Hague Convention) Regulations 2003 apply and who is habitually resident in Wales, in which case it is the National Assembly for Wales, or one to whom the Intercountry An official notification is defined as written notification, issued by or on behalf of the "relevant domestic authority", that it is prepared to issue, or has already issued and sent, a certificate to the overseas authority concerned with the child's adoption, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

Adoption leave can start on the day on which the child enters Great Britain or on a chosen date no later than 28 days after the child enters Great Britain.

8. Notification

In order to qualify for adoption leave, you must comply with the following notice requirements, in writing if so requested. No later than 28 days after the date of receipt of the official notification or the date on which you complete 26 weeks' continuous service with the Council (whichever is later), you must give notice of both the date the official notification was received and the date the child is expected to enter Great Britain.

In addition you must provide 28 days' notice of when you wish your period of adoption leave and pay to begin, and within 28 days of the child's entry into Great Britain you must inform the Council of the date of entry. If requested you must provide a copy of the official notification, together with evidence of the child's date of entry into Great Britain.

You are permitted to bring forward your adoption leave start date, provided that you advise the Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your adoption leave start date, provided that you advise the Council in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

You will have the automatic right to return to work after your period of adoption leave. If, however, you wish to return to work before the expiry of the full period of adoption leave, you must give at least eight weeks' notice of your intended return date.

If you return to work by giving proper notification, your spouse, civil partner or partner may be eligible take Shared Parental Leave - Adoption once you have returned to work.

For further details on Shared Parental Leave, please refer to the Council's Shared Parental Leave - Adoption Policy.

In all other respects, employees' rights on adoption of a child from outside the UK mirror those of an employee who adopts from inside the UK. Please therefore refer to Part 1 of this policy for further details.



Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Adoption Leave and Adoption Pay Policy	
Date Conducted	October 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>

	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To ensure all TBC employees are treated fairly regardless of their protected characteristics in their entitlement to adoption leave and adoption pay.

Who will be affected and how?

All employees who wish to adopt a child through an adoption agency. This policy provides guidance on the process and entitlements for adoption leave and adoption pay.

Are there any other functions, policies or services linked to this impact assessment?

Yes No

If you answered 'Yes', please indicate what they are?

All employees

Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair

			treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of an employee being a carer
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any offence would be considered prior to any adoption being allowed.
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Possibly if the adoption was within Tamworth, could reduce the workload within Children's services, should be assessed as part of adoption policy
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If the child was homeless then this would help address this situation. Should be addresses as part of adoption policy
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer</i>	<i>Signposting to other services. Look to</i>

	<i>supported which may lead to a reduced standard of living & subsequent health issues</i>	<i>external funding opportunities.</i>

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	Outcomes and Actions entered onto Covalent			

Date of Review (If applicable)