



EMERSONS GREEN
TOWN COUNCIL

Adoption Leave and Pay Policy (Primary Carer)

Date Ratified by Full Council: **13 February 2020**

Next review date: **13 February 2023**

Signed:

Chairman of Emersons Green Town Council

CONTENTS

- 1. INTRODUCTION _____ 3
- 2. YOUR INITIAL OBLIGATIONS _____ 3
- 3. ANNUAL LEAVE ENTITLEMENT _____ 3
- 4. ADOPTION LEAVE ENTITLEMENT _____ 4
- 5. RIGHT TO RETURN _____ 4
- 6. DELAYED RETURN _____ 5
- 7. RESIGNATION _____ 5
- 8. DISRUPTED PLACEMENT _____ 5
- 9. STATUTORY ADOPTION PAY _____ 5
- 10. PAYMENT OF STATUTORY ADOPTION PAY _____ 6
- 11. PENSION _____ 6
- 12. OTHER RELEVANT COUNCIL POLICIES/SCHEMES _____ 6

1. Introduction

- 1.1 You may be eligible for Statutory Adoption Leave or Statutory Adoption Pay if you are:
 - adopting a child
 - fostering a child permanently and becoming their legal parent ('fostering to adopt')
- 1.2 'Statutory' means the legal minimum your employer must give you.
- 1.3 Under this policy, you are entitled to up to 52 weeks of adoption leave.
- 1.4 This policy applies if you are designated as the Primary Carer for the adopted child.

2. Your Initial Obligations

- 2.1 You must have been notified that you have been matched by an adoption agency with the child for the purposes of adoption and you must have been continuously employed for a period of not less than 26 weeks ending with the week in which the notification was given.
- 2.2 Employees with less than 26 weeks service are not entitled to adoption leave or pay.
- 2.3 Only one period of adoption leave can be taken in the case of multiple adoptions.
- 2.4 You are requested to inform the Town Clerk at the earliest possible date in order to assist in planning temporary cover.
- 2.5 If you intend to resign rather than take adoption leave, you must write to the Town Clerk giving the required period of notice.
- 2.6 The Town Clerk must be notified in writing no more than 7 days after the date you have been notified of having been matched with a child or as soon as is reasonably practicable specifying:-
 - (a) the date on which the child is expected to be placed for adoption; and
 - (b) the date on which you have chosen that your period of leave should begin.

3. Annual Leave Entitlement

- 3.1 Emersons Green Town Council's policy is that annual leave must be taken by the end of the leave year and cannot be carried over. If you are entitled to annual leave and are applying for adoption leave, then irrespective of the duration or whether it is paid or unpaid, you continue to accrue an entitlement to annual leave.
- 3.2 Prior to your commencement on adoption leave, you must take as much as possible of the proportion of annual leave to which you are entitled up until the commencement of your adoption leave.

- 3.3 In addition, you may also take any remaining current leave year entitlement. However, should you not take all your leave prior to the commencement of your adoption leave, and the period of your adoption leave spans two leave years, you will only be able to carry over a maximum of 5 days.
- 3.4 If you return to work on reduced hours, any annual leave entitlement, whether or not including carried over leave, is taken pro rata on the basis of the hours being worked when the leave is actually taken.
- 3.5 Should you not return to work following your absence on adoption leave and you have overtaken your annual leave entitlement, you will be liable to repay any excess taken leave.
- 3.6 In cases of difficulty in taking annual leave, employees should contact the Town Clerk.

4. Adoption Leave Entitlement

3.1 Ordinary Adoption Leave

This is a period of 26 weeks beginning on the date chosen by you which can be the date on which the child is placed on adoption or a predetermined date which is no more than 14 days before the date on which the child is expected to be placed with you. If you intend to return before the end of ordinary adoption leave you must tell the Town Clerk giving at least 28 days' notice of the date you intend to return to work.

3.2 Additional Adoption Leave

You may take an additional 26 weeks unpaid adoption leave giving a total of one year's adoption leave.

You must tell the Town Clerk of the date you intend to return to work if you intend to return before the end of the additional adoption leave giving 28 days' notice.

5. Right to Return

- 5.1 All employees, irrespective of the hours worked or length of service, have the right to return to the job in which they were employed and on the same terms and conditions as when they took the adoption leave.
- 5.2 If you return to work, the period of adoption leave, whether paid or unpaid, will count towards your annual leave entitlement.
- 5.3 If you are considering returning to work on a part-time basis, you should make this known before commencing your adoption leave. You still have the option to return to your current full-time job, but the possibility of reduced hours can be explored.
- 5.4 You must co-operate with the Town Clerk in using up accrued leave whenever possible and in some circumstances, it may be agreed by both you and the Council that you go straight from adoption leave to annual leave.

6. Delayed Return

- 6.1 If you attempt to return to work early without giving the required notice, the Council is entitled to postpone your return so that 28 days' notice has been given.

7. Resignation

- 7.1 If you decide not to return to work, you must inform the Town Clerk as soon as possible in writing. If you do not specify a date of termination of employment then the date of your letter will be used. You will continue to receive any statutory adoption pay to which you were entitled.

8. Disrupted Placement

- 8.1 If the child' placement is terminated (for whatever reason) during either the ordinary or additional adoption leave, the leave period will end eight weeks after the week during which the employee is notified.

9. Statutory Adoption Pay

- 9.1 8.1Statutory Adoption Pay (SAP) is paid for a period of 26 weeks and is known as the Adoption Pay Period (APP).
- 9.2 The weekly rate of SAP is the lesser of:-
(a) the rate fixed by the Government and reviewed regularly; or
(b) 90% of the employee's normal weekly pay
- 9.3 Statutory Adoption Pay is normally payable to an employee who:-
a) Is the person with whom a child is, or is expected to be, placed for adoption under the law of the United Kingdom;
b) Had been in continuous service with this Council for at least 26 weeks as at the week in which they are notified they have been matched with a child for purposes of adoption;
c) Has ceased to work;
d) Has average earnings in the eight week period ending with the week in which the adopter is notified of being matched with the child for purposes of adoption of not less than the lower earnings limit for the payment of National Insurance contribution;
e) Has elected in writing to receive SAP;
f) Has provided evidence of entitlement to take Adoption Leave (Matching Certificate).
- 9.4 Payments can only be made for any week in which you do not work for the Council or another employer.
- 9.5 The Council will inform you if you are not entitled to SAP for any reason.

10. Payment of Statutory Adoption Pay

- 10.1 Statutory Adoption Pay will be paid on your normal pay day and details of the amounts payable will be supplied directly to you by the RFO as soon as possible following receipt of the Matching Certificate.
- 10.2 Statutory Adoption Pay will be identified separately on your pay advice slip.
- 10.3 Pay advice slips will normally be sent to your home address during the Adoption Pay Period.

11. Pension

- 11.1 The employee pays pension contribution on pay actually received during adoption leave, even though that pay may be less than what they would normally receive. For pension purposes, the period of adoption absence should be treated throughout as if it were a period during which the employee in question was working normally.
- 11.2 When the period of unpaid adoption absence starts, the employee concerned has the option of continuing to pay contributions on the reduced remuneration they were entitled to receive immediately prior to the unpaid period.
- 11.3 If the employee returns to work, there is a further opportunity to pay a lump sum contribution for the unpaid adoption leave period in order to maintain their pensionable service. If you wish to make such a contribution, please notify the RFO.

12. Other Relevant Council Policies/Schemes

- Maternity Support Leave
- Unpaid Leave
- Right to Request Flexible Working

NB: Short term issues directly applicable to the employment of the Town Clerk should be referred to the Chair of the Council; long term matters must be considered by the Personnel Committee.