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Introduction

This procedure sets out the rights and entitlements for employees to take adoption leave and pay.

We recognise that adoption entitlements can be complex and we encourage early and open discussion to ensure that questions and concerns can be dealt with as soon as possible.

Within this procedure we talk about the Matching Week. This is the week in which the adopting parents are notified that they have been matched with a child for adoption.

We also make reference to the date of placement, which is the date that the child is placed with the adopting parents.

Where a couple jointly adopts a child, the couple must choose one person to take the adoption leave. Where both parents work with Fife Council only one employee is able to take adoption leave. The other parent may be entitled to take Paternity Leave as per the *MA13 Paternity Leave Procedure*.

Adoption Leave Entitlement

All employees are entitled to 52 weeks Adoption Leave regardless of length of service. This is made up of 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL). Additional Adoption Leave follows on immediately from the end of Ordinary Adoption Leave.

Employees will not qualify for adoption leave if they:

- Become a special guardian or kinship carer
- Adopt a family member or stepchild
- Adopt privately, e.g. without the permission from a UK authority or adoption agency

Adoption Pay Entitlement

There are two parts to adoption pay:

- Statutory Adoption Pay
- Occupational Adoption Pay

Statutory Adoption Pay is a statutory payment and Occupational Adoption Pay is a payment that we give you to enhance your adoption pay.

To be entitled to Statutory Adoption Pay you must earn more than the lower limit for National Insurance contributions, and you must have 26 weeks continuous service with us by the end of the Matching Week for UK adoptions. For overseas adoptions you must have 26 weeks continuous service with us by the date you get your 'official notification' (permission from a UK authority that you can adopt from overseas).

To be entitled to Occupational Adoption Pay you must have 26 weeks continuous service with us or Local Government. You will not qualify for Occupational Adoption

Pay if you inform us that you do not intend to return to work for a period of at least 3 months following your adoption leave.

Statutory Adoption Pay will be paid at a rate set by the Government for the relevant tax year. Please refer to *PY51 Statutory Benefit Rates* for the current rate payable.

The following tables show the rates of adoption pay that you will be entitled to receive based on your length of service:

Single Status and Craft Employees	
Employees with 26 weeks continuous Fife Council service by the Matching Week	6 weeks at 9/10 pay 12 weeks at half pay (Occupational Adoption Pay) + Statutory Adoption Pay 21 weeks at Statutory Adoption Pay
Employees with less than 26 weeks continuous Fife Council or Local Government service by the Matching Week	Based on your length of service you are not entitled to Statutory Adoption Pay or Occupational Adoption Pay but may qualify for other social security benefits. You should seek advice from the Jobcentre Plus.
Employees with 26 weeks continuous Local Government service but less than 26 weeks Fife Council continuous service by the Matching Week	6 weeks at 9/10 pay 12 weeks at half pay (Occupational Adoption Pay)

Teachers	
Teachers with 26 weeks continuous Local Government Service by the Matching Week	13 weeks at Occupational Adoption Pay (OAP) + Statutory Adoption Pay (SAP) = normal salary 26 weeks at Statutory Adoption Pay
Teachers with less than 26 weeks continuous Local Government Service by the end Matching Week	Based on your length of Service you are not entitled to Statutory Adoption Pay (SAP) or Occupational Adoption Pay (OAP) but may qualify for other social security benefits. You should seek advice from the Jobcentre Plus.

Notification

To receive your adoption entitlements you must complete the Adoption Leave Request Form on First Contact with evidence of the adoption **within 7 days** of being matched with a child.

When you submit your Adoption Leave Request Form you must also submit the following evidence:

- Name and address of the adoption agency
- Proof of the matching date, e.g. the matching certificate
- Proof of the expected or actual date of placement, e.g. a letter from the adoption agency

Failure to provide the necessary evidence will result in non-payment or a delay in payment of adoption pay.

Timing of Adoption Leave

The earliest day your adoption leave can start is 14 days before the expected date of placement. Leave can start on any day of the week. The latest day your adoption leave can start is on the date of placement.

Changes to Leave Dates

If you wish to change the start date of your adoption leave you must give us at least 28 days' notice before your original start date or the new start date, whichever is earlier. Your line manager will write to you to confirm your new start and end dates.

Pre-adoption Meetings

You are entitled to attend up to 5 adoption appointments, with pay, prior to the adoption of your child. You are entitled to up to 6.5 hours for each appointment. We may request evidence of your appointment to confirm the date and time of your appointment and confirm that the appointment has been arranged by the adoption agency.

Requests for time off for this purpose should be submitted using Oracle.

Returning to Work

Following completion of your Adoption Leave Request on First Contact, you will be written to within 28 days to confirm your adoption leave start and end dates, and also to confirm the date that you are expected to return to work following your full entitlement to 52 weeks adoption leave.

Should you wish to return earlier than this date you must provide the following notice in writing of your intended date of return to your Service:

Single Status and Craft Employees	8 weeks' notice
Teaching Employees	28 days' notice

If during your period of adoption leave you decide that you no longer want to return to work at the end of your adoption leave (i.e. you resign) you will still be entitled to continue to receive your full amount of adoption leave and Statutory Adoption Pay. You will however be required to repay any occupational adoption pay received. When resigning you must give your line manager the appropriate notice, as set out in your terms and conditions.

For information on Flexible Working please refer to *FW10 Statutory Flexible Working Requests*.

Annual Leave and Public Holidays

Your annual leave and public holiday leave entitlement continues to accrue throughout the year as normal. It is not affected by adoption leave. It is recommended that leave accrued up to the start of your adoption leave is calculated and taken immediately before your adoption leave begins. Leave accrued during your adoption leave can be taken at the end of your adoption leave. This must be agreed with your line manager.

Contact during Adoption Leave

Reasonable contact should be maintained between a manager and employee during a period of adoption leave. Discussion should take place in advance of the adoption leave period, to agree how and when contact will take place.

Keeping in Touch (KIT) days

During your adoption leave you can agree with your line manager to work up to a maximum of 10 days, without bringing your adoption leave to an end or losing your entitlement to Statutory Adoption Pay. KIT days do not have to be consecutive, or even a full day. They can be used for training or any other activity which enables you to keep in touch with your Service. These days can only be taken following agreement with your line manager and you will be paid the equivalent of your normal pay for this time, which will be inclusive of Statutory Adoption Pay.

Surrogate Parents

Employees are eligible for adoption leave if they are, or expect to be, parents of a child under a parental order where the expected week of birth begins on or after 5th April 2015. You must complete the Adoption Leave Request Form on First Contact at least 15 weeks before the expected week of childbirth.

We may ask you to provide a written statement to confirm you intend to apply for a parental order in the 6 months after the birth of your child. In this case please contact HR Direct for further advice.

Overseas Adoption

If you adopt a child from overseas you must provide us with the following information:

- Your 'official notification' date and the date the child is expected to arrive in the UK. You must provide this within 28 days of getting the notification.
- The actual date the child arrives in the UK. You must provide this within 28 days of this date.
- How much adoption leave you would like to take and when you would like it to start. You must provide this giving 28 days' notice.

Your line manager will then write to you confirming your adoption leave start and end dates within 28 days.

Childcare Vouchers

We offer a childcare voucher scheme which can help save money on childcare costs. You can get more information on the Employee Benefits site on the intranet.

Transfer of Adoption Leave

Shared parental leave is available to parents of children that are placed with them on or after 5th April 2015. Shared parental leave allows adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave with their partner. For more information about shared parental leave please refer to *MA15 Shared Parental Leave Procedure – Adoptive Parents*.

Further Information

If you are a member of the Local Government Pension Scheme, any part of your Adoption Leave that is unpaid will not count for pension purposes. However you can choose to pay Additional Pension Contributions (APC's) to buy back the amount of pension 'lost' during that time, either in a lump sum or by regular contributions. If you submit a request to pay back the 'lost' pension within 6 months of returning to work from your adoption leave, Fife Council will pay two thirds of the cost of the lost contributions, otherwise you will be liable for the full cost. Please contact the Pensions Team for more information.

If you are a member of a teachers' pension scheme please contact the SPPA directly to discuss how any period of unpaid adoption leave will impact on your pension.

You can find our HR policies, procedures and other information on the intranet/HR Online or you can raise a query with HR on First Contact.

Your line manager may be able to answer any queries you may have and help you find more information.

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Appendix A – Employee Checklist

EMPLOYEE ADOPTION LEAVE CHECKLIST			
ACTION	TIMESCALE	GUIDANCE	PERSONAL NOTES
Complete my Adoption Leave Request Form on First Contact	Within 7 days of being matched with a child	This will allow time to establish your entitlement and agree your planned dates for adoption leave	Date I completed my Adoption Leave Request Form:
Have I received my adoption entitlements confirmation letter?	As soon as possible following completion of your Adoption Leave Request Form	The adoption entitlements confirmation letter confirms your entitlements to adoption leave	My expected date of placement is:
Inform my Service in writing if I decide to return to work earlier than my expected return to work date	At least 8 weeks before your expected return date	If you want to return to work earlier than your expected return date, you must give your line manager at least 8 weeks' notice before your return date Teaching employees must give at least 28 days' notice.	New expected return to work date: