

Adoption Leave

1. Introduction

This procedure explains:

- notification requirements for taking adoption leave;
- eligibility and arrangements for both contractual and statutory adoption pay;
- considerations and arrangements before the start of your adoption leave;
- arrangements for keeping in touch and the effect on your terms and conditions of employment; and
- arrangements for returning to work following adoption leave.

2. Notification of Adoption Leave

You should discuss your intention to take adoption leave with your line manager as early as possible. There are three separate processes for providing notification of adoption leave, depending upon whether you are: adopting from within the UK (excluding surrogacy arrangements); adopting from overseas; or in a surrogacy situation.

2.1 Notification of Adoption Leave – within the UK

You must provide notification of your intention to take adoption leave no later than 7 days after you are notified by the adoption agency that you are matched with a child. You should notify both your line manager and your dedicated HR Team in writing of:

- the date the child is expected to be placed with you for adoption; and
- the date you intend to start your adoption leave.

You should provide this notification using the [Adoption Leave Form \(Adopting within the UK\)](#). The Matching Certificate, authorised by the adoption agency, will also need to be provided.

Within 28 days of receiving your Adoption Leave Form (Adopting within the UK), HR will write to you confirming the date you are expected to return to work if you take your full 52 week adoption leave entitlement.

If you want to change the start date of your adoption leave you need to provide written notification 28 days before either the original or new start date, whichever is the sooner. If that is not possible, you should provide written notification as soon as practical.

2.2 Notification of Adoption Leave – from overseas

You must provide notification of your intention to take adoption leave within 28 days of receiving 'official notification'. You should notify both your line manager and your dedicated HR Team in writing of:

- the date you received 'official notification';
- the date the child is expected to enter Great Britain; and
- the date you intend to start your adoption leave.

Official notification is written confirmation that a certificate has been issued, or is going to be issued, to the overseas authority responsible for the child's adoption. The certificate confirms that you are eligible to adopt and have been approved as being a suitable adoptive parent.

At the appropriate time, you must then provide 28 days notice of your chosen start date to both your line manager and your HR Team. You should provide this notification using the [Adoption Leave Form \(Adopting from Overseas\)](#). You will also need to provide a copy of the 'official notification'.

Within 28 days of the child's entry into Great Britain, you must provide your line manager and your HR Team with evidence of the date of entry, i.e. plane tickets or copies of entry clearance documents.

Within 28 days of receiving your Adoption Leave Form (Adopting from Overseas), HR will write to you confirming the date you are expected to return to work if you take your full 52 week adoption leave entitlement.

If you want to change the start date of your adoption leave you need to provide written notification 28 days before either the original or new start date, whichever is the sooner. If that is not possible, you should provide written notification as soon as practical.

2.3 Notification of Adoption Leave – Surrogacy Arrangement

You must provide notification of your intention to take adoption leave by the 15th week before the expected week of childbirth (EWC) or as soon as practical afterwards. The EWC is the week, starting on a Sunday, in which the doctor or midwife expects the child to be born. You should notify both your line manager and your dedicated HR Team in writing of:

- the expected week of childbirth; and
- the date you intend to start your adoption leave.

You should provide this notification using the [Adoption Leave Form \(Surrogacy Arrangement\)](#). You will also need to provide a written statement confirming that you intend to apply for a Parental Order in the 6 months after the child's birth.

Within 28 days of receiving your Adoption Leave Form (Surrogacy Arrangement), HR will write to you confirming the date you are expected to return to work if you take your full 52 week adoption leave entitlement.

If you want to change the start date of your adoption leave you need to provide written notification 28 days before either the original or new start date, whichever is the sooner. If that is not possible, you should provide written notification as soon as practical.

3. Adoption Pay

3.1 Contractual Adoption Pay

The FC offers contractual adoption pay, subject to certain qualifying conditions, which both fulfils and better the statutory provisions. Contractual adoption pay is based on your normal contractual hours and is pro-rata for part-time employees.

If you are eligible for contractual adoption pay, you are allowed:

- 26 weeks' adoption leave at your normal rate of pay; followed by
- 13 weeks' adoption leave at either the Statutory Adoption Pay (SAP) rate or 90% of your average weekly earnings, if this is lower than the SAP rate; followed by
- a further 13 weeks' unpaid adoption leave, giving 52 weeks in total.

You decide how much adoption leave to take. If you are eligible for both the contractual and statutory schemes, you are entitled to choose the most beneficial.

3.1.1 Eligibility for contractual adoption pay

You are eligible for the contractual adoption pay provided you:

- comply with the notification requirements in [Section 2](#);
- are in paid service when you start adoption leave and have completed at least one years' paid service with the FC or wider Civil Service;
- state that you intend to return to work in the FC after adoption leave and sign an undertaking to repay any contractual adoption pay if you do not return; and
- are not fee paid.

Calculating paid service

For adoption within the UK, the years' paid service is calculated as at the week in which notification of matching is given by the adoption agency. For surrogacy arrangements, the years' paid service is calculated as at the date of the child's birth.

For adoption from overseas, the years' paid service is calculated as at the week in which 'official notification' is received or the week in which the adoption leave is due to begin, whichever is later.

Sick pay at pension rate does not count as paid service.

3.1.2 Fixed term appointments/short term temporary appointments

Employees on a fixed term appointment/short term temporary appointment can receive contractual adoption pay up to the end of their contract of employment, provided they meet the qualifying criteria. After the end of the contract any statutory entitlements will take effect.

3.1.3 Part year permanent appointments

Employees on a part year permanent appointment who meet the qualifying criteria can receive contractual adoption pay for the period they would have undertaken work for the FC. For more information, please contact your HR Team.

3.2 Statutory Adoption Pay

If you are not eligible for contractual adoption pay, you may be eligible for Statutory Adoption Pay (SAP), which will be paid to you by the FC.

SAP is payable whether or not you intend to return to work after your adoption leave and is calculated as follows:

- the first six weeks at 90% of your average weekly earnings over the calculation period (see [Section 3.2.1](#)); then
- the remaining period of up to 33 weeks at the SAP rate, or 90% of your average weekly earnings over the calculation period if this is lower. Visit www.gov.uk to find out details of current rates or contact your dedicated HR Team.

If you don't qualify for SAP, the FC will confirm this in writing within 28 days of receiving your Adoption Leave Form. However, the FC will give you two weeks' special paid leave, pro rata for part-time employees.

3.2.1 Average weekly earnings

We review the amount you earn each week (including all allowances and overtime that make up gross pay) over a set period of time to calculate your average weekly earnings.

Gross pay is the amount you earn before your income tax and other deductions are subtracted from your pay.

HMRC specify the set period of time that must be used and it is the 8 weeks up to and including the week in which you are notified of having been matched with a child/receive official notification. In a surrogacy situation, the set period of time is the 8 weeks up to and including the 15th week before the EWC. Where you are employed but are not undertaking work for the FC during this period, for example if you have a part year contract, you may not be eligible for SAP. For further information, please contact your HR Team.

3.2.2 Eligibility for Statutory Adoption Pay

To qualify for SAP, you must have:

- complied with the notification requirements in [Section 2](#);
- 26 weeks' continuous employment with the FC or wider Civil Service; and
- average weekly earnings not less than the lower earnings limit for national insurance contributions.

Calculating paid service

For adoption within the UK, the 26 weeks continuous employment is calculated as at the week in which notification of matching is given by the adoption agency. For surrogacy arrangements, the 26 weeks continuous employment is calculated as at the 15th week before the EWC.

For adoption from overseas, the 26 weeks continuous employment is calculated as at the week in which 'official notification' is received or the week in which the adoption leave is due to begin, whichever is later.

4. Before your Adoption Leave

4.1 Time off to attend adoption appointments

You are entitled to take time off to attend adoption appointments, before the child's placement, in order to bond with them or for any reason connected to the adoption, for example meeting with the professionals involved in the child's care. For more information, please refer to [HR Policy – Time Off to Attend Adoption Appointments](#).

4.2 Performance Reporting

Depending on the dates of your adoption leave, you will find it useful to have an extra interim performance meeting with your reporting officer before your leave begins. This can also provide the opportunity to discuss hand-over arrangements for your work.

4.3 Annual Leave and Flexi Leave

You are encouraged to take any outstanding annual leave before you start adoption leave. Normal carry over rules will apply unless you have not had an opportunity to take the leave. You will continue to accrue annual leave whilst on adoption leave – for more information see [Section 6.3](#).

If you work flexi-time, you should also ensure that you clear any credit or deficit before you start adoption leave.

5. Contact and Keep in Touch Days

Your line manager will maintain a reasonable level of contact with you during your adoption leave in order to keep you up-to-date with any changes or developments and to discuss your plans for returning to work.

Before your adoption leave starts, you should agree with your line manager how you want to be kept up-to-date, for example if you want to be sent details of staff meetings, local training and development opportunities, organised work events, etc.

Your dedicated HR Team will automatically send Connect Bulletin to your personal email address, unless you tell them that you do not wish to receive this information.

You must ensure that both your line manager and your HR Team have your current address, telephone number and personal email address, and are notified if these change.

As well as keeping in touch with the FC you should try to keep up-to-date with developments in your particular area of expertise, for example continuing with any professional membership, reading relevant publications, etc. This will help you to keep abreast of developments during your adoption leave and ensure your return to work is as smooth as possible.

5.1 Keep in Touch Days

You can choose to work for up to 10 days during your adoption leave. Keep in touch days should be agreed with your line manager and can be used for normal work, work-related training, attending conferences or seminars, working part-time or a phased return.

Keep in touch days are working days and will be paid at your normal rate of pay, regardless of whether you work your full normal hours for that day. Your pay will be equal to, but not exceed, what you would have received had you not been on adoption leave, once combined with the proportion of any SAP you will receive for that day.

Keep in touch days will not extend, or bring to an end, the adoption leave period. However, if you work more than 10 keep in touch days, your adoption leave will come to an end.

If you work a keep in touch day while you are in receipt of SAP or are on unpaid adoption leave, your line manager will notify your HR Team so that you receive full pay for that day.

6. Effect on Terms and Conditions of Employment

During your adoption leave, your contract of employment continues and you are entitled to all the benefits which would have accrued had you not been absent, except pay.

6.1 Pay

A pay award will apply from the date on which it takes effect, including retrospectively, to your contractual adoption pay and your salary when you return to work.

SAP will only be adjusted if a pay award falls within the calculation period and you are in receipt of 90% of your average weekly earnings as SAP.

6.2 Pension

The first 26 weeks of adoption leave, plus any period of SAP and/or keep in touch days, count as reckonable service for pension purposes. During these periods, your employer's pension contributions will continue to be based on your full pay. Your employee pension contributions, as deducted from your salary, will be calculated by reference to the level of pay you actually receive.

Unpaid periods of adoption leave count as qualifying, but not reckonable, service for pension purposes. During unpaid periods of adoption leave neither you nor the FC are required to pay contributions towards your pension.

If you have any questions regarding the effect of adoption leave on your pension, please contact the [Pensions Service Centre](#).

6.3 Annual Leave and Public / Privilege Additional Holidays (PPAs)

6.3.1 Annual Leave

You will continue to accrue your contractual annual leave entitlement for the duration of your adoption leave. You are not permitted to take annual leave within the adoption leave period.

When you return to work, the carry over rules set out in Section 6.2 of [HR Procedure – Annual Leave and Public / Privilege / Additional Holidays](#) will apply. If you have not taken sufficient annual leave due to your adoption leave, you must agree with your line manager when any carry forward in excess of 20 days will be used.

6.3.2 Public / Privilege / Additional Holidays (PPAs)

You will continue to accrue your contractual PPA entitlement for the duration of your adoption leave. You are not permitted to take PPAs within the adoption leave period. Accrued PPAs must be taken between the end of your adoption leave and your return to work.

6.4 Non-pay Benefits

Whilst on adoption leave, you will continue to receive all of your non-pay benefits. Where there is an associated employee contribution, for example a salary advance, financial contract or salary sacrifice arrangement, your contribution **may** be adjusted to take account of your actual pay during the period of adoption leave. You should refer to the terms and conditions or contact your HR Team for more information.

6.5 Promotion and Career Development

You can apply for vacancies while you are on adoption leave and if you are successful, you would take up the new post when you return to work.

If you want to be notified of vacancies while you are on adoption leave you need to discuss this with your line manager (see [Section 5](#)). You may be able to claim travel and subsistence costs when attending interviews, including childcare costs if appropriate. These costs will be covered by the cost centre you are attached to before going on adoption leave.

6.6 Sickness during or following Adoption Leave

If you are sick during adoption leave, you are not eligible sick leave or pay. However, if you cannot return to work because you are sick when your adoption leave comes to an

end, you are eligible for sick leave and pay and normal absence reporting procedures will apply.

6.7 Resignation

Where you have been in receipt of contractual adoption pay and you choose not to return to work following your adoption leave, you will be required to repay the contractual element of the adoption pay you have received. This requirement to return to work is for a minimum period of one calendar month and you can choose to cover this period with accrued untaken annual leave. If you decide not to return to work following adoption leave, you must provide the required period of notice for resignation as detailed in your contract of employment.

Where you resign because you do not intend to return to work but later wish to return because of a change in circumstances, you have no absolute right to return to work. However re-appointment will be considered if at all possible.

6.8 Redundancy

You have a right not to be selected for redundancy, in preference to other employees, solely or mainly because are, or have been, on adoption leave. In circumstances where you are declared surplus you are entitled to priority in relation to suitable alternative employment.

7. Returning to Work

Your expected return date is 52 weeks from the start of your adoption leave. If you wish to return to work before this date you must give your line manager, and your dedicated HR Team, 8 weeks' written notice of the date you would like to return. If you are unable to provide the required notice your line manager may postpone your return to work in order to provide the FC with 8 weeks' notice, providing this is not later than your 52 week expected return date.

Please note there is no automatic right to return to work at the FC where your fixed term appointment/short term temporary appointment has come to an end during your adoption leave.

7.1 Curtailing Adoption Leave for Shared Parental Leave (SPL)

You may be eligible for SPL and shared parental pay (ShPP), which allows you to end your adoption leave and pay, or commit to ending them at a future date, and share the untaken balance with your eligible partner. For information on FC employees' SPL and

ShPP entitlements, eligibility and notification requirements, please refer to [HR Policy and HR Procedure – Shared Parental Leave](#).

7.2 Right to Return to the same Job

If you return to work within 26 weeks you are entitled to return to the same job you held before starting adoption leave, on the same terms and conditions of employment as if you had not been absent. Where this is not possible, for example through restructure or redundancy, this will be managed in line with the Redundancy [Policy](#) and [Procedure](#).

If you return to work after 26 weeks you are entitled to return to the same job you held before starting adoption leave, on the same terms and conditions of employment as if you had not been absent, **unless this is not reasonably practical**. If it is not reasonably practical, you will be offered suitable alternative work, on terms and conditions that are no less favourable.

7.3 Requests for Flexible Working

Requests for flexible working will be considered in line with [HR Policy and HR Procedure – Flexible Working](#). You should allow adequate time for your application to be considered, which may require you to apply before the end of your adoption leave.

You should note that there is no automatic right to work part-time or make any other changes to your working pattern. Your request will be considered individually, taking into account the nature of the job, as well as the current structure, organisation, operational requirements and priorities of the team at the time that the request is made.

7.4 Request for Unpaid Parental Leave

If you wish to extend your period of leave, you may request up to 4 weeks' unpaid parental leave. For more information, please refer to [Staff Handbook Chapter 10 – Leave](#).

8. Cancelling Adoption Leave

If you no longer want to take adoption leave, or you are no longer eligible, you should provide at least 8 weeks written notice.

If you do not provide 8 weeks notice and it is not practical for your line manager to accommodate the cancellation, you may be required to take a period of special unpaid leave. The special unpaid leave would start on the date your adoption leave was due to start and end no later than 8 weeks after you gave notice or the date the leave was due to end, whichever is earlier.

10. Flowchart: Arranging Adoption Leave

