



**ADOPTION POLICY & PROCEDURE**

|          |                                       |   |
|----------|---------------------------------------|---|
| <b>1</b> | <b>POLICY DRAFTED BY:</b>             | <b>HR BUSINESS PARTNER</b>  |
| <b>2</b> | <b>ACCOUNTABLE DIRECTOR:</b>          | <b>DIRECTOR OF QUALITY &amp; INTEGRATED GOVERNANCE</b>  |
| <b>3</b> | <b>APPLIES TO:</b>                    | <b>ISLINGTON CCG EMPLOYEES</b>  |
| <b>4</b> | <b>COMMITTEE &amp; DATE APPROVED:</b> | Joint Partnership Group–30 January 2015<br>Executive Management Team – 11 March 2015  |
| <b>5</b> | <b>VERSION:</b>                       | <b>1</b>  |
| <b>6</b> | <b>RELATED DOCUMENTS:</b>             | <b>PATERNITY POLICY &amp; PROCEDURE<br/>PARENTAL LEAVE POLICY &amp; PROCEDURE<br/>FLEXIBLE WORKING POLICY &amp; PROCEDURE</b> |
| <b>7</b> | <b>DATE OF IMPLEMENTATION:</b>        | <b>23 March 2015</b>  |
| <b>8</b> | <b>DATE OF NEXT REVIEW:</b>           | <b>April 2016 or earlier should there be national NHS terms &amp; condition/ legislative changes</b>                          |

**DOCUMENT CONTROL**

| <b>Date</b> | <b>Version</b> | <b>Action</b> | <b>Amendments</b> |
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**Adoption Policy & Procedure**

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## **1. Introduction**

1.1 This policy is designed to provide a framework across Islington CCG for a consistent and timely to approach following the placement of a child for adoption.

1.2 The Policy sets out the rights of employees to adoption leave and pay.

The policy is designed to implement the statutory rights to leave following the placement of a child for adoption. Adoption leave and pay entitles eligible employees to take paid leave when a child is newly placed for adoption. It is available to individuals who adopt and to one member of a couple where a couple adopt jointly [the couple may choose which partner takes adoption leave]. Where the CCG employs both parents, one parent will be identified as the primary carer and will be entitled to leave under this policy. The other parent will be entitled to leave under the Paternity Leave Policy & Procedure [for children placed before 05 April 2015] and Shared Parental Leave [for children placed on or after 05 April 2015].

1.3 Surrogate parents will also become eligible for adoption leave. Leave will be available to employees who are, or expect to be, the parents of a child under a parental order, where the child's expected week of birth begins on or after 5 April 2015.

## **2. Policies statement**

Islington CCG's policies set out the organisation's standards and intentions, and are written with the aim of being as clear and comprehensive as possible. However, we operate in a dynamic and evolving work environment and attention should be paid to the spirit of the policy as well as the letter. Policies by themselves cannot guarantee effective behaviour or the delivery of key objectives. While they are designed to support the CCG, and the people working within it, our success depends on continuous, high quality effort by everyone the policy covers. Therefore thought must be given to good practice when applying or interpreting any of the CCG's policies, and you should read any guidance or supporting documentation that relates to this policy to help you do this. In addition, this policy should work in accordance with national and local guidance on child and adult safeguarding as applicable.

## **3. Purpose and Scope of the Policy**

The aims of the policy and procedure are:

- To provide staff with a policy and procedure that sets out their rights to Adoption leave and Adoption pay
- To ensure equality at work by ensuring family rights are effective and fair for all employees
- To support employees to balance work and family life
- To maintain contact with staff and assist them in their return to work
- To provide guidance to managers responsible for implementing the policy and procedure

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- To ensure employees are aware of their responsibilities and obligations to the CCG
- To attract and retain staff

#### 4. Who this policy applies to

The policy applies to employees of Islington CCG. The policy does not apply to contractors, agency staff or office holders.

#### 5. Entitlement & Eligibility to Adoption Leave

All employees will be entitled to 26 weeks Ordinary Adoption Leave [OML] and 26 weeks Additional Adoption Leave [AML] – a total of 52 weeks, regardless of length of service.

#### 6. Eligibility & Entitlement to Adoption Pay<sup>1</sup>

The following table outlines the three different types of adoption pay and the eligibility requirements for each type of adoption pay:

|     | Adoption Pay  | Eligibility Requirements  |
|-----|---|---|
| 6.1 | Occupational Adoption Pay<br>-8 weeks full pay (inclusive of SAP <sup>2</sup> or equivalent benefits receivable)<br>-18 weeks half pay (plus SAP or equivalent benefits receivable), providing the total receivable does not exceed full pay<br>-13 weeks SAP<br>-13 weeks unpaid | -Employees with 12 months continuous NHS service ending with the week in which they are notified of being matched with a child for adoption<br>-Intends to return to work for 3 months<br>-Comply with the notification requirements in section 8   |
| 6.2 | -39 weeks at the Statutory Adoption Pay rate <u>or</u> 90% of average weekly earnings if less than the SAP rate <sup>2</sup><br>-13 weeks unpaid  | Employees with 26 weeks continuous NHS service leading into the week in which they are notified of having been matched with a child (and has earnings above the lower earnings limit for national insurance contributions) whether or not they intend to return to work<br><i>Or</i><br>Employees with 12 months' continuous NHS service ending with the week in which they are notified of being matched with a child for adoption but <u>does not</u> intend to return to |

<sup>1</sup> Adoption Pay is calculated on average earnings paid for two months prior to the start of the week after that in which the adopter is notified of having been matched with a child for adoption.

<sup>2</sup> With effect from 05 April 2015 Statutory Adoption Pay [SAP] - paid by the employer to eligible employees will change to; for the first 6 weeks, 90% of average weekly earnings followed by 33 weeks at the standard SAP rate or 90% of average weekly earnings, whichever is lower.

|     |   |  |
|-----|---|--|
|     |   | work.<br>-Comply with the notification requirements in section 8.  |
| 6.3 | -No payment will be made during Adoption Leave<br>-Employees may be entitled to claim income support <sup>3</sup> | Employees with less than 26 weeks' continuous service, whether or not they intend to return to work.<br>-Comply with the notification requirements in section 8. |

6.4 Employees are required to return to work for 3 months to the CCG or another NHS employer within 15 months of the beginning of their adoption leave in order to retain the adoption pay provisions outlined in section 6.1. Please see section 14 for further information.

6.5 By prior agreement with the CCG, occupational adoption pay may be paid in a different way e.g. a combination of full pay and half pay or a fixed amount spread equally over the adoption leave period.

## 7 Employees on a Fixed-Term Contract

7.1 An employee on a fixed term contract who is entitled to the adoption pay under section 6.1 and whose contract is due to end after the week in which the adopter is notified of a match with a child for adoption will [subject to meeting the remaining eligibility requirements] have their contract extended to enable them to receive 52 weeks adoption Leave and the adoption pay provisions in section 6.1. Under these circumstances, there will be no right of return to be exercised because the contract would have ended if adoption had not occurred.

7.2 Employees who do not satisfy the eligibility requirements under section 6.1 but satisfy the eligibility requirements under section 6.2 and are entitled to SAP will receive SAP.

## 8. Notification Requirements

In order to be entitled to adoption leave and pay, the employee must:

- Notify the CCG that they wish to take adoption leave in writing using the form in Appendix 1 within 7 days of being notified by the adoption agency that they have been matched with a child, unless this is not reasonably practical to do so
- Provide the CCG with the matching certificate confirming the adoption from the adoption agency
- Provide the date on which they intend to start their adoption leave

HR will write to the employee to confirm the following:

<sup>3</sup> Employees should contact their local social security/Jobcentre Plus office to enquire about eligibility for income support. Income support payments are made by the social security/Job Centre Plus office rather than the CCG

- The right to adoption leave & adoption pay [paid & unpaid]
- The expected return to work date if they take the full 52 week adoption leave entitlement unless an earlier return date has been given

## **9. Commencement of Adoption Leave**

- 9.1 Adoption Leave may commence at any time from the child's placement or from a fixed date which can be up to 14 days before the expected date of placement. Adoption leave can start on any day of the week.
- 9.2 The employee is required to give at least 28 days' notice before the start date [or as reasonably practicable] if they wish to change the date they would like to start the adoption leave. This notification must be in writing.
- 9.3 Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement
- 9.4 If there is an established relationship with the child for example, fostering prior to adoption or when a step-parent is adopting a partner's child/children, there may be scope for local arrangements to be agreed on the amount of leave and pay in addition to time off for official meetings.

## **10. Adoption Appointments**

With effect from 05 April 2015 primary adopters can take paid leave to attend up to five adoption appointments. Secondary adopters/surrogate parents can take leave to attend two such appointments

## **11. Rights during Adoption Leave**

### **Implementation of a Pay Award or Annual Increment**

- 11.1 Absence on Adoption Leave, whether paid or unpaid, counts as service towards the normal annual increment.
- 11.2 Where a pay award and/or annual increment are implemented from a date prior to the paid Adoption Leave period, the Adoption Pay will be calculated as though the pay award had effect throughout the entire SAP calculation period. If a pay award is agreed retrospectively, the Adoption Pay will be recalculated on the same basis
- 11.3 Where a pay award and/or annual increment is implemented from a date during the paid Adoption Leave period, the Adoption Pay due from the operative date of the pay award or annual increment should be increased accordingly. Again, if such a pay award were agreed retrospectively, the Adoption Pay should be recalculated on the same basis.

### **Annual Leave**

- 11.4 Annual leave will continue to accrue during adoption leave, whether paid or unpaid.

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- 11.5 Where the amount of accrued leave would exceed the normal carry over provisions, the manager and employee should agree arrangements for the leave to be taken either prior to or immediately following the adoption leave period.
- 11.6 In exceptional circumstances, where leave cannot be carried over for operational reasons, payment in lieu of annual leave may be considered.
- 11.7 All adoption leave, including unpaid adoption leave, will count as service for the purpose of satisfying the service qualification for accruing additional annual leave entitlements.
- 11.8 Bank Holiday leave is not accrued whilst on paid or unpaid adoption leave.

### **Pension**

- 11.9 Contributions will be deducted from salary as normal during paid Adoption Leave and continue to be payable during unpaid leave. On return to work, arrears of contributions will be recovered and deducted from salary over an agreed period of time.

### **Keeping in Touch**

- 11.10 Before going on adoption leave employees should discuss and agree with their Line Manager any voluntary arrangements for keeping in touch during their leave.
- 11.11 Keeping in Touch (KIT) days allow employees to do a limited amount of work under their contract during the Adoption Pay Period without loss of SAP for the week. They are intended to facilitate a smooth return to work for employees returning from adoption leave and can include training or other activities which enable the employee to keep in touch with the workplace.
- 11.12 An employee may work a maximum of 10 KIT days without bringing their adoption leave to an end. Any days of work will not extend the adoption leave period.
- 11.13 Working for part of any day will count as a whole KIT day.
- 11.14 The employee will be paid at their basic daily rate for the hours worked less appropriate adoption leave payment for KIT days worked
- 11.15 Any work must be by agreement and neither the employer nor the employee can insist upon it.
- 11.16 In certain circumstances, the CCG may consider the reimbursement of reasonable childcare costs in order to enable the employee to take up the opportunity to work KIT days.

## **12. Return to Work**

- 12.1 If the employee wishes to take the full entitlement to Adoption Leave they need not give any further notification of their return to work. An employee has the right to

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return to their job under their original contract and on no less favourable terms and conditions.

12.2 If the employee wishes to return to work before the end of the full 52 week adoption leave, they must give at least 28 days' notice of their date of return in writing.

12.3 An employee has the right to apply to return to work on a part-time or flexible working basis. Applications should be made to their Line Manager in accordance with the CCG's Flexible Working Policy & Procedure.

### **13. Sickness Absence Following the end of Adoption Leave**

Where an employee is unable to return to work following the date they were due to return as a result of illness, normal sick leave provisions and notification requirements will apply.

### **14. Failure to return to Work**

14.1 An employee who has notified the CCG of their intention to return to work for a minimum of three months for the same or another NHS employer, and fails to do so within 15 months of the beginning of the adoption leave will be liable to refund the whole of the adoption pay, less any Statutory Adoption Pay received.

14.2 In cases where the CCG considers that to enforce this provision would cause undue hardship or distress, the CCG has the discretion to waive the right of recovery.

### **15 Transfer of adoption leave**

#### **15.1 Shared parental leave**

Shared parental leave is available in relation to children placed on or after 5 April 2015. Shared parental leave enables mothers/primary 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.

Shared parental leave must be taken in blocks of at least one week. Individuals can request to take shared parental leave in one continuous block or as a number of discontinuous blocks of leave (in which case the individual needs the CCG's agreement).

To be able to take shared parental leave, an employee and his/her partner must meet various eligibility and notification requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the mother/primary adopter curtailing their adoption leave.

#### **15.2 Additional paternity leave**

Additional paternity leave is available in relation to children placed before 5 April 2015. If an employee proposes to return to work by giving proper notification, their

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spouse, civil partner or partner may be eligible to take additional paternity leave (and additional statutory paternity pay) once she/he has returned to work.

The earliest that additional paternity leave may commence is 20 weeks after the date on which the child is placed and it must end no later than 12 months after that date. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks. Please refer to the Paternity Leave Policy & Procedure for further information.

#### **16. Childcare Vouchers**

Information on the childcare voucher scheme and provisions available locally can be obtained from the HR Team.

#### **17. Monitoring & Review**

The policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

#### **18. Associated Policies**

Please refer to the following policies for further information:

- Paternity Policy & Procedure
- Ordinary Parental Leave Policy & Procedure
- Flexible Working Policy & Procedure

#### **19. Breach of Policy**

Unauthorised absence and/or the misuse of this policy & procedure will be managed under the Disciplinary Policy.

**Appendix 1 Notice of intention to take Adoption Leave Form**  
**[to be completed by employee and given to the line manager to review and sign]**

| <b>Personal Details</b>   |              |                          |           |
|---|--------------|--------------------------|-----------|
| Full Name   |              |                          |           |
| Employee Number   |              |                          |           |
| Department  |              |                          |           |
| Line Manager  |              |                          |           |
| Home Address  |              |                          |           |
| Telephone Number  |              |                          |           |
| <b>Adoption Leave Dates</b>   |              |                          |           |
| Expected Date of Placement:   |              |                          |           |
| I intend to start my adoption leave on:   |              |                          |           |
| Expected date of return to work:  |              |                          |           |
| Dates of annual leave [before adoption leave]   |              |                          |           |
| <b>Eligibility for Pay during Adoption Leave [please tick appropriate box]</b>  |              |                          |           |
| I have at least 52 weeks continuous service ending with the week in which I have been notified of being matched with a child for adoption pay and I intend to return to work for 3 months   |              |                          |           |
| I have 26 weeks continuous service but less than 52 weeks continuous service leading into the week in which I have been notified of having been matched with a child and I am entitled to 39 weeks Statutory Adoption Pay.<br>or;<br>I have at least 52 weeks continuous service ending with the week in which I have been notified of being matched with a child for adoption pay and I do not intend to return to work for 3 months |              |                          |           |
| I have less than 26 weeks continuous service leading into the week in which I have been notified of having been matched with a child and am not entitled to Adoption Pay.   |              |                          |           |
| If you are entitled to occupational adoption pay and would prefer to combine your pay differently, please indicate how you would like your adoption pay configured.<br>[OAP can be evenly spread, no less than 26 weeks and no more than 52 weeks   |              |                          |           |
|   |              |                          |           |
| I receive child care vouchers and wish to continue to receive the vouchers during my adoption leave:  | <b>Yes</b>   | <input type="checkbox"/> | <b>No</b> |
| I attach my Adoption Matching Certificate   | <b>Yes</b>   | <input type="checkbox"/> | <b>No</b> |
| <b>Signature of Employee:</b>   | <b>Date:</b> |                          |           |
| <b>Signature of Manager:</b>  | <b>Date:</b> |                          |           |
| <b>HR Approval:</b>   | <b>Date:</b> |                          |           |

*On completion please send the form to Darshna Pankhania, HR Business Partner*

**Appendix 2** **Return from Adoption Leave Form**  
**[to be completed by employee]**

This form should be completed at least 28 days prior to return date from adoption leave. On completion the form should be sent to the line manager to approve and then forwarded to the HR Business Partner.

| <b>Personal Details</b>   |     |      |    |
|---|-----|------|----|
| Name  |     |      |    |
| Home Address  |     |      |    |
| Contact Number  |     |      |    |
| Employee Number   |     |      |    |
| Directorate   |     |      |    |
| Job Title   |     |      |    |
| Line Manager  |     |      |    |
| <b>Return to work dates</b>   |     |      |    |
| The dates I will take annual leave are:   |     |      |    |
| My first day in the office will be:   |     |      |    |
| <b>Detail of working hours/pattern on return to work</b>  |     |      |    |
| On your first day in the office, please specify the working hours/days you will work per week.  |     |      |    |
| These are the same working hours I worked before going on adoption leave  | Yes |      | No |
| This is a reduction/change in my working hours/pattern which I have agreed with my manager  | Yes |      | No |
| <b>Declaration</b>  |     |      |    |
| I hereby give notice of my intention to return from adoption leave and have agreed the above return to work arrangements with my manager. |     |      |    |
| Signature [Employee]  |     | Date |    |
| Signature [Manager]   |     | Date |    |
| HR Approval   |     | Date |    |

*Please return the completed form to Darshna Pankhania, HR Business Partner*

**Equality Analysis Initial Assessment**

**Title of the change proposal or policy:**

Adoption Policy & Procedure

**Brief description of the proposal:**

To ensure that the policy & procedure is fit for purpose, legally compliant, complies with NHS LA Standards and takes account of best practice.

**Name(s) and role(s) of staff completing this assessment:**

Darshna Pankhania, HR Business Partner

**Date of assessment:** 20 January 2015

**Please answer the following questions in relation to the proposed change:**

**Will it affect employees, customers, and/or the public? Please state which.**

Yes it will affect all employees.

**Is it a major change affecting how a service or policy is delivered or accessed?**

No

**Will it have an effect on how other organisations operate in terms of equality?**

No

**If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:**

No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards, AFC Terms and Conditions, is legally compliant and takes account of best practice. Makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.

**Please return a copy of the completed form to the Equality & Diversity**