

Canvey Island Town Council

Adoption Leave Procedure

1. Introduction

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.

2. Qualification for Adoption Leave

All employees, regardless of their length of service and hours worked, are entitled to Statutory Adoption Leave providing the correct notice has been given (if adopting a child from overseas a form SC6 must also be signed).

If two employees working for the Council choose to adopt a child, then only one partner is entitled to adoption leave and adoption pay. The other partner may be entitled to take paternity leave and pay

3. Adoption Leave Entitlements

Providing you have given the correct notice you are entitled to Statutory Adoption Leave (SAL) of up to a period of 52 weeks. This is divided into two periods of leave:

Ordinary Adoption Leave (OAL) – is for the period of 26 weeks and can start either:

- a) The date the child starts living with you or up to 14 days before the expected placement date (UK adoptions)
- b) When you have been matched with a child to be placed with them by a UK adoption agency
- c) When the child arrives in the UK or within 28 days of this date (overseas adoptions)
- d) The day the child's born or the day after (parents in surrogacy agreement)

Additional Adoption Leave (AAL) – this begins from the day after the last day of Ordinary Adoption Leave providing OAL did not end prematurely, e.g. as it would if you were dismissed or resigned.

The length of adoption leave taken is your decision.

If you change your mind about the date you want to start your leave, you must give the Council at least 28 days' written notice of this intention prior to the original start date or the new start date, whichever is earlier.

4. Rights during Adoption Leave

Whilst on Adoption Leave, you will continue to benefit from all your normal terms and conditions of employment apart from your salary. You may receive Statutory Adoption Pay if you satisfy the qualifying conditions.

During Adoption Leave, you will be bound by any obligations arising from your terms and conditions of employment. You will also be entitled to Kit Days, this is a period of up to 10 days where you are entitled to work without your adoption leave coming to an end to keep in contact with your colleagues and attend training courses. For more information, please contact the Town Clerk.

5. Annual Leave During Adoption Leave

You will still accrue annual leave during your adoption leave period. You cannot take annual leave whilst on adoption leave as this would automatically cease your adoption leave.

Adopted April 2013 - *Note: This policy has been based on advice from the Society of Local Council Clerks and their understanding of the law and practice at the time and ACAS guidance www.acas.org.uk.*

– Amended May 2020

You may take your accrued annual leave either before or at the end of your Adoption Leave. If you decide to return to work during the unpaid adoption leave period, prior to the 52 weeks, you could extend the length of your leave by using your accrued annual leave entitled.

6. Pension Contributions during Adoption Leave

Employee's pension contributions will be based upon the pay actually being received during the paid adoption leave period. Pension payments do not need to be continued during the period of unpaid adoption leave (after 39 weeks).

During any period of paid adoption leave the employer will continue to make contributions based upon your normal pay as if you had been at work.

7. Return to work after Adoption Leave

If you choose to take the full 52 weeks Adoption Leave you must have advised the Town Council of your intention and should you choose to return before 52 weeks give at least 8 weeks' notice of your intended return date.

Should you return to work after 26 weeks or less you are entitled to return to your original job at the end of your leave on the same terms and conditions that applied before your leave providing that job still exists. If maternity leave exceeding 26 weeks is taken you still have the right to return to your original job providing it is practical to do so. Otherwise a similar job, where terms and conditions are the same, would be offered.

If you decide not to return to work, you must give notice of your intention not to return to work in accordance with the notice provisions contained within your contract of employment.

8. Adoption Leave Payments

You may be entitled to Statutory Adoption Pay (SAP) if you have 26 weeks continuous service up to any day in the week you are matched with a child, earned at least the minimum required amount in an eight week relevant period and you have given the appropriate notice as detailed below :

- That you intend to take adoption leave
- The date you wish the adoption leave to start
- The expected date of placement
- Evidence of ability to take adoption leave in the form of a matching certificate

9. When is SAP Paid?

SAP is paid for up to 39 weeks. You will be paid your SAP in the same way as you are usually paid less any deductions for income tax and National Insurance Contributions.

If you decide to return to work prior to the end of the 39 weeks SAP will cease immediately.

Week of Adoption Leave	Entitlement to Pay
First 6 weeks of adoption leave	90% of the employee's normal earnings
Weeks 7 - 39 of adoption leave (33 weeks)	SAP or 90% of normal weekly earnings if lower
Weeks 40 - 52 of adoption leave (13 weeks)	No pay

10. Further Information

For further information on Adoption Leave, contact the Town Clerk.

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– Amended May 2020