



HUMBERSIDE FIRE AND RESCUE SERVICE

# People and Development

## Adoption Policy

<b>Owner</b>	<b>Executive Director of People &amp; Development</b>
<b>Responsible Person</b>	<b>Head of Human Resources</b>
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## **1. INTRODUCTION**

This policy sets out the rights of employees to statutory adoption leave and pay. The policy applies to all staff employed by Humberside Fire and Rescue Service (HFRS). This policy will also apply if the baby is being adopted by intended parents under a surrogacy arrangement.

### **Core Code of Ethics**

HFRS has adopted the Core Code of Ethics for Fire and Rescue Services. The Service is committed to the ethical principles of the Code and strives to apply them in all we do, therefore, those principles are reflected in this Policy.

### **National Guidance**

Any National Guidance which has been adopted by HFRS, will be reflected in this Policy.

## **2. EQUALITY AND INCLUSION**

Staff will be supported fairly and consistently during an adoption process, regardless of age, gender, race, religion or religious or philosophical belief, gender reassignment, disability, sexual orientation, marriage and civil partnership, pregnancy and maternity or any other unjustifiable condition or requirement.

## **3. AIM AND OBJECTIVES**

This policy aims to provide the intended parent(s) with the entitlements available under this policy, including payments 'equivalent' to statutory pay, whilst they remain employed by the Service. This will be subject to the provision of the appropriate paperwork.

## **4. ASSOCIATED DOCUMENTS**

- [Equality Impact Analysis](#)
- **Legal Reference**
- **National Guidance**

## **5. ADOPTION LEAVE**

When an employee takes time off to adopt a newly matched child or have a child through a surrogacy arrangement, they may be eligible for Statutory Adoption leave and pay. Employees can take up to 52 weeks' Statutory Adoption Leave. The first 26 weeks is known as 'Ordinary Adoption Leave', the last 26 weeks as 'Additional Adoption Leave'.

Leave can start:

- on the date the child starts living with the employee or up to 14 days before the expected placement date (UK adoptions)
- when an employee has been matched with a child to be placed with them by a UK adoption agency

- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child is born or the day after (parents in surrogacy arrangements)

To make administration as easy as possible, employees should discuss the timing of their adoption leave with their line manager at the earliest opportunity.

Employees are entitled to adoption leave on the same basis as for maternity leave, with only one period of leave irrespective of whether they are to be placed with one child or more than one child.

Adoption leave is not available to both parents. If one parent is eligible for adoption leave and pay, the other may be entitled to paternity leave.

If the child's placement ends during the adoptive period, the employee will be able to continue with adoption leave for up to 8 weeks after the end of the placement. An employee is entitled to attend work or training during their adoption leave for up to a maximum of ten working days, without affecting leave or payment entitlements. (See paragraph on Keeping In Touch (KIT) days.)

Within 28 days of receiving an employee's notice of intention to take adoption leave, the Service will write to the employee confirming the latest date on which the employee must return to work after the adoption leave.

## **6. ADOPTION PAY**

Adoption pay cannot be paid without an Adoption Certificate and confirmation of Primary Adoption Status (if applicable), or in the case of a surrogacy arrangement a Parental Order.

If an employee has at least 12 months' continuous service by the week they are matched with a child, they will be entitled to contractual adoption pay which is paid at a higher rate than the Government's Statutory Adoption Pay scheme. This comprises of 6 weeks at 90% of pay and 33 weeks at half pay, in addition to the Statutory Adoption Pay to which they may also be entitled. The Service Support Centre (SSC) will advise on their entitlement once all relevant paperwork has been submitted. Tax and National Insurance deductions will also be made as appropriate.

Any adoption leave taken beyond these 39 weeks will be unpaid.

## **7. NOTIFICATION REQUIREMENTS**

An employee should provide notice to their line manager and the SSC no more than 7 days after the date on which they are notified of having been matched with a child for the purposes of adoption, or if this is not possible, as soon as is reasonably practicable. The employee should state when the child is expected to be placed with them and the date on which they would like their adoption leave to start.

The relevant form (Per\_32a – Application for Adoption Leave and Pay) will need to be completed and sent to the SSC at least 21 days before Adoption Leave/Absence begins

(please see [Appendix 'A'](#)). The Adoption certificate and confirmation of Primary Adopter Status (if applicable) will also need to be submitted – Section 2 of attached form PER32a refers.

Upon receipt, the SSC will confirm in writing the date on which adoption leave will end. An individual may return sooner than this date, providing they give at least 28 days' notice in writing.

## **8. ANNUAL LEAVE**

An employee will continue to accrue annual leave during adoption leave. Their line manager will discuss with them, as early as possible, their plans for taking annual leave. Individuals will be encouraged to take as much annual leave as possible within each leave year to avoid a large accrual of leave. If an employee is unsure as to whether or not they will be returning, they should only take accrued leave up to the end of the first six weeks of adoption leave, since, if they do not return, they will be asked to pay back money received in respect of 'excess' leave taken.

## **9. SICKNESS ABSENCE AND PUBLIC HOLIDAYS**

Adoption leave will not be treated as sickness absence and will not therefore, be taken into account when calculating sick pay entitlement.

If an individual is unable to return to work on the expected date due to sickness, they will still be regarded as having returned to work. The sickness should be notified and certified in the same way as any other period of sickness. Adoption leave shall be regarded as service for the purpose of calculating annual leave entitlement.

If an employee is on ordinary adoption leave on a public holiday, they will be granted a days' leave in lieu of that public holiday.

## **10. TIME OFF TO ATTEND ADOPTION APPOINTMENTS**

Employees who are adopting a child are entitled to take time off to attend appointments. The purpose of the appointments is to enable the employee and their partner to have contact with the child, for example to bond with the child before the placement and for any other purpose connected with the adoption, for example to meet with the professionals involved in the care of the child.

An employee adopting a child alone is entitled to take time off to attend up to 5 appointments (under s.57ZJ of the Employment Rights Act 1996). Where an employee is part of a couple, jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to 5 adoption appointments (under s.57XJ of the Employment Rights Act 1996).

The appointments must have been arranged by, or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee. The employee must provide proof of the date and time of the appointments, and that the appointments have been made by, or at the request of the adoption agency, i.e. in the form of a letter, email etc.

## **11. KEEPING IN TOUCH DAYS**

Employees are entitled to a maximum of 10 Keeping in Touch (KIT) days to enable both them and the employer to keep in touch with one another, without affecting leave or payment entitlements. Regulation 12A (2) of the Maternity and Parental Leave Regulations 1999 (SI 1999/3312) provides that "any work carried out on any day shall constitute a day's work". The employee will therefore need to agree in advance with the manager what work, or activity, will be undertaken on the KIT day – and for how many hours.

KIT days do not have to be consecutive and can be used for any work-related activity including training, conferences or meetings.

Employees are not obliged to attend work for KIT days.

If an employee chooses to attend work, they will be paid their usual rate of pay for the applicable day and the remainder of the week at the applicable adoption pay rate.

Once the 10 KIT days have been used, an employee will lose a week's statutory pay for any week in which they do work, even if it is for only one day or less than a day. If a week contains, for example, the last of the 10 KIT days and a further day of work, the employee will lose that week's statutory pay.

If an employee would like to take KIT days, they should contact their line manager in the first instance to discuss and agree what would suit both the employee and the organisation and to decide on dates. The line manager will then notify Service Support of the dates the employee will be in work so that their pay can be paid at the usual pay rate, rather than at the SPL rate.

## **12. RIGHTS DURING ADOPTION LEAVE**

During ordinary adoption leave and additional adoption leave, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by statutory adoption pay if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue, and pension contributions will continue to be paid, and, if applicable, the employee will remain in the life assurance and/or private medical insurance schemes.

## **13. RIGHTS ON RETURN TO WORK**

If an individual returns to work during the first 26 weeks after the adoption leave, they will be entitled to return to the same job on the same terms and conditions of employment as if they had not been absent, unless a redundancy situation has arisen, in which case they will be entitled to be offered a suitable alternative vacancy where one exists.

If an individual returns to work after the first 26 weeks of absence, and they cannot readily be returned to their original job, they will be entitled to return to a similar job on terms

and conditions which are not less favourable than their original job.

Following adoption leave, as a qualifying condition for entitlement to Contractual Adoption Pay, an individual must return to work for a minimum period of three months.

If they do not return to work for this minimum period, they will be required to refund the contractual part of their adoption pay.

Failure to return to work by the end of the adoption leave will be treated as unauthorised absence; unless the employee is sick and produces a current medical certificate before the end of the adoption leave period.

**For further guidance in relation to this policy,  
please contact Human Resources**

**HUMAN RESOURCES  
ADOPTION**

**APPENDIX A - PER 32A APPLICATION FOR ADOPTION LEAVE AND PAY**

**How to Complete this Form**

- 1 Please fill in this form and send it to the Service Support Centre (SSC) at least 21 days before Adoption Leave/Absence begins.
- 2 Where applicable, please attach the relevant documentation such as Adoption certificate, a copy of the birth mother's MATB1 certificate (prior to the birth of the baby); a copy of the 'Parental Order' (within 6 months of the baby's birth) and the ability of the employee to meet the relevant eligibility/notification criteria defined below. If appropriate, please also confirm the Primary Adopter Status.

**Section One: Please Complete the Following:**

- 1 Name .....
- 2 Address.....
- 3 Post and Section/Location.....
- 4 Employee Reference Number (this is shown on your pay advice).....
- 5 Date you began work with the Fire and Rescue Service.....
- 6 Start Date of Continuous Local Government Service (if different from 5).....
- 7 Normal Weekly Hours of Work.....
- 8 Expected Date of Placement: .....

**Section Two: Please Complete as Appropriate:**

- 1 Date you wish to start Adoption Leave: .....
- 2 Do you intend to return to work? (*Please tick*) YES  NO
- 3 If you are currently in the Local Government Pension Scheme, do you wish to opt out of the scheme so that you do not pay superannuation contributions during your adoption leave? (*Please tick*)  
YES  NO
- 4 I understand that I am eligible for 33 weeks ½ pay allowance, and if I have received this allowance, I am required to repay this if I do not return to work for the required minimum 3 months period.
- 5 I claim adoption pay

**SIGNED:** ..... **DATE:** .....

**Section Three: For SSC use only**

- |                                  |                          |  |                          |
|----------------------------------|--------------------------|--|--------------------------|
| All Dates Confirmed              | <input type="checkbox"/> | Normal Weekly hours confirmed              | <input type="checkbox"/> |
| Copy of form to payroll          | <input type="checkbox"/> | Adoption certificate(s) to Payroll Section | <input type="checkbox"/> |
| Copy of form to Pensions Section | <input type="checkbox"/> |  |                          |