

# OXFORD CITY COUNCIL

## Adoption Policy

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## 1. POLICY STATEMENT

- 1.1 This policy outlines the statutory rights and responsibilities of employees who adopt, and sets out the arrangements for adoption leave. It only applies to employees and does not apply to agency workers or the self-employed.
- 1.2 This policy does not form part of any employee's contract of employment and it may be amended at any time.

## 2. SCOPE

- 2.1 This policy applies to full-time and part-time employees (regardless of the number of hours worked) subject to qualifying condition, e.g. length of service. It does not apply to agency workers or the self-employed. If you require further guidance, please contact People & Equalities (P&E).

## 3. DEFINITIONS

The definitions in this paragraph apply in this policy.

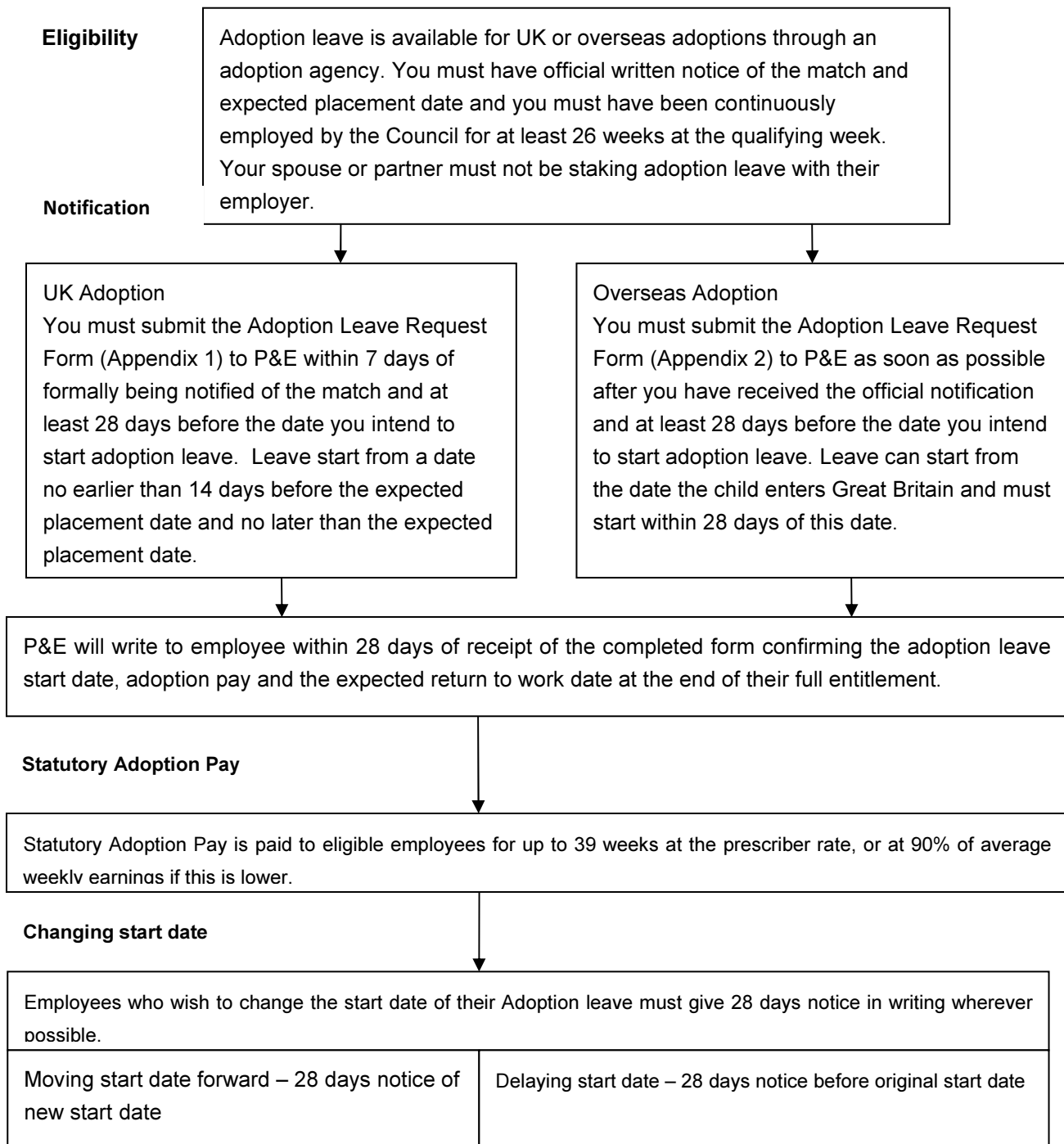
**Qualifying Week:** the week, starting on a Sunday, in which you are notified in writing by an adoption agency of having been matched with a child.

**Expected Placement Date:** the date on which an adoption agency expects that it will place a child into your care with a view to adoption.

**Ordinary Adoption Leave (OAL):** a period of up to 26 weeks' leave available to all employees who qualify for adoption leave

**Additional Adoption Leave (AAL):** a further period of up to 26 weeks' leave immediately following OAL.

**4. PROCEDURE OVERVIEW**



**5. IMPLEMENTING THE POLICY**

- 5.1 Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.
- 5.2 The Head of People & Equalities has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework.

## 6. ENTITLEMENT TO ADOPTION LEAVE

- 6.1 Adoption leave is only available if you are adopting through a UK [or overseas] adoption agency. It is not available if there is no agency involved, for example, if you are formally adopting a stepchild or other relative.
- 6.2 You are entitled to adoption leave if you meet all the following conditions:
- (a) An adoption agency has given you written notice that it has matched you with a child for adoption and tells you the Expected Placement Date.
  - (b) You have notified the agency that you agree to the child being placed with you on the Expected Placement Date.
  - (c) You have been continuously employed by us for at least 26 weeks ending with the Qualifying Week.
  - (d) Your spouse or partner will not be taking adoption leave with their employer (although they may be entitled to take paternity leave).

## 7. NOTIFICATION OF INTENTION TO TAKE LEAVE

- 7.1 You must give us notice in writing of:
- (a) the Expected Placement Date; and
  - (b) your intended start date for adoption leave (**Intended Start Date**)
- 7.2 This notice should be given not more than seven days after the agency notified you in writing that it has matched you with a child.
- 7.3 At least 28 days before your Intended Start Date (or, if this is not possible, as soon as you can), you must also provide us with:
- (a) A Matching Certificate from the adoption agency confirming:
    - (i) the agency's name and address;
    - (ii) the name and date of birth of the child;
    - (iii) the date you were notified of the match; and
    - (iv) the Expected Placement Date.
  - (b) Written confirmation that you intend to take statutory adoption pay and not statutory paternity pay.

## 8. OVERSEAS ADOPTIONS

If you are adopting a child from overseas, the following will apply:

- 8.1 You must have received notification that the adoption has been approved by the relevant UK authority (**Official Notification**).
- 8.2 You must give us notice in writing of:
- (a) your intention to take adoption leave;
  - (b) the date you received Official Notification; and
  - (c) the date the child is expected to arrive in Great Britain.

- 8.3 This notice should be given as early as possible but in any case within 28 days of receiving Official Notification (or, if you have less than 26 weeks' employment with us at the date of Official Notification, within 30 weeks of starting employment).
- 8.4 You must also give us at least 28 days' notice in writing of your Intended Start Date. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.
- 8.5 You must also notify us of the date the child arrives in Great Britain within 28 days of that date.
- 8.6 We may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain.]

## 9. STARTING ADOPTION LEAVE

- 9.1 OAL may start on a predetermined date no more than 14 days before the Expected Placement Date, or on the date of placement itself, but no later.
- 9.2 You must notify us of your Intended Start Date. We will then write to you within 28 days to inform you of the date we will expect you to return to work if you take your full entitlement to adoption leave (**Expected Return Date**).
- 9.3 You can postpone your Intended Start Date by informing us in writing at least 28 days before the original date or, if that is not possible, as soon as you can.
- 9.4 You can bring forward your Intended Start Date by informing us in writing at least 28 days before the new start date or, if that is not possible, as soon as you can.
- 9.5 Shortly before your adoption leave starts we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave. [Unless you request otherwise, you will remain on circulation lists for internal news, job vacancies, training and work-related social events.]

## 10. STATUTORY ADOPTION PAY

- 10.1 Statutory adoption pay (**SAP**) is payable for up to 39 weeks. It stops being payable if you return to work sooner or if the placement is disrupted. You are entitled to SAP if:
- (a) you have been continuously employed for at least 26 weeks at the end of your Qualifying Week and are still employed by us during that week;
  - (b) your average weekly earnings during the eight weeks ending with the Qualifying Week (the **Relevant Period**) are not less than the lower earnings limit set by the Government; and
  - (c) you have given us the relevant notifications.
- 10.2 SAP is paid at a Prescribed Rate which is set by the Government for the relevant tax year, or at 90% of your average weekly earnings calculated over the Relevant Period if this is lower.

- 10.3 SAP accrues with each complete week of absence but payments shall be made on the next normal payroll date. Income Tax, National Insurance and pension contributions shall be deducted as appropriate.
- 10.4 If you leave employment for any reason (for example, if you resign or are made redundant) you shall still be eligible for SAP if you have already been notified by an agency that you have been matched with a child. In such cases, SAP shall start:
- (a) 14 days before the Expected Placement Date; or
  - (b) the day after your employment ends, whichever is the later.
- 10.5 If you become eligible for a pay rise before the end of your adoption leave, you will be treated for SAP purposes as if the pay rise had applied throughout the Relevant Period. This means that your SAP will be recalculated and increased retrospectively, or that you may qualify for SAP if you did not previously qualify. We shall pay you a lump sum to make up the difference between any SAP already paid and the amount payable by virtue of the pay rise. Any future SAP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

## **11. TERMS AND CONDITIONS DURING OML AND AML**

- 11.1 All the terms and conditions of your employment remain in force during OML and AML, except for the terms relating to pay. In particular:
- benefits in kind [such as death in service, slice card benefit and use of a company vehicle if applicable] shall continue;
  - annual leave entitlement under your contract shall continue to accrue (see paragraph 11, Annual leave); and
  - pension benefits shall continue (see Pensions paragraph below).

## **12. ANNUAL LEAVE**

- 12.1 During OAL and AAL, annual leave will accrue at the rate provided under your contract. i.e. the hours the employee was working prior to the start of the adoption leave absence. If they return on different hours then leave will be based on these hours from the point of return.
- 12.2 If a period of adoption leave spans more than one annual leave year, then leave can be carried over within the normal arrangements for the carry over of leave. Additional leave may be carried over provided that the leave is taken prior to the employee actually returning to work. The employee should discuss the arrangements with the Manager and the annual leave card should be amended accordingly.

### **13. OTHER LEAVE ENTITLEMENTS**

13.1 Employees have rights to paternity leave, unpaid parental leave, unpaid time off for dependants and a right to request flexible working patterns. Please see the relevant Council policy documents (available on the Intranet or from P&E).

### **14. DISRUPTED ADOPTION**

14.1 Adoption leave is disrupted if it has started but:

- (a) you are notified that the placement will not take place;
- (b) the child is returned to the adoption agency after placement; or
- (c) the child dies after placement.

14.2 In case of disruption your entitlement to adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred, unless your entitlement to leave and/or pay would have ended earlier in the normal course of events.

### **15. CHILDCARE VOUCHERS**

15.1 Employees are entitled to continue to receive contractual benefits (except pay) during OAL and AAL.

15.2 Currently Childcare Vouchers are deemed to be a non-cash benefit (i.e. not pay) and therefore entitlement to them continues during OAL and AAL. An employee must be a member of the Childcare Voucher Scheme before starting maternity leave for this to apply. This is explained in more detail in the Guidance on the Childcare Voucher Scheme.

### **16. PENSION CONTRIBUTIONS**

16.1 During OAL your pension benefits will continue to accrue based on your contractual hours even though your pay and consequently your pension contributions may be lower.

16.2 The contribution rate for the payment of pension contributions will be your normal contribution rate ie the percentage rate for determining contributions will not change. The amount of contributions paid may be lower as they are calculated on the pay actually received.

16.3 If you are not entitled to any Adoption Pay from the Council for all or some of the OAL period, then you will only pay pension contributions when you are receiving pay. However, your pension service will accrue at the same rate as if you had been paying full contributions for the whole of the 26 weeks of OAL.

16.4 Pension contributions will continue to be payable during any paid period of AAL. Contributions will be based on the rate of adoption pay received and pension service will accrue at the same rate as if you had been paying full contributions for the part of the AAL period that is paid.

- 16.5 You can choose to pay pension contributions during the unpaid period of AAL. The amount of pension contributions is based on the amount of pay received in last week of paid adoption leave and pension service will accrue at the same rate as if you had been paying full contributions. If you did not receive any adoption pay from the Council the contributions will be based on your contractual pay immediately prior to starting adoption leave.
- 16.6 You will need to decide whether you wish to pay contributions for your period of unpaid AAL within 30 days of your return from adoption leave. The Payroll Team will calculate the amount due and will let you know about different payment methods where appropriate.
- 16.7 If you decide not to pay pension contributions during this unpaid period of AAL the time will not count towards your pensionable service and will therefore not be included in the calculation of pension benefits.
- 16.8 If you work any KIT days during your adoption leave you will be paid full pay for these days (you must submit a claim for payment). These payments will be disregarded when calculating contributions due for the remainder of your leave ie if you were on the flat rate SAP when working a KIT day your contributions immediately before and after the KIT day will be based on the SMP rate. If you work a KIT day during a period of unpaid leave and you decide not to make contributions up for the unpaid period the KIT day worked will be pensionable and will count towards pensionable service.

## **17. REDUNDANCIES DURING ADOPTION LEAVE**

- 17.1 In the event that your post is affected by a redundancy situation occurring during your adoption leave, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to your continued employment. Employees on maternity and adoption leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills, in accordance with the Organisational Change Policy.

## **18. KEEPING IN TOUCH (“KIT”)**

- 18.1 The employee and manager should discuss arrangements for keeping in contact during the maternity leave period before maternity leave starts. Managers should ensure that the employee will receive her payslips and agree arrangements for communicating significant workplace developments and training opportunities. Employees may be sent council communications. We may make reasonable contact with you from time to time during your maternity leave.
- 18.2 You may work (including attending training) for up to ten days during maternity leave without bringing your maternity leave or SMP to an end. The arrangements, are set by agreement with your line manager or People & Equalities Department, so pay will be



made up to full pay for the hours worked. If an employee is in receipt of maternity payments that are equal to full pay at the time of working a KIT day they will not receive any additional pay. Conversely an employee in receipt of no pay at the time of working will receive full pay for the hours worked.

18.3 You are not obliged to undertake any such work during maternity leave, nor is the Council obliged to provide any work. In any case, you must not work in the two weeks following birth.

18.4 Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may cover:

- updating you on any changes that have occurred during your absence;
- any training needs you might have; and
- any changes to working arrangements (e.g. if you have made a request to work part-time; see final paragraph below, Returning to work part-time).

## **19. EXPECTED RETURN DATE**

19.1 Once you have notified us in writing of your Intended Start Date, we shall send you a letter within 28 days to inform you of your Expected Return Date. If your start date changes we shall write to you within 28 days of the start of adoption leave with a revised Expected Return Date.

19.2 We will expect you back at work on your Expected Return Date unless you tell us otherwise. It will help us if, during your adoption leave, you are able to confirm that you will be returning to work as expected.

## **20. RETURNING EARLY**

20.1 If you wish to return to work earlier than the Expected Return Date, you must give us at least eight weeks' notice. It is helpful if you give this notice in writing. If not enough notice is given, we may postpone your return date until four weeks (or eight weeks as appropriate) after you gave notice, or to the Expected Placement Date if sooner.

## **21. RETURNING LATE**

21.1 If you wish to return later than the Expected Return Date, you should either:

- (a) request unpaid parental leave [in accordance with our Parental Leave Policy], giving us as much notice as possible but not less than [21 days]; or
- (b) request paid annual leave in accordance with your contract, which will be at our discretion.

21.2 If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our usual sickness policy will apply.

21.3 In any other case, late return will be treated as unauthorised absence.

## **22. DECIDING NOT TO RETURN**

- 22.1 If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should give notice of resignation in accordance with your contract. The amount of adoption leave left to run when you give notice must be at least equal to your contractual notice period, otherwise we may require you to return to work for the remainder of the notice period.
- 22.2 Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement. This does not affect your right to receive SAP.

## **23. YOUR RIGHTS WHEN YOU RETURN**

- 23.1 You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been had you not been absent. However, if you have taken any period of AAL or more than four weeks' parental leave, and it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.
- 22.2 It is possible that an employee who takes the full entitlement to adoption leave of 52 weeks may become pregnant or seek to make a further adoption whilst on leave and become entitled to another, consecutive period of leave without returning to work. An employee who takes two consecutive periods of (maternity or adoption leave) which include one or more periods of AML or AAL, is entitled to return to her original job or, if this is not reasonably practicable, to another suitable, alternative post.

## **24. RETURNING TO WORK PART-TIME**

- 24.1 We will deal with any requests by employees to change their working patterns (such as working part time) after adoption leave on a case-by-case basis. There is no absolute right to insist on working part time, but you do have a statutory right to request flexible working and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if requests are made as early as possible. The procedure for making and dealing with such requests is set out in our Flexible Working Policy.

## **25. MONITORING AND REVIEW OF THE POLICY**

- 25.1 This policy is reviewed by People & Equalities in consultation with the Council's recognised unions. Recommendations for any amendments are reported to People & Equalities.
- 25.2 We will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives.

APPENDIX 1 - ADOPTION LEAVE FORM (ADOPTION WITHIN THE UK) part 1 of 2

<b>Full Name</b>	
<b>Service Area</b>	
<b>Job Title</b>	
<b>Date started employment with Oxford City Council</b>	-- / -- /20 --
<b>I give notice of my intention to take adoption leave as follows</b>	
<b>Start Date</b>	-- / -- /20 --
<b>End Date</b>	-- / -- /20 --
<b>The expected date on which the child will be placed for adoption.</b>	-- / -- /20 --
<b>The date on which I was notified by the adoption agency of having been matched with the child</b>	-- / -- /20 --
<b>I confirm that my wife/husband and I were/my civil partner/my partner was* notified by the adoption agency of having been matched with the child on the date below. [*delete as appropriate]</b>	
<b>Date of notification of matching</b>	-- / -- /20 --
<b>Please tick the appropriate box below</b>	
<b>I intend to return to work after my adoption leave</b>	
<b>I do not intend to return to work after my adoption leave and will therefore leave oxford City Councils employment on the last day prior to the commencement of my adoption leave</b>	
<b>Signature</b>	
<b>Date</b>	-- / -- /20 --

To qualify for adoption leave, you must return this notice form to your Line Manager no later than seven days after the date on which notification of the match with the child was given to you by the adoption agency.

**Adoption Leave Form (Adoption within the UK) part 2 of 2**

<b>Full Name</b>	
<b>Service Area</b>	
<b>Job Title</b>	
<b>Date Started employment with Oxford City Council</b>	-- / -- /20 --
<b>I previously notified you that I wish to take adoption leave commencing</b>	
<b>Start Date</b>	-- / -- /20 --
<b>End Date</b>	-- / -- /20 --
<b>I wish to confirm that the child in respect of whom I am taking adoption leave was placed for adoption on</b>	-- / -- /20 --
<b>Signature</b>	
<b>Date</b>	-- / -- /20 --

**APPENDIX 2 - ADOPTION LEAVE FORM (OVERSEAS) part 1 of 3**

<b>Full Name</b>	
<b>Service Area</b>	
<b>Job Title</b>	
<b>Date started Employment with Oxford City Council</b>	-- / -- /20 --
<b>I give notice that I intend to take adoption leave for a child adopted from overseas and I confirm I have received an official notification as follows</b>	
<b>I received the official notification on</b>	-- / -- /20 --
<b>The child is expected to enter Great Britain on</b>	-- / -- /20 --
<b>Signature</b>	
<b>Date</b>	-- / -- /20 --

To qualify for adoption leave, you must return this notice form to your Line Manager no later than 28 days after you received the official notification or, if you received the official notification before commencing work for the Oxford City Council, no later than 28 days after the date you completed 26 weeks' continuous employment with the Oxford City Council.

**Adoption Leave Form (Overseas) part 2 of 3**

<b>Full Name</b>	
<b>Service Area</b>	
<b>Job Title</b>	
<b>Date started Employment with Oxford City Council</b>	-- _ / _ _ /20 _ _
<b>I give notice that I wish to take adoption leave as follows:-</b>	
<b>Start Date</b>	-- _ / _ _ /20 _ _
<b>End Date</b>	-- _ / _ _ /20 _ _
<b>I have already informed the Oxford City Council of the date that I received the official notification and of the date that the child is expected to enter Great Britain.</b>	
<b>Signature</b>	
<b>Date</b>	-- _ / _ _ /20 _ _

**To qualify for adoption leave, you must return this notice form to your Line Manager no later than 28 days prior to the date that you wish your adoption leave to begin.**

**Adoption Leave Form (Overseas) part 3 of 3**

<b>Full Name</b>	
<b>Service Area</b>	
<b>Job Title</b>	
<b>Date started Employment with Oxford City Council</b>	-- / -- /20 --
<b>I give notice that the child in relation to whom I am taking adoption leave entered Great Britain on the date below:-</b>	
<b>Date</b>	-- / -- /20 --
<b>Signature</b>	
<b>Date</b>	-- / -- /20 --

**You must return this notice form to your Line Manager no later than 28 days after the date on which the child entered Great Britain.**

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