



# Rutland County Council

## POLICY ON ADOPTION LEAVE

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## **Glossary of Terms**

<b>AAL</b>	Additional Adoption Leave
<b>KIT</b>	Keeping in Touch days
<b>OAL</b>	Ordinary Adoption Leave
<b>OAP</b>	Occupational Adoption Pay
<b>SAL</b>	Statutory Adoption Leave
<b>SAP</b>	Statutory Adoption Pay

## **1.0 INTRODUCTION**

This policy applies to direct employees of Rutland County Council and does not apply to individuals employed by schools or colleges.

This information pack will try to answer some of the questions you may have regarding your rights, benefits and options open to you before and after the placement of your child.

These are some of the benefits:

- Eligible employees are entitled to 52 weeks adoption leave (26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL).
- Employees who meet the qualifying conditions based on their length of service and average earnings are entitled to up to 39 weeks Statutory Adoption Pay (SAP).
- Employees who meet qualifying conditions based on their length of service are entitled to Occupational Adoption Pay (OAP) if they return to work for a minimum of 3 months.
- Employees who are not entitled to SAP may be able to get Income Support paid direct by Jobcentre Plus.
- Up to 10 “Keeping in Touch Days” (KIT) during adoption leave allowing work under the contract of employment without forfeiting adoption pay.

Should you have any queries about your adoption in relation to your employment, please contact the Human Resources Section who will be pleased to discuss any aspect which is not clear to you.

## **2.0 STATUTORY ADOPTION LEAVE**

An eligible employee can take up to 52 weeks of Statutory Adoption Leave. This is made up of a continuous period of 26 weeks of Ordinary Adoption Leave (OAL) followed by 26 weeks of Additional Adoption Leave (AAL).

### **2.1 Eligibility for Statutory Adoption Leave (SAL)**

An employee is entitled to SAL, proving that they meet the following criteria:

#### **UK Adoptions**

- Be an employee
- Have been matched with a child to be placed with them by a UK adoption agency.
- Have notified the agency that they agree that the child should be placed with them and agree with the date of placement.

- Have been continuously employed by Rutland County Council for at least 26 weeks into the week in which they are notified of having been matched with the child.
- Notify Rutland County Council of when they want to take their Statutory Adoption Leave no more than seven days after they are notified that they've been matched with a child.

### **Overseas Adoptions**

- Have received official notification from the relevant UK authority of their eligibility to adopt a child from abroad.
- Have been continuously employed by Rutland County Council for at least 26 weeks into the week in which they are notified of having been matched with the child.
- Have given Rutland County Council correct notification.
- Are the child's adopter.

### **2.2 Adoption leave and pay are available to:**

- Individuals who adopt
- One member of a couple where a couple adopt jointly (the couple must choose which partner takes adoption leave).

The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity or additional paternity leave and pay. For details on this please refer to the policy on paternity leave.

### **2.3 Notification for Statutory Adoption Leave**

#### **UK Adoptions**

- Notify Rutland County Council of when they want to take their Statutory Adoption Leave no more than seven days after they are notified that they've been matched with a child.
- That they intend to take SAL.
- When they intend to start the adoption leave.
- The date the child is expected to be placed with them for adoption.

#### **Overseas Adoptions**

When adopting a child from overseas the employee must give notice in three stages that they intend to take statutory adoption leave.

##### **Stage one**

- Inform the employee's line manager of the date on which they received official notification.  
and
- The date the child is expected to enter the UK.

##### **Stage two**

- Give at least 28 days notice of the actual date the employee wants their leave to start.

##### **Stage three**

- Inform Rutland County Council of the date the child entered the UK.

## **2.4 Start Date of Leave**

The leave can be taken as follows:

### **UK Adoptions**

- On the day the child is placed with the adopter
- A pre-determined date no earlier than 14 days before the expected date of placement and no later than the expected date of placement.

If the start date of the leave is on the day the child is placed with the adopter and they are not at work on that day, the period of SAL will start on the next day. The leave can start on any day of the week.

### **Overseas Adoptions**

- From the date the child enters the UK
- From a specific date after the date of the child entering the UK (no later than 28 days after the date the child entered the UK).

The leave can start on any day of the week.

## **3.0 ADOPTION PAY**

Adoption pay is made up of Statutory Adoption Pay and Occupational Adoption Pay.

Statutory Adoption Pay is funded by the Government and paid by Rutland County Council.

### **3.1 Statutory Adoption Pay (SAP)**

#### **UK Adoptions**

A person qualifies for Statutory Adoption Pay (SAP) when adopting a child from within the UK provided they have:

- Have been continuously employed by Rutland County Council for at least 26 weeks into the week in which they are notified of having been matched with the child.
- Average earnings at least equal to the lower earnings limit for National Insurance contributions (this may include allowances and overtime).

An employee adopting a child through an adoption agency in the UK must give the following evidence to prove their entitlement to SAP. (This is usually a matching certificate or can be a letter from the agency confirming that your employee or the adopter has been matched with a child).

The evidence your employee gives you must show:

- The name and address of the adoption agency and of your employee
- The date the child is expected to be – or was – placed for adoption

- The date the adopter was told by the adoption agency that they'd been matched with a child

### Overseas Adoption

A person qualifies for Statutory Adoption Pay (SAP) when adopting a child from overseas provided they have:

- Have been continuously employed by Rutland County Council for at least 26 weeks into the week in which they are notified of having been matched with the child.
- Average earnings at least equal to the lower earnings limit for National Insurance contributions

An employee adopting a child from overseas must give the following evidence to prove their entitlement to SAP:

- A copy of the Official Notification from the relevant UK authority that they have agreed that your employee is suitable to adopt a child from overseas.
- A declaration that they are claiming SAP, and not Statutory Paternity Pay – they can use form SC6 for this purpose.
- Evidence of the child's date of entry into the UK, such as a plane ticket or copies of entry clearance documents.

### 3.2 Occupational Adoption Pay (OAP)

Occupational Adoption Pay is paid subject to qualification and in addition to SAP. It equates to 12 weeks of half pay, is funded by the Council and paid to you if you intend to return to work. If you have not yet made the decision whether or not to return to work, you can receive the payment at a later date. However, if you fail to return to work for 3 months, you will be required to pay back any OAP paid to you.

The adoption pay that you are entitled to is shown on the table below:

<b>Length of Continuous Service</b>	<b>Weeks 1-6 For the first 6 weeks</b>	<b>Weeks 7-18 For the next 12 weeks</b>	<b>Weeks 19-39 For the remaining 21 weeks</b>
Less than 26 weeks at the qualifying week	Nil	Nil	Nil
More than 26 weeks at the qualifying week but less than a year	The high rate of SAP (9/10 of normal weeks pay)	Payment at the low rate of SAP	Payments at the low rate of SAP
More than 1 year at the 11 <sup>th</sup> week before the child is placed with the adopter and returning to work	The high rate of SAP (9/10 of normal weeks pay)	½ a normal week's pay + SAP (to a maximum of what would be a full week's pay)	Payment at the low rate of SAP
More than 1 year at the 11 <sup>th</sup> week before	The high rate of SAP (9/10 of normal	Entitlement to SAP	Entitlement to SAP

the child is placed with the adopter and not returning to work	weeks pay)		
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The rate of SAP is 90% of your average weekly earnings for the first six weeks, followed by the lesser of a flat rate of £135.45 per week (current rate as of 3<sup>rd</sup> April 2012) or 90% of your average weekly earnings for the remaining 33 weeks.

If you do not qualify for SAP or OAP:

If you do not qualify for SAP, the Payroll section will issue you with a SAP1 form which you should take to the Jobcentre Plus as you may be entitled to other benefits such as Income Support. Alternatively if you qualify for adoption leave but not SAP contact your adoption agency to find out if you can get any other help. There are time limits for application, so if you think you may not qualify for SAP, discuss the situation with the Human Resources Section as soon as possible.

## **4.0 ADOPTION AND WORK**

### **4.1 Annual Leave**

You will continue to accrue annual leave during both OAL and AAL as if you were at work and, therefore, this could mean that you have a significant amount of leave to take when you return from Adoption leave.

This situation can be managed to some extent by endeavouring to use the annual leave accrued during normal working throughout the current leave year. Additionally, the Human Resources department will notify you of the amount of leave that you will accrue during your OAL and AAL and you may be able to use a significant proportion of this before starting your OAL.

However, if, due to the timing of your OAL you are unable to take all of your annual leave in the leave year in which your maternity leave begins, you will be able to take the outstanding leave at a later date.

It may be possible for you to take the leave at the end of your paid period of adoption leave, ie after 39 weeks and you should discuss this with your Line Manager or at the adoption meeting with a representative of Human Resources.

Where you are unable to take all of your annual leave in the current leave year as your adoption leave overlaps with your annual leave year an exception to the Authority's carry over of annual leave policy may be made. This will enable you to carry forward any remaining leave to the next leave year.

### **4.2 Bank Holidays**

For bank holidays that fall during OAL or AAL, you will be allowed to take the equivalent number of days at the end of your AAL.



### **4.3 Discussion with Line Manager**

You must discuss with your Line Manager what contact you want during your leave. Please, also, complete the enclosed "Notification of Adoption Leave" form signed by yourself and your Line Manager and return this to the Human Resources Section.

### **4.4 Keeping in Touch Days**

In order to maintain contact with you, your Line Manager may be in touch with you during your Adoption Leave. This will enable you to discuss matters such as arrangements for return to work, e.g. dates and working hours, and will play an important part in keeping you abreast of developments at the workplace.

In addition you will be able to work under your contract of service for the employer paying you SAP for up to 10 days during your Adoption Pay Period without losing any SAP.

These special days are known as KIT (Keeping in touch) days. They are intended to help you keep in touch with your workplace and allow you to do some work during your Adoption Pay Period without affecting your Statutory Adoption Pay. KIT days could also help ease your eventual return to work. The type of work you do could be attending work for a training course or for an appraisal interview. These are just examples, but whether you take advantage of these days is your choice. Both you and your employer should agree that you can work on those days. Your employer does not have any right to insist that you work.

Any work you do as a KIT day, even as little as half an hour for example, will be counted as a whole day for KIT days. They can be taken as single days; in blocks of two or more days; or can be taken consecutively. Once you have used up your 10 KIT days and you do any further work, you will lose a week's SAP for the week in the Adoption Pay Period in which you have done that work. If a week in your Adoption Pay Period contains only KIT days, you will be paid SAP for that week. If a week in your Adoption Pay Period contains the last KIT day and you do a further days work in the same week for the employer paying you SAP, you will lose SAP for that week.

For any KIT days that you work under your contract of service you will receive SAP for that week as a minimum. Additionally, you will receive contractual payment for the work done as a KIT day, following submission of a timesheet for the time worked.

## **5.0 RETURN TO WORK**

Unless you have told us differently, we will assume that you are taking the full 52 weeks entitlement. If you wish to change the date on which you wish to return to work, you must give 8 weeks notice of this intention.

If you have given notification of your intention to return to work, and are then unable to do so because of sickness, you will need to produce a medical certificate. If you are unable to return for other reasons, this should be discussed with the Human Resources Section and your Line Manager.

### **5.1 Returning to work after OAL**

You have a right to return to the same job and the same terms and conditions as if you haven't been away.

### **5.2 Returning to work after AAL**

You have the right to return to the same job and the same terms and conditions, unless it is not reasonably practical i.e. if the job no longer exists. In that case, you will be offered alternative work with the same terms and conditions.

### **5.3 Part-Time**

You may wish to consider expressing a wish to return to work part-time. This may be granted if the job can be undertaken efficiently on a part time basis. Ultimately, it is a management decision, and each case must be judged on its merits by considering the nature of the duties and working arrangements.

You will need to put your request in writing to your line manager and send a copy to the Human Resources Section.

### **5.4 Illness after the end of your Statutory Adoption Leave**

If you are unable to return to work at the end of your adoption leave, you should follow the normal Sickness Absence reporting procedure.

### **5.5 Child Care Facilities**

The availability of suitable childcare arrangements is a major factor in any decision to return to work. Provisions can be inadequate and expensive and this may deter many people who would otherwise consider returning. However, it is possible to make suitable arrangements. Your adoption agency can often be a good source of advice and information, or alternatively, you can contact the Social Services Department at your local Council Offices who will be able to give you a list of suitable childminders/childcare facilities.

### **5.6 Childminders**

All childminders who care for children for more than two hours per day, should be registered and hold a certificate which specifies the conditions of the registration and the number of children they have been registered for.

When choosing a childminder, you should ensure their suitability for your child(ren). Think about questions and issues you wish to discuss - some of which may include:

- childminder's experience, training, employment history
- numbers and age range of other children she/he is currently minding
- look at where your child(ren) would eat, sleep and play
- discuss financial arrangements and payment for annual holidays/when child is sick
- find out whether a cooked meal or snack is provided, and whether there is an additional charge
- other areas of discussion may include, attitudes, equal opportunities, smoking, managing behaviour, toilet training etc.

### **5.7 Nannies**

A full time nanny is an expensive option. You may be able to share a nanny with another family. When contacting an agency, you should be clear whether you require a qualified nanny or a less expensive 'mother's help'

### **5.8 Private Day Nurseries**

Private nursery care is normally more expensive than employing the services of a childminder. Some nurseries provide care for babies, most only provide care for children from the age of 2 to 4. Look in the local telephone directory for nursery care or contact Social Services Department for a list. As for advice under childminder heading, visit the nursery and ask questions, tell them what your needs and requirements are. Make sure you know what time they end their day - some will keep your children for you until 6.00pm.

### **5.9 Salary sacrifice scheme for child care vouchers**

As part of your pay package you may wish to take advantage of the child care voucher scheme operated by the council in conjunction with Computershare (formally Busy Bees).

The vouchers can be used to pay for most types of childcare and are non-taxable and exempt from National Insurance the value of the vouchers you require is deducted from your salary and exchanged for childcare vouchers. Both parents are entitled to this benefit.

If you wish to apply for an application form for child care vouchers please telephone 0845 002 1111 or visit the Computershare Voucher Services website at <http://www.computersharevoucherservices.com/Pages/default.aspx>.

**6.0 FORM NAL1**

**NOTIFICATION OF ADOPTION LEAVE**

**TO BE RETURNED TO THE HUMAN RESOURCES SECTION (PLEASE REFER TO THE ELIGIBILITY SECTION FOR CONFIRMATION OF WHEN THIS NEEDS TO BE SUBMITTED BY)**

FULL NAME.....

CONTINUOUS SERVICE DATE .....

TITLE OF POST .....

THE EXPECTED WEEK THE CHILD WILL BE PLACED WITH ADOPTER

.....  
(Attach documents required for eligibility)

I WISH TO COMMENCE MY ADOPTION LEAVE ON .....

**For those NOT intending to return to work**

I do NOT intend to return to work.

SIGNED .....  
(Employee)

DATE .....

**For those intending to return to work**

I have read and understood the Adoption information package, and accept my obligations to pay back the 12 weeks half pay received under the Occupational Adoption Scheme should I decide NOT to return to work, or to return to work for less than 3 months.

I DO intend to return to work.

SIGNED .....  
(Employee)

DATE .....

**For those wishing to defer the decision to return to work until after adoption**

The Council recognise that it may be difficult to decide before the child is placed with the adopter whether it will be possible to return to work. In order to overcome this problem the following alternative is available.

- (a) To receive statutory adoption pay and adoption leave (where applicable).
- (b) To have the right to return to work.
- (c) In the event of such return to work to receive 12 weeks half pay in a lump sum.

This is subject to the requirement that if you do not complete at least 3 months service, you must refund all of the 12 weeks half pay to the Council (where applicable).

SIGNED .....  
(Employee)

DATE .....

SIGNED .....  
(Line Manager)

DATE .....

For employees in receipt of a loan for car purchase.

- (i) I wish to continue with my loan agreement and agree to the conditions regarding repayments during my absence.

Please note:

Before receiving OAP you must arrange prior to this with the Payroll Section how you will pay your loan for the months with no pay. One option is to submit a cheque for the amount due on or around the normal pay day .

This process is also applicable for any other deductions i.e. Council Tax.

Signed .....

- (ii) I wish to terminate my loan agreement before commencing adoption leave.

Please note:

If you choose this option you must contact the Payroll Section for an outstanding balance.

Signed .....

## **7.0 Local Government Superannuation**

You will continue to pay pension contributions on the pay **actually received** during any paid period of adoption leave. This period of contribution will be treated as if it were a period throughout which you had normally worked.

You will also have the opportunity to pay contributions on the unpaid period of your adoption leave. These contributions will be based on the pay you received immediately before the beginning of the unpaid period i.e. usually the half pay period.

### **Electing to Pay Contributions**

An election to pay contributions for the unpaid period must be made within 30 days following the day you return to work. A form will be sent to you by the Human Resources Department at the appropriate time. Payment of the contributions will allow your service to be recognised as continuous.

If you decide not to pay for the unpaid period then pension rights will cease at the end of your adoption pay period, and recommence on your return to work.

Should you decide at the beginning of your adoption leave that you do not wish to return then your pensionable service will end on your last day of employment i.e. the date when adoption payments ceased.

### **Opting Out of the Scheme for your Adoption Leave**

Any pensionable employee has the right to 'opt out' of scheme membership at any time. If you do not wish to have superannuation contributions deducted from your adoption payments covering your paid period of adoption leave, you can exercise the option to 'opt out'. On returning to work, you can seek re-admission, but must satisfy medical entry requirements at a cost to yourself.

Should you wish to opt out, contact Human Resources who will send you an opt out form to complete and return to them. You are only allowed to rejoin the scheme once, therefore please consider this option carefully.

### **Leaving Rutland County Council Within 12 Months of Returning from Adoption Leave**

If you had agreed to pay arrears there will be no break in pensionable service for the adoption leave period. However, if you did not agree to pay arrears then your pensionable pay will be adjusted to show the break in pensionable service. If you would like further details on your pension contributions please contact the Pensions Section at Leicestershire County Council on 0116 2323232.

**A large print version of this document is  
available on request**



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