



Heybridge Parish Council

ADOPTION LEAVE POLICY

1. Introduction

- 1.1 Those employees who are newly matched with a child for adoption have the statutory right to adoption leave (SAL) and Statutory Adoption Pay (SAP) provided they meet with certain criteria. Such employees have a right to:-
- i. 52 weeks' SAL (comprising 26 weeks' ordinary adoption leave (OAL) and 26 weeks' additional adoption leave (AAL)); and
 - ii. 39 weeks' SAP
- 1.2 Leave can begin on either:
- i. The date the child starts living with the employee; or
 - ii. Up to 14 days before the date the employee expects the child to begin living with them; or
 - iii. For overseas adoptions – when the child first arrives in the UK or within 28 days of this date.
- 1.3 If the employee changes their mind about the date they want to start their leave, the employee must give the Council at least 28 days' written notice of this intention.

2. Qualifying for Adoption Leave

- 2.1 In order to qualify for adoption leave, an employee must meet the following conditions:-
- i. Be an employee; workers who are not employees cannot qualify for SAL.
 - ii. Be newly matched with a child by an adoption agency;
 - iii. Have worked continuously for their employer for at least 26 weeks before the beginning of the week when they are matched with a child (i.e. the adoption agency has given the employee details of the child they think is suitable for the employee to adopt.)
 - iv. If there are two employees working for the Council who choose to adopt a child, then only one person is entitled to adoption leave and adoption pay. The other partner may be entitled to take paternity leave and pay.

3. Notification Requirements

3.1 Notice of the intention to take adoption leave should be given in writing within 7 days of being matched with a child or as soon as reasonably practicable after that date. Notice should include that the employee intends to take adoption leave; the date the employee wishes the adoption leave to start and the expected date of the placement. Evidence of ability to take adoption leave in the form of a matching certificate should be provided with this letter of notification.

4. Adoption Leave

4.1 As in the case of statutory maternity leave, adoption leave is made up of Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL.)

4.2 Ordinary Adoption Leave (OAL)

4.2.1 OAL will begin on the date chosen by the employee and last for 26 weeks. However, it cannot start any more than 14 days before the expected placement date and no later than the date of the placement.

4.3 Additional Adoption Leave (AAL)

4.3.1 As long as the employee took OAL and the OAL did not end prematurely e.g. as it would if the employee was dismissed or resigned during OAL, then the employee will also be entitled to AAL.

4.3.2 As in the case of maternity leave, historically, there were differences between the benefits which an employee received during OAL and AAL which explains the reason for there being two types of adoption leave, however, in 2008 the two types of leave were harmonised so that there is no longer a difference between the benefits which an employee receives during OAL and AAL.

5. Payment

5.1 Statutory Adoption Pay will only be payable if the adopter has given the employee notice as detailed above.

5.2 An employee is not entitled to receive their normal salary during adoption leave but is entitled to be paid statutory adoption pay which is currently £136.78 or 90% of their average earnings, if that is less than £136.78. This is payable for 39 weeks.

6. KIT Days

6.1 Employees are entitled to work up to 10 days ('keeping in touch' or KIT days) during adoption leave without adoption leave coming to an end.

6.2 The main purpose of KIT days is to keep contact between the employer and employee. Useful ways of an employee using KIT days include attending training courses with the team in which he or she works. If the employee is working during their KIT days rather than simply attending the workplace to maintain contact with colleagues and the employer, then the employee should be paid at their normal rate. If the employee is paid for their KIT days and these are used when the employee is being paid SAP, the SAP may be offset against any contractual pay which the employee receives.

7. Rights during OAL and AAL

7.1 An employee on OAL or AAL is entitled to the benefit of all the terms and conditions of employment that would have applied if he or she was not on Adoption Leave (apart from remuneration.) However, if the Council has a policy which is more generous than the statutory position, then the employee may be entitled to enhanced adoption pay.

8. Return to Work after Adoption Leave

8.1 An employee who returns to work after OAL is entitled to return to exactly the same job he or she left except if the OAL follows on from a period of Additional Maternity Leave of AAL or a period of parental leave of more than 4 weeks, and it is not reasonably practicable for a reason other than redundancy for the employee to return to the same job.

8.2 An employee who returns after a period of AAL is entitled to return to the job in which he or she was employed before the absence except when it is not reasonably practicable for a reason other than redundancy for the employer to allow this.

9. Status

This policy will be considered for adoption by Council on 20th February 2014. Adopted on 20th March 2014. Reviewed May 2016. Reviewed May 2017 – it was noted that the reference to specific pay was correct in 2014 and that the amount may change each year. Agreed by Council on 18th May 2017. Next review due May 2018.

21 January 2014
Clerk