

EMPLOYMENT MATTERS COMMITTEE

18 JANUARY 2012

REVIEW OF ADOPTION POLICIES

Report from: Tricia Palmer, Assistant Director, Organisational Services

Author: Sandra Steel, Corporate Employee Relations Officer

Summary

The report seeks agreement to the revised Adoption Policies for non-school based staff and school based staff.

1. Budget and Policy Framework

1.1 The Policy lies within the Council's policy and budget framework and the Committee's terms of reference. Therefore, this is a matter for the Employment Matters Committee.

2. Background

2.1 The Adoption Policy was first agreed by Employment Matters Committee on 30 July 2003 and reviewed on 7 December 2010 following the introduction of Statutory Adoption Leave and Pay entitlements.

3. Advice and analysis

3.1 The current Adoption Policy meets and exceeds statutory entitlements to adoption leave and pay at or around the date of placement of the child and after the placement of the child. There are no proposals to reduce any existing entitlements.

3.2 However, the policy falls short in terms of allowing prospective adoptive parents time off for undertaking the necessary formalities involved in the pre-adoption process such as assessment checks, training, panel meetings and appointments with social workers etc.

3.3 Following a request from the trade unions it was agreed that the council would look into the possibility of granting additional leave specifically for this purpose. Advice was sought from Medway Council Adoption Team to ascertain what would be considered a reasonable amount of additional leave.

- 3.4 The proposal is to grant an additional four days (pro rata'd for part-timers) to be taken flexibly to attend to the formalities of the pre-adoption process. This leave will be called "Pre-Placement Adoption Leave" and will normally be granted once to each employee.
- 3.5 It is proposed that an employee will be entitled to this leave irrespective of the fact that they may subsequently withdraw from the adoption process.
- 3.6 It is also proposed that where both adoptive parents are employees of the council, both will be eligible for Pre-Placement Adoption Leave.
- 3.7 The current policy has been amended to include Pre-Placement Adoption Leave and the revised version is attached as appendix one. The policy recommended to be adopted by school governing bodies has been amended also to reflect the change and is attached as appendix two.

4. Consultation

- 4.1 The revised policies have been shared with the staff forums and the trade unions.
- 4.2 The trade unions welcomed the proposed additional leave.
- 4.3 The trade unions requested separate management guidance on the use of the policy, specifically in relation to the need for managers to be flexible wherever possible when prospective adoptive parents request time off, sometimes at short notice.
- 4.4 The Disabled Workers Forum wished to raise awareness of the entitlement to Parental Leave for those parents who adopt a disabled child.

The adoptive parents of a child who has been awarded disability living allowance are each entitled to take up to 18 weeks' unpaid parental leave until the child's 18 th birthday.

5. Risk Management

- 5.1 There are no risks identified with this change.

6. Diversity Impact Assessment (DIA)

- 6.1 A Diversity Impact Assessment screening has been undertaken and is attached as appendix three. It can be reported that no adverse implications have been identified during this process for any of the protected characteristics under the Equality Act 2010. This is primarily because the policy is applicable to all staff.

7. Financial and legal implications

- 7.1 Rights to adoption leave and pay are provided under the Employment Act 2002. These rights are detailed in the Paternity and Adoption

Leave Regulations 2002 and the Statutory Adoption Pay Regulations 2002. This policy enables the Council to comply with the above regulations. In the implementation of the policy the Council should ensure that it applies consistently to all staff to minimise any legal challenges.

- 7.2 The financial implications would be the cost to the council of allowing four additional days (pro-rata'd for part-time staff) leave to employees in terms of loss in service delivery and also in areas where cover may need to be arranged at a cost to the council.

8. Recommendations

- 8.1 The Employment Matters Committee is asked to agree the Adoption Policy as set out in Appendix 1 to the report and the Schools Adoption Policy as set out in Appendix 2 to the report.
- 8.2 The Employment Matters Committee is asked to review the two policies bi-annually and report to Members when necessary with any proposed changes.

Lead officer contact

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Background Papers:

Employment Act 2010 Code of Practice – Employment Statutory Code of Practice



Medway Council Draft Adoption Policy November 2011



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1.0 Introduction

- 1.1 The council wishes to encourage and support all employees who are considering and taking part in the adoption process.
- 1.2 To assist prospective adoptive parents the council grants additional leave and pay to supplement the employee's statutory entitlements.

2.0 Equalities Statement

- 2.1 Medway Council is committed to providing equal opportunities and access to all. This equalities statement embraces the spirit of managing a diverse workforce and ensures that no employee, including those from same-sex or civil partnerships who are considering and/or going through the adoption process is discriminated against either directly or indirectly or victimised on the grounds of their race, disability, sex, sexual orientation, religion or belief, age, marital or civil partnership status or any stage of gender reassignment.

3.0 Core Values and council objectives

- 3.1 This policy supports the council's Core Values. The council believes that a consistent approach to employee management and well-being is fundamental to the delivery of quality services to the public.

4.0 Scope

- .1 This policy applies to all Medway Council employees regardless of the number of hours worked (except those appointed by School Governing Bodies). The principles of this policy are commended to Governing Bodies for adoption.
- 1.2 This adoption policy gives adoptive parents the right to leave and pay that is broadly similar to the maternity policy. School teachers entitlement to adoption leave and pay will mirror that of the Maternity provisions as detailed in the School Teachers Pay and Conditions Document.

5.0 Roles and responsibilities

5.1 Employee responsibilities

- (i) to maintain a dialogue with their line manager to keep them up-to-date with progress of the adoption process;
- (ii) to provide their line manager with appointment dates and requests for time off giving as much notice as possible.

5.2 Line manager responsibilities

- (i) to support the employee through the pre-adoption process by showing flexibility when time off for appointments is requested.
- (ii) to seriously consider any requests for flexible working made under The Right to Apply for Flexible Working legislation providing as much flexibility as possible taking account of the needs of the service.

5.3 HR Services responsibilities

- (i) To review the policy at appropriate times and in accordance with any changes in legislation.
- (ii) To promote the policy to all employees to ensure they are aware of their rights in relation to adoption leave and pay.

6.0 Principles

- 6.1 The guiding principle of this policy is that an employee who adopts a child should suffer no discrimination or detriment in terms and conditions of employment (apart from remuneration) as a result of that adoption. This principle is best implemented by treating the employee on adoption leave in the same way as if they would have been treated if they were still at work.
- 6.2 The leave and pay is not available in circumstances where a child is not newly matched for adoption, i.e., when a stepparent is adopting a partner's child.

2.0 Notification of Adoption.

- 2.1 In order to assist the Council in planning service provision and in accommodating the needs of the individual the employee should notify their line manager of their intention to adopt at an early stage in the process. During the process the employee should endeavour to keep their line manager updated on progress.
- 2.2 Once the employee has been informed by the adoption agency that they have been matched with a child for adoption, the employee must (within seven days) supply to their line manager written notification of when the child is expected to be placed with them and when they would like their leave to start (ideally 28 days notice of any subsequent change to this date should be given by the employee, however where this is not possible the employee should give as much notice as possible of any change) together with a copy of the 'matching certificate' or other documentary evidence from the adoption agency and a signed self-declaration.
- 2.2 The line manager should pass this notification to HR Services who will, within 28 days of this notification, reply in writing informing the employee of their entitlements.

3.0 Pre-placement Adoption Leave

- 3.1 An employee will be granted four days paid Pre-Placement Adoption Leave (pre-rata for part-time employees). This can be taken flexibly to attend to the formalities of the pre-adoption process. An employee will be entitled to this leave irrespective of the fact that they may subsequently withdraw from the adoption process.
- 3.2 Where both adoptive parents are employees of the council, both will be eligible for Pre-Placement Adoption Leave.
- 3.3 Employees are asked to provide their manager with as much notice as possible when making their requests for Pre-Placement Adoption Leave.
- 3.4 Pre-Placement Adoption Leave will normally be granted once to each employee.

4.0 Adoption Support Leave – Paternity Leave

- 4.1 Adoption Support Leave of either five or ten days paid leave is available to the adoptive parent who is not taking adoptive leave/pay as outlined in paragraph 5.0.
- 4.2 Employees must notify their line manager of their intention to take Adoption Support Leave within seven days of being notified by the adoption agency that they have been matched with a child for adoption. They must inform their line manager of the expected date of placement, whether they wish to take five or ten days leave and the date they wish to start their leave (ideally 28 days notice of any subsequent change to this date should be given by the employee, however where this is not possible the employee should give as much notice as possible of any change). All employees requesting Adoption Support Leave must sign a self-declaration.
- 4.3 One parent cannot take both Adoption Leave and Adoption Support Leave.
- 4.4 Adoption support leave and pay granted under the contractual arrangements runs concurrent with the statutory provision of Ordinary Paternity Leave and Statutory Paternity Pay which means that ten days will be the maximum leave granted. The contractual pay will be reduced by the amount of Statutory Paternity Pay received (where eligible) so that full pay is not exceeded.

5.0 Statutory Adoption Leave and Pay

- 5.1 This relates to the partner who is not opting to take Adoption Support Leave. This does not relate to teachers in schools. School teachers entitlement to adoption leave and pay will mirror that of the Maternity provisions as detailed in the School Teachers Pay and Conditions Document.
- 5.2. Commencement of Adoption Leave
 - 5.2.1 The employee can choose to start their adoption leave on any day of the week and it can be taken from the date of the child's placement or a fixed date, which can be up to 14 days before the expected date of placement. If the placement is delayed for

whatever reason and the employee has already begun their adoption leave, they cannot stop leave and start it again at a later stage.

5.3.0 Adoption Leave and Pay Entitlement

5.3.1 Employees are entitled to 26 weeks' Ordinary Adoption Leave immediately followed by a further 26 weeks' Additional Adoption Leave (a total of 52 weeks' adoption leave).

5.3.2 During adoption leave employees whose earnings are above the Lower Earnings Limit are entitled to the following pay:

5.4.0 Less than 26 weeks service – no entitlement to a payment from Medway Council.

5.4.1 More than 26 weeks' but less than 1 years' service at 11th week before expected week of adoption – 39 weeks Statutory Adoption Pay (SAP)(or 9/10ths of contractual pay if this is less than SAP).

5.4.2 For employees intending to return to work for at least 3 months and with at least 1 years' service at the 11th week before the expected week of adoption – 12 weeks' at ½ pay plus SAP (or 9/10ths of contractual pay if this is less than SAP, and not to exceed full pay), followed by 27 weeks' at SAP (or 9/10ths of contractual pay if this is less than SAP).

5.4.3 For employees not intending to return to work for at least 3 months and with at least 1 years' service at the 11th week before the expected week of adoption – 39 weeks' at SAP (or 9/10ths of contractual pay if this is less than SAP).

5.4.4 Employees whose earnings are below the National Insurance Lower Earnings Limit and who have at least 1 years' service at the 11th week before the expected week of adoption and intend to return to work for at least 3 months will be entitled to the occupational adoption pay element only – 12 weeks at ½ pay only.

5.4.5 If an employee declares their intention to return to work and receives the additional ½ pay for twelve weeks and then fails to return to work for a period of 3 months, they will be liable to repay the 12 weeks ½ pay element. This requirement may be waived in exceptional circumstances at the discretion of the Director.

5.4.6 An employee may also choose to defer the additional ½ pay for 12 weeks' and receive this pay after having completed the necessary 3 months service after returning to work.

5.4.7 Line managers should keep in touch with employees who are on adoption leave and intending to return to work. The employee should be advised of vacancies within the council, significant workplace developments and learning and development opportunities.

5.4.8 If the placement of the child is disrupted after the employee has commenced adoption leave, the leave will normally finish eight weeks after the end of the week in which the disruption took place. Pay will also finish at this point or at the end of the adopter's 39 weeks adoption pay period if that is sooner.

6.0 Additional Paternity Leave (APL) and Additional Statutory Paternity Pay (ASPP)

6.1 Statutory entitlements for the partner taking Adoption Support Leave

6.2. Additional Paternity Leave (APL)

6.2.1 Eligible employees will be able to take up to 26 weeks' Additional Paternity Leave (APL) within the child's first year. It must be taken in a single continuous block, the minimum period of APL is two weeks and the maximum 26 weeks. This will normally be available during the second six months of the placement for adoption, the first 20 weeks will be preserved for their partner to take Adoption Leave. An employee intending to take APL is required to give eight weeks' notice to their line manager.

6.2.2 The employee does not have to start APL immediately after their partner returns to work but the APL must finish within one year of the placement for adoption.

6.3 Eligibility for Additional Paternity Leave

6.3.1 APL is available for employees:

- Who are adopting and have not taken Statutory Adoption Leave as set out in paragraph 4, or
- Whose partner is adopting.

6.3.2 To be eligible the employee must either be:

- The member of a jointly adopting couple who has chosen not to take Statutory Adoption Leave and Statutory Adoption Pay or the spouse, civil partner of the adopter, and
- Be responsible for the upbringing of the child.

6.3.3 For an employee to take APL, the partner must have returned to work and forfeited a portion of their statutory adoption leave. The effect of this requirement will be that both adoptive parents cannot take Adoption Leave and APL at the same time.

6.4. Proof of adoption

6.4.1 The employee intending to take APL will need to self-certify their eligibility for APL and their partner will also be required to sign the same declaration to confirm when they intend to return to work giving details of their employer's name and address to enable a check to be undertaken by HR Services.

6.5.0 Additional Statutory Paternity Pay (ASPP)

6.5.1 A qualifying employee will also be able to receive ASPP provided their partner has some of their entitlement to Statutory Adoption Pay (SAP) left at the time of their return to work.

6.5.2 The rate of pay will be either the prescribed SPP rate or 90 per cent of the employee's weekly earnings, whichever is the lesser amount. Both adoptive parents will therefore together, be entitled to statutory adoption pay (SAP) and statutory paternity pay (SPP) for 39 weeks

7.0 Employment Conditions for employees on Adoption Leave and Paternity Leave

7.1 During adoption and paternity leave annual leave will accrue and sick leave entitlement will be earned. However, when choosing a date to commence either adoption leave or paternity leave employees should take into account the rules governing the carry over of annual leave from one leave year to the next. These rules state that employees will be entitled to carry over a maximum of 3 days annual leave from one leave year to the next. All carried over leave must be taken by 31st May in the new leave year. Alterations to this rule will only be made in exceptional circumstances and at the discretion of the Director. It is important therefore that employees ensure that annual leave is used up prior to commencing adoption leave to ensure that no entitlement to leave is lost. Annual leave requested at the end of the adoption leave period will be with the approval of the line manager as with all annual leave requests.

7.2. Pension

7.2.1 Individual employees are advised to check to see how their pensions contributions will be affected.

7.3.0 Local Government Pension Scheme

7.3.1 Local Government LGPS benefits will continue to accrue as if the employee was working on full pay but pension contributions will be paid on the actual pay that the employee is receiving. Any period of unpaid adoption or paternity leave will not count for pension purposes however, the employee can choose to pay back pension contributions for the unpaid period upon their return to work should they wish to do so. The cost of paying back is based on the last rate of pay that the employee received, ignoring any increase in pay due to working a Keeping in Touch Day.

7.4.0 Essential car user allowance

7.4.1 Employees who have Essential Car User status are entitled to receive the appropriate lump sum allowance during their period of adoption leave and paternity leave.

7.5.0 Lease car users

7.5.1 Employees with lease cars shall retain the use of the car during the adoption leave period and paternity leave period and continue to make contributions through the payroll system.

8.0 Returning To Work

- 8.1 It will be assumed the employee will return to work at the end of appropriate adoption or paternity leave period. If they wish to return to work before this date they must notify their line manager in writing 28 days' before their new intended return date. Where the required notice is not given, line managers may postpone the early return to meet the notice period set out above.
- 8.2 Where an employee is unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.
- 8.3 An employee will be able to return to the job they were employed in before they commenced their adoption and paternity leave and on terms and conditions no less favourable than those that would have applied had they not been absent.
- 8.4 If a re-organisation occurs whilst the employee is on adoption leave they will be treated as if they were not absent. For example, if the employee's post becomes redundant due to a reduction in staffing levels, they are entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done is suitable and appropriate to the circumstances, and the capacity and place in which they were employed and on terms and conditions that are not substantially less favourable than those of the original post. It is unlawful for an employee to be selected for redundancy because they were on adoption or paternity leave for any reason associated with the adoption.

9.0 "Keeping in Touch Days"

- 9.1 Employees on both Adoption Leave and Paternity Leave will be able to do ten days work during their leave period. Working for part of a day will count as one day. The employee will be paid for the work that they undertake and the council will offset their statutory pay for the day against any pay due.
- 9.2 The employee will be able to return to the job they were employed in before they commenced their leave and on terms and conditions no less favourable than those that would have applied had they not been absent.

10.0 Right to apply to work flexibly

- 10.1 Parents of young, or disabled, children have a statutory right to request flexible working if they meet the eligibility criteria. Employees should refer to guidance which can be found on the Just4you intranet.



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1.0 Introduction

- 1.1 The school wishes to encourage and support employees who are considering and taking part in the adoption process.
- 1.2 To assist prospective adoptive parents the council grants additional leave and pay to supplement the employee's statutory entitlements.

2.0 Equalities Statement

- 2.1 The school is committed to providing equal opportunities and access to all. This equalities statement embraces the spirit of managing a diverse workforce and ensures that no employee, including those from same-sex or civil partnerships 'who are considering and/or going through the adoption process is discriminated against either directly or indirectly or victimised on the grounds of their race, disability, sex, sexual orientation, religion or belief, age, marital or civil partnership status or any stage of gender reassignment.

3.0 Scope

- 3.1 This policy is commended to Governing Bodies for adoption to all school employees regardless of the number of hours worked.
- 3.2 This adoption policy gives adoptive parents the right to leave and pay that is broadly similar to the maternity policy. School teachers entitlement to adoption leave and pay will mirror that of the Maternity provisions as detailed in the School Teachers Pay and Conditions Document.

4.0 Roles and responsibilities

4.1 Employee responsibilities

- (i) to maintain a dialogue with their headteacher to keep them up-to-date with progress of the adoption process;
- (ii) to provide their headteacher with appointment dates and requests for time off giving as much notice as possible.

4.2 Headteacher responsibilities

- (i) to support the employee through the pre-adoption process by showing flexibility when time off for appointments is requested.
- (ii) to seriously consider any requests for flexible working made under The Right to Apply for Flexible Working legislation providing as much flexibility as possible taking account of the needs of the service.

4.3 HR Services responsibilities

- (i) To review the policy at appropriate times and in accordance with any changes in legislation.
- (ii) To promote the policy to all employees to ensure they are aware of their rights in relation to adoption leave and pay.

5.0 Principles

- 5.1 The guiding principle of this policy is that an employee who adopts a child should suffer no discrimination or detriment in terms and conditions of employment (apart from remuneration) as a result of that adoption. This principle is best implemented by treating the employee on adoption leave in the same way as if they would have been treated if they were still at work.
- 5.2 The leave and pay is not available in circumstances where a child is not newly matched for adoption, i.e., when a stepparent is adopting a partner's child.

6.0 Notification of Adoption.

- 6.1 In order to assist the school in planning service provision and in accommodating the needs of the individual the employee should notify their headteacher of their intention to adopt at an early stage in the process. During the process the employee should endeavour to keep their line manager updated on progress.
- 6.2 Once the employee has been informed by the adoption agency that they have been matched with a child for adoption, the employee must (within seven days) supply to their headteacher written notification of when the child is expected to be placed with them and when they would like their leave to start (ideally 28 days notice of any subsequent change to this date should be given by the employee, however where this is not possible the employee should give as much notice as possible of any change) together with a copy of the 'matching certificate' or other documentary evidence from the adoption agency and a signed self-declaration.
- 6.3 The headteacher should pass this notification to Schools HR Services who will, within 28 days of this notification, reply in writing informing the employee of their entitlements.

7.0 Pre-placement Adoption Leave

- 7.1 An employee will be granted four days paid Pre-Placement Adoption Leave (pre-rata for part-time employees. This can be taken flexibly to attend to the formalities of the pre-adoption process. An employee will be entitled to this leave irrespective of the fact that they may subsequently withdraw from the adoption process.
- 7.2 Where both adoptive parents are employees of the school, both will be eligible for Pre-Placement Adoption Leave.

7.3 Employees are asked to provide their headteacher as much notice as possible when making their requests for Pre-Placement Adoption Leave.

7.4 Pre-Placement Adoption Leave will normally be granted once to each employee.

8.0 Adoption Support Leave – Paternity Leave

8.1 Adoption Support Leave of either five or ten days paid leave is available to the adoptive parent who is not taking adoptive leave/pay as outlined in paragraph 5.0.

8.2 Employees must notify their headteacher of their intention to take Adoption Support Leave within seven days of being notified by the adoption agency that they have been matched with a child for adoption. They must inform their headteacher of the expected date of placement, whether they wish to take five or ten days leave and the date they wish to start their leave (ideally 28 days notice of any subsequent change to this date should be given by the employee, however where this is not possible the employee should give as much notice as possible of any change). All employees requesting Adoption Support Leave must sign a self-declaration.

8.3 One parent cannot take both Adoption Leave and Adoption Support Leave.

8.4 Adoption support leave and pay granted under the contractual arrangements runs concurrent with the statutory provision of Ordinary Paternity Leave and Statutory Paternity Pay which means that ten days will be the maximum leave granted. The contractual pay will be reduced by the amount of Statutory Paternity Pay received (where eligible) so that full pay is not exceeded.

9.0 Statutory Adoption Leave and Pay

9.1 This relates to the partner who is not opting to take Adoption Support Leave and also does not relate to Teachers in schools.

School teachers entitlement to adoption leave and pay will mirror that of the Maternity provisions as detailed in the School Teachers Pay and Conditions Document (burgundy book) and page 3 of the teachers maternity policy.

9.2. Commencement of Adoption Leave

9.2.1 The employee can choose to start their adoption leave on any day of the week and it can be taken from the date of the child's placement or a fixed date, which can be up to 14 days before the expected date of placement. If the placement is delayed for whatever reason and the employee has already began their adoption leave, they cannot stop leave and start it again at a later stage.

9.3.0 Adoption Leave and Pay Entitlement

9.3.1 Employees are entitled to 26 weeks' Ordinary Adoption Leave immediately followed by a further 26 weeks' Additional Adoption Leave (a total of 52 weeks' adoption leave).

9.3.2 During adoption leave employees whose earnings are above the Lower Earnings Limit are entitled to the following pay:

9.4.0 Less than 26 weeks service – no entitlement to a payment from the school.

9.4.1 More than 26 weeks' but less than 1 years' service at 11th week before expected week of adoption – 39 weeks Statutory Adoption Pay (SAP)(or 9/10ths of contractual pay if this is less than SAP).

9.4.2 For employees intending to return to work for at least 3 months and with at least 1 years' service at the 11th week before the expected week of adoption – 12 weeks' at ½ pay plus SAP (or 9/10ths of contractual pay if this is less than SAP, and not to exceed full pay), followed by 27 weeks' at SAP (or 9/10ths of contractual pay if this is less than SAP).

9.4.3 For employees not intending to return to work for at least 3 months and with at least 1 years' service at the 11th week before the expected week of adoption – 39 weeks' at SAP (or 9/10ths of contractual pay if this is less than SAP).

9.4.4 Employees whose earnings are below the National Insurance Lower Earnings Limit and who have at least 1 years' service at the 11th week before the expected week of adoption and intend to return to work for at least 3 months will be entitled to the occupational adoption pay element only – 12 weeks at ½ pay only.

9.4.5 If an employee declares their intention to return to work and receives the additional ½ pay for twelve weeks and then fails to return to work for a period of 3 months, they will be liable to repay the 12 weeks ½ pay element. This requirement may be waived in exceptional circumstances at the discretion of the Governing Body.

9.4.6 An employee may also choose to defer the additional ½ pay for 12 weeks' and receive this pay after having completed the necessary 3 months service after returning to work.

9.4.7 Headteachers or their designated representative should keep in touch with employees who are on adoption leave and intending to return to work. The employee should be advised of vacancies within the council, significant workplace developments and learning and development opportunities.

9.4.8 If the placement of the child is disrupted after the employee has commenced adoption leave, the leave will normally finish eight weeks after the end of the week in which the disruption took place. Pay will also finish at this point or at the end of the adopter's 39 weeks adoption pay period if that is sooner.

10.0 Additional Paternity Leave (APL) and Additional Statutory Paternity Pay (ASPP)

10.1 Statutory entitlements for the partner taking Adoption Support Leave

10.2. Additional Paternity Leave (APL)

10.2.1 Eligible employees will be able to take up to 26 weeks' Additional Paternity Leave (APL) within the child's first year. It must be taken in a single continuous block, the minimum period of APL is two weeks and the maximum 26 weeks. This will normally be available during the second six months of the placement for adoption, the first 20 weeks will be preserved for their partner to take Adoption Leave. An employee intending to take APL is required to give eight weeks' notice to their headteacher.

10.2.2 The employee does not have to start APL immediately after their partner returns to work but the APL must finish within one year of the placement for adoption.

10.3 Eligibility for Additional Paternity Leave

10.3.1 APL is available for employees:

- Who are adopting and have not taken Statutory Adoption Leave as set out in paragraph 4, or
- Whose partner is adopting.

10.3.2 To be eligible the employee must either be:

- The member of a jointly adopting couple who has chosen not to take Statutory Adoption Leave and Statutory Adoption Pay or the spouse, civil partner of the adopter, and
- Be responsible for the upbringing of the child.

10.3.3 For an employee to take APL, the partner must have returned to work and forfeited a portion of their statutory adoption leave. The effect of this requirement will be that both adoptive parents cannot take Adoption Leave and APL at the same time.

10.4. Proof of adoption

10.4.1 The employee intending to take APL will need to self-certify their eligibility for APL and their partner will also be required to sign the same declaration to confirm when they intend to return to work giving details of their employer's name and address to enable a check to be undertaken by Schools HR Services .

10.5.0 Additional Statutory Paternity Pay (ASPP)

10.5.1 A qualifying employee will also be able to receive ASPP provided their partner has some of their entitlement to Statutory Adoption Pay (SAP) left at the time of their return to work.

10.5.2 The rate of pay will be either the prescribed SPP rate or 90 per cent of the employee's weekly earnings, whichever is the lesser amount. Both adoptive parents will therefore together, be entitled to statutory adoption pay (SAP) and statutory paternity pay (SPP) for 39 weeks

11.0 Employment Conditions for employees on Adoption Leave and Paternity Leave

11.1 During adoption and paternity leave annual leave will accrue and sick leave entitlement will be earned. (NB this is applicable to all year round contracted staff only). However, when choosing a date to commence either adoption leave or paternity leave employees should take into account the rules governing the carry over of annual leave from one leave year to the next. These rules state that employees will be entitled to carry over a maximum of 3 days annual leave from one leave year to the next. All carried over leave must be taken by 31st May in the new leave year. Alterations to this rule will only be made in exceptional circumstances and at the discretion of the Governing Body. It is important therefore that employees ensure that annual leave is used up prior to commencing adoption leave to ensure that no entitlement to leave is lost. Annual leave requested at the end of the adoption leave period will be with the approval of the headteacher as with all annual leave requests.

11.2. Pension

11.2.1 Individual employees are advised to check to see how their pensions contributions will be affected.

11.2.2 Pension benefits will continue to accrue as if the employee was working on full pay but pension contributions will be paid on the actual pay that the employee is receiving. Any period of unpaid adoption or paternity leave will not count for pension purposes however, the employee can choose to pay back pension contributions for the unpaid period upon their return to work should they wish to do so. The cost of paying back is based on the last rate of pay that the employee received, ignoring any increase in pay due to working a Keeping in Touch Day.

11.3.0 Essential car user allowance

11.3.1 Employees who have Essential Car User status are entitled to receive the appropriate lump sum allowance during their period of adoption leave and paternity leave.

12.0 Returning To Work

12.1 It will be assumed the employee will return to work at the end of appropriate adoption or paternity leave period. If they wish to return to work before this date they must notify their headteacher in writing 28 days' before their new intended return date. Where the required notice is not given, headteachers may postpone the early return to meet the notice period set out above.

12.2 Where an employee is unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.

12.3 An employee will be able to return to the job they were employed in before they commenced their adoption and paternity leave and on terms and conditions no less favourable than those that would have applied had they not been absent.

12.4 If a re-organisation occurs whilst the employee is on adoption leave they will be treated as if they were not absent. For example, if the employee's post becomes redundant due to a reduction in staffing levels, they are entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done is suitable and appropriate to the circumstances, and the capacity and place in which they were employed and on terms and conditions that are not substantially less favourable than those of the original post. It is unlawful for an employee to be selected for redundancy because they were on adoption or paternity leave for any reason associated with the adoption.

13.0 “Keeping in Touch Days”

13.1 Employees on both Adoption Leave and Paternity Leave will be able to do ten days work during their leave period. Working for part of a day will count as one day. The employee will be paid for the work that they undertake and the school will offset their statutory pay for the day against any pay due.

13.2 The employee will be able to return to the job they were employed in before they commenced their leave and on terms and conditions no less favourable than those that would have applied had they not been absent.

14.0 Right to apply to work flexibly

14.1 Parents of young, or disabled, children have a statutory right to request flexible working if they meet the eligibility criteria. Employees should refer to guidance which can be found in the schools employee guide to flexible working.

Diversity Impact Assessment: Screening Form

Directorate Business Support Department	Name of Policy Adoption Policy	
Officer responsible for assessment Sandra Steel	Date of assessment 9 December 2012	New or existing? Existing
Defining what is being assessed		
1. Briefly describe the purpose and objectives	To review the current Adoption Policy and to introduce Pre-Placement Adoption Leave.	
2. Who is intended to benefit, and in what way?	This will benefit employees of the council who are prospective adopters and will benefit the council in terms of being an employer of choice. It may also help the Medway Adoption Services in terms of supporting potential new adopters.	
3. What outcomes are wanted?	To provide for an additional four days adoption leave (pro-rata for part-time employees) to enable prospective adopters to undertake some of the necessary checks/training/panel meetings involved with adopting a child.	
4. What factors/forces could contribute to or detract from the outcomes?	Contribute - effective publicising of the policy. - managers flexibility when requests for time off are made.	Detract Employees failing to give managers as much notice as possible when requesting time off.
5. Who are the main stakeholders?	The Council, managers and employees.	
6. Who implements this and who is responsible?	Assistant Director, Organisational Services.	

Diversity Impact Assessment: Screening Form

Assessing impact	
7. Are there concerns that there <u>could</u> be a differential impact due to <i>ethnicity/ racial groups</i> ?	
	No
What evidence exists for this?	The policy is applicable to all staff and has been shared with the staff forums and trade unions. No potential adverse impact has been identified.
8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i> ?	
	No
What evidence exists for this?	The policy is applicable to all staff. The policy has been shared with the staff forums and trade unions. No potential adverse impact has been identified.
9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i> ?	
	No
What evidence exists for this?	The policy is applicable to all staff, and where both prospective adopters work at the council both employees can take Pre-Placement Adoption leave. The policy has been shared with the staff forums and trade unions. No potential adverse impact has been identified.
10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i> ?	
	No
What evidence exists for this?	The policy is applicable to all staff including same sex couples, where both prospective adopters work at the council both employees can take Pre-Placement Adoption leave. The policy has been shared with the staff forums and trade unions. No potential adverse impact has been identified.
11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion/belief</i> ?	
	NO
What evidence exists for this?	The policy is applicable to all staff irrespective of religion or belief. The policy has been shared with the staff forums and trade unions. No potential adverse impact has been identified.
12. Are there concerns there <u>could</u> be a differential impact due to <i>age</i> ?	YES
	NO
What evidence exists for this?	The policy is applicable to all staff irrespective of their age. The policy has been shared with the staff forums and trade unions. No potential adverse impact has been identified.
13. Are there concerns that there <u>could</u> be a differential impact due to <i>being trans-gendered or transsexual</i> ?	
	NO
What evidence exists for this?	The policy is applicable to all staff. The policy has been shared with the staff forums and trade unions. No potential adverse impact has been identified.

Diversity Impact Assessment: Screening Form

<p>14. Are there any <i>other groups</i> that would find it difficult to access/make use of the policy, or who might experience unfavourable treatment (eg people with caring responsibilities or dependants, those with an offending past, or people living in rural areas)?</p>		
<p>What evidence exists for this?</p>	<p>No</p>	<p>The policy is applicable to all staff. The policy has been shared with the staff forums and trade unions. No potential adverse impact has been identified.</p>
<p>15. Are there concerns there <u>could</u> be a differential impact due to <i>multiple discriminations</i> (eg disability <u>and</u> age)?</p>	<p>NO</p>	
<p>What evidence exists for this?</p>		<p>The policy is applicable to all staff. The policy has been shared with the staff forums and trade unions. No potential adverse impact has been identified.</p>

<p>Conclusions & recommendation</p>		
<p>16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?</p>	<p>N/A</p>	
<p>17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?</p>	<p>N/A</p>	

Diversity Impact Assessment: Screening Form

Recommendation to proceed to a full impact assessment?		
No	This policy complies with the requirements of the legislation and there is evidence to show this is the case.	
NO, BUT ...	What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes)	Keep up to date with any changes in statutory entitlements.
YES	Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes)	N/A

Action plan to make minor modifications		
Outcome	Actions (with date of completion)	Officer responsible
Staff involved in reviewing the policy	ER Team, HR Services	Sandra Steel

Planning ahead: Reminders for the next review		
Date of next review	2014 or when legislation changes/whichever is the sooner.	
Areas to check at next review (eg new census information, new legislation due)		
Is there <i>another</i> group (eg new communities) that is relevant and ought to be considered next time?		
Signed (completing officer/service manager)	Date	
Signed (service manager/Assistant Director)	Date	

Related documents