Toft Newton Parish Council

E-mail: clerk@toftnewtonparishcouncil.gov.uk
Website: https://toft-newton.parish.lincolnshire.gov.uk

ADOPTION LEAVE POLICY v001

Toft Newton Parish Council recognises that parents have joint responsibility for the care and upbringing of their children and aims to support employees where possible and appropriate in balancing the needs of home and work life.

This policy and procedure aims to outline the procedures to be followed for taking adoption leave and the expectations, benefits and entitlements to ensure that employees have a clear understanding of and comply with the relevant procedures.

Scope

This policy applies to all employees provided they meet the service requirements for eligibility as set out in the National Joint Council (NJC) terms and conditions for local government workers (often referred to as the Green Book terms and conditions).

Related legislation, policies and guidance

This policy should be read in conjunction with the following related legislation, policies and guidance:

- Maternity and parental leave etc regulations 1999 (amended 2014)
- Paternity and Adoption Leave Regulations 2002

Toft Newton Parish Council policies:

- Maternity Leave policy
- Adoption Leave policy
- Shared Parental Leave policy
- Parental Bereavement Leave policy

Responsibilities and review

The Personnel Committee is responsible for the review of this policy. The policy will be reviewed every three years or in response to changes in relevant legislation.

Adoption leave eligibility

Adoption leave and pay is available to individuals who adopt, or one member of a couple where a couple adopt jointly.

Both paid adoption leave and paid paternity leave will be available to employees who qualify where an approved adoption agency notified the adopter of a match with a child on or after 6 April 2003.

To qualify for adoption leave, you must:

- have been notified that you have been matched by an adoption agency with a child for the purposes of adoption; and
- give the Council appropriate notice; and
- give the Council a Matching Certificate as evidence of entitlement to adoption leave.

Notification

You are required to inform the Council of your intention to take adoption leave within 7 days of being notified that you have been matched with a child for adoption, unless this is not reasonably practicable. If not reasonably practicable, you should notify the Council as soon as reasonably practicable with a written explanation for the delay.

The notice must include the following information:

- when the child is expected to be placed with you;
- when you want to start the adoption;
- 28 days' notice in advance of starting adoption leave (again unless this is not reasonably practicable). If 28 days' notice is not reasonably practicable, you should give notice as soon as possible with a written explanation of the delay.

The Council will respond within 28 days of receipt of your notification. The Council will write to you setting out the date on which the Council expects you to return to work if the full entitlement to adoption leave is taken. This date is the Expected Return Date.

Matching Certificate

You must provide a completed matching certificate (available from the agency who is placing the child with you).

Time off prior to adoption

The main adopter is entitled to take paid leave for up to five adoption appointments where these are arranged by, or at the request of, the adoption agency for the purpose of having contact with the child or for any other purpose connected with the adoption. Each appointment may last up to 6.5 hours.

The main adopter's partner (where his or her partner is adopting the child jointly) will be entitled to unpaid time off for up to two such adoption appointments.

The employee may be required to show documentation giving details of the appointment date and time and discuss their request with the Parish Council Clerk.

Neonatal Care Leave

You are entitled to take up to a maximum of 12 weeks' Neonatal Care Leave from the first day of your employment.

You can take one week of leave for every 7 consecutive full days the baby spends in neonatal care.

You must take all leave within 68 weeks of the baby's date of birth.

You can take the leave:

- While the baby is in neonatal care, or in the first week after (this is sometimes called 'tier 1')

- More than a week after the baby has left neonatal care (this is sometimes called 'tier 2') How leave is taken, if the baby is in neonatal care, or in the first week after, you can take it in blocks of at least one week at a time. You do not have to take these all at the same time. You must take Neonatal Care Leave after any Statutory Maternity or Adoption Leave.

- If the baby is in Neonatal Care, or in the first week after, Neonatal Care Leave can be interrupted by other types of pre-booked paranal leave (such as Paternity or Shared Parental Leave). The remaining period of Neonatal Care Leave can be tagged immediately onto the end of the other parental leave.

- If leave is being taken later than the first week after the baby leaves neonatal care, it can only be taken in a single block, before or after any other existing parental leave entitlement.

- Statutory Neonatal Care Pay is available if you.

Duration of Adoption Leave

You will be entitled to a maximum of 52 weeks Adoption Leave consisting of 26 weeks Ordinary Adoption leave and 26 weeks Additional Adoption Leave.

You can choose to start your leave either:
- from the date of placement (whether this is earlier or later than expected); or
- from a fixed date which can be up to 14 days before the expected date of placement.

Only one period of leave is available regardless of whether more than one child is placed for adoption as part of the same arrangement.

Sometimes the placement ends during the adoption leave period, for instance when the adoption agency that matched the employee with the child notifies the employee that the child will not in fact be placed with him or her or if the child dies or the match is considered unsuitable. If this happens, you are entitled to continue the adoption leave for up to 8 weeks after the end of the placement.

It should be noted that adoption leave is in addition to parental leave (currently 18 weeks).

Adoption Pay

Statutory Adoption Pay (SAP) is available if you:
- have 26 weeks continuous service by the week in which you are notified by an approved adoption agency that match has been made with a child; and
- give appropriate notification to the Council; and
- give the Council a completed Self Certificate; and
- have average weekly earnings of not less than the lower earnings limit apply to National Insurance Contributions.

You must give the Council at least 28 days' notice of the date upon which you expect any payment of Statutory Adoption Pay to begin, unless this is not reasonably practicable.

You can change your mind about the date you want your SAP to start provided you give at least 28 days' notice in advance (again unless this is not reasonably practicable)

If 28 days' notice is not reasonably practicable, you should give notice as soon as reasonably practicable with a written explanation for the delay.

Statutory Adoption Pay will be paid at the same rate as for Statutory Maternity Pay.

Parental Bereavement Leave and Pay

There is a statutory right to parental bereavement leave and statutory parental bereavement pay, which were introduced with effect on 6 April 2020.

Employees are entitled to parental bereavement leave in addition to maternity leave following the death of a child under the age of 18, or stillbirth (after 24 weeks of pregnancy) and, the employee or their partner:

- is the child's parent or foster parent;
- has had the child placed with them for adoption (whether by a UK adoption agency or from overseas);
- is their intended parent under a surrogacy arrangement;
- is the natural parent of a child who has since been adopted by someone else, and there is a court order allowing them or their partner to have contact with the child;
- looks after the child in their own home, other than as a paid carer, and have done so for at least four weeks (a parent "in fact").

Any period of parental bereavement leave will be paid at full pay, regardless of any entitlement to statutory parental bereavement pay. Full pay will include any entitlement to statutory parental bereavement pay for that week.

If an employee is taking another type of parental leave (for example, maternity or paternity leave) when the child dies or stillbirth happens, any parental bereavement leave must start after the other period of leave has ended but does not have to be taken immediately after. This applies even if the leave is for another child.

If the parental bereavement leave is interrupted by the start of another type of parental leave, the remaining parental bereavement leave may be taken after the other leave has ended, provided this is within 56 weeks of the date of death or stillbirth.

Keeping in Touch (KIT)

Toft Newton Parish Council is keen to keep in touch with employees during their adoption leave. The purpose of the KIT days is to encourage more effective communication between employers and employees during the leave period, to keep the employee up to date with things at the Council and ease an employee's return to work.

Provision can be made for up to 10 KIT days during the leave period. These may be taken at any stage during the adoption leave, by agreement with the employer.

KIT days may only take place by agreement between the employee and the Parish Clerk. There is no obligation to undertake KIT days if an employee does not wish to; nor does an employee have the right to work KIT days if the Council does not agree to them.

Any work done as a KIT day must be agreed in advance between all parties, even as little as half an hour for example, will be counted as one of the KIT days. They can be taken as single days; in blocks of two or more days; or can be taken consecutively.

The type of work that the employee undertakes on KIT days is a matter for agreement between the employee and the Parish Clerk. They may be used for any activity which would ordinarily be classed as work under the employee's contract, for which she would be paid, for example a team meeting, conference or training activity.

Any work carried out during the KIT days will not have the effect of extending the adoption leave period or affecting their right to Statutory Adoption Pay.

The employee will be paid for the number hours work undertaken on each KIT day according to their contractual rate of pay, offset against Statutory Adoption Pay if this is being paid when the Keeping in Touch Day is undertaken.

The Parish Clerk is responsible for ensuring that the employee does not undertake more than ten KIT days.

Annual Leave

During the period of Ordinary and Additional Adoption Leave a member of staff will continue to accrue annual leave, including bank holidays, in the normal way.

Staff may take their annual leave at the beginning and/or end of Adoption Leave.

Returning to Work

Right to Return

- Where you take Ordinary Adoption Leave only (ie: up to 26 weeks) you have the right to return to the same job as you left and to be treated as if you had never been absent.
- Where you take Additional Adoption Leave (ie: more than 26 weeks and up to 52 weeks" leave) you have the right to return to the same job, or if that is not reasonably practicable, to another job which is both suitable and appropriate in the circumstances.

Notice of Return

- Where you intend to return to work on the Expected Return Date no notice is required to be given to the Council.
- Where you wish to return to work before the Expected Return Date, you must give the Council at least 8 weeks' notice of the date you intend to return. This notice may be verbal.
- If you fail to give at least 8 weeks' notice then the Council is entitled to postpone your return and is not obliged to pay you your normal remuneration until the agreed return date.

Shared parental leave

Shared parental leave is a flexible form of leave available to both parents designed to encourage shared parenting in the first year of a child's life with their adoptive family. It allows a more flexible pattern of leave than the traditional arrangement under which the mother takes extensive maternity leave and the father takes a short period of paternity leave.

Please see the Council's Maternity Leave and Paternity Leave Policies for further information.

Primacy

Where any conflict exists between this policy and the Government's guidance or legislation on Adoption Leave or the NJC contractual terms and conditions, the legislation and / or contractual obligations shall have primacy over this policy.

Reviews

Toft Newton Parish Council will review this policy as per the schedule below, or sooner if changes to local or national guidance or legislation require a revision to take place sooner. Previous versions of this policy will be retained on the Zoho WorkDrive and will have a version number appended to their file name.

Approved by Toft Newton Parish Council on:	27th October 2026
First review due:	September 2029
Then review:	Every three years