



*Dunbartonshire and Argyll & Bute  
Valuation Joint Board*

# Adoption Leave and Pay Scheme

(All DAB VJB Employees)

**28<sup>th</sup> January 2009:v1.0**

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## ADOPTION LEAVE AND PAY SCHEME

**Key Driver for Change/Policy Development:** Overarching Policy supporting range of family leave provisions.

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**ADOPTION LEAVE SCHEME – CHIEF OFFICIALS AND LOCAL GOVERNMENT  
EMPLOYEES**

**CONTENTS**

<b>SECTION</b>		<b>PAGE NO</b>
1	INTRODUCTION	4
2	ADOPTION LEAVE ENTITLEMENT	4
3	ADOPTION PAY ENTITLEMENT	4
4	NOTIFICATION REQUIREMENTS	5
5	PRE-ADOPTION MEETINGS	6
6	RETURN TO WORK	6
7	KEEPING IN TOUCH DAYS	6
8	ANNUAL LEAVE/PUBLIC HOLIDAYS	7
9	CONTINUOUS SERVICE	7
10	PENSION CONTRIBUTIONS	7
11	ADOPTION SUPPORT LEAVE AND PAY	7
12	PATERNITY LEAVE AND PAY	8

## **DUNBARTONSHIRE AND ARGYLL & BUTE VALUATION JOINT BOARD**

### **ADOPTION LEAVE SCHEME – LOCAL GOVERNMENT EMPLOYEES, CHIEF OFFICIALS AND CRAFT**

#### **1. INTRODUCTION:**

- 1.1 The Adoption Scheme will apply to all employees regardless of the number of hours they work, provided the employee:
- (i) has been newly matched with a child by an approved adoption agency, and
  - (ii) has worked for a continuous period of 26 weeks prior to the week in which he/she is notified of being matched with a child for adoption
- 1.2 Where a couple adopt a child jointly, the couple must choose one person to take leave under this Scheme (the adopter). The partner may be entitled to maternity support/paternity leave.

#### **2. ADOPTION LEAVE ENTITLEMENT:**

- 2.1 Employees will have an entitlement to remain absent for up to 52 weeks. The first 26 weeks is called the Ordinary Adoption Leave period and the second 26 weeks is called the Additional Adoption Leave period.
- 2.2 Employees who have completed at least 26 weeks' continuous service prior to the week in which they are notified of being matched with a child for adoption will have an entitlement to 39 weeks' pay (see section 3 below)
- 2.3 The leave may begin:
- (a) from the date of the child's placement; or
  - (b) from a fixed date up to 14 days before the expected date of placement.
- 2.4 Where more than one child is placed as part of the same adoption arrangement, only one period of leave will be granted.
- 2.5 Where the child's, or children's, placement ends during the adoption leave period, the adopter will be entitled to remain absent on adoption leave for up to eight weeks after the end of the placement.

#### **3. ADOPTION PAY ENTITLEMENT:**

- 3.1 An employee who has less than 26 weeks' continuous service prior to the week in which they are notified of being matched with a child will not be entitled to Statutory Adoption Pay (SAP).
- 3.2 Adopters whose average earning are below the Lower Earnings Limit for National Insurance Contributions will not qualify for SAP.

3.3 Payment for employees who have completed not less than 26 weeks' continuous service prior to the week in which they are notified of being matched with a child for adoption will be as follows:

(i) First 6 weeks – 9/10ths of a week's pay (offset against payments made by way of SAP where eligible)

(ii) Next 12 weeks (for employees intending to return to work)– 5/10ths of a week's pay without deduction (except by the extent to which combined pay and SAP (or any dependants' allowances if the employee is not eligible for SAP) exceeds full pay).

(iii) 21 weeks – SAP only

**(Note:** the subsequent 13 weeks' period of leave is unpaid)

#### 3.4 Employees Not Returning to Work

Employees not intending to return to work will receive payment for the first 6 weeks at 9/10<sup>th</sup> of a week's pay (offset against payments made by way of SAP) and the subsequent 33 weeks will be the employee's entitlement to SAP (providing the qualifying criteria for SAP is met).

3.5 Payments made by the Joint Board during adoption leave under 3.3 (ii) above will be made on the understanding that the employee will return to employment with the Board for a period of at least 3 months. In the event of not returning to work for this period the employee will be required to repay the amount of 5/10<sup>th</sup> pay to the Board (not SAP element).

## 4. NOTIFICATION REQUIREMENTS:

4.1 The adopter must inform the Board in writing (or using form DABVJB/PER/ADPT/01 (Appendix 1) of their intention to take adoption leave within 7 days of being notified by the adoption agency that they have been matched with a child for adoption, where this is reasonably practicable.

4.2 Such notification must include:

- the expected date of placement; and
- the date on which they intend to start their adoption leave; and
- a matching certificate from the adoption agency.

4.3 Adopters who wish to change the date on which their leave starts must give the Board 28 days' written notice, where this is reasonably practicable. In cases where the 28 days cannot be met due to placement arrangements, then as much notice as possible should be given.

4.4 West Dunbartonshire Council will respond in writing on behalf of the Board to the adopter within 28 days, stating the latest date on which the adopter is expected to return to work.

## **5. PRE-ADOPTION MEETINGS:**

- 5.1 The adopter will be allowed to take such reasonable time off without loss of pay as is required to attend pre-adoption meetings on production of evidence of appointments if required by the Joint Board.

## **6. RETURN TO WORK:**

- 6.1 An employee has the right to return to the job which they had, in the same capacity and place in which they were employed prior to commencing Adoption Leave. Any changes to the employee's job or location must be in accordance with the normal consultation procedures, and not in any way related to adoption absence.
- 6.2 Where it is not practicable by reason of redundancy for the Joint Board to permit the employee to return to work in her/his job as defined in 6.1 above the employee is entitled to be offered a suitable alternative vacancy where one exists. This is provided that the work to be done in that post is suitable and appropriate to the circumstances, and that the capacity and place of employment and terms and conditions of employment are not substantially less favourable than if the employee had been able to return to the job in which she/he was employed prior to her/his absence.
- 6.3 However, suitable alternative employment may also be offered in exceptional circumstances other than redundancy (e.g. a general reorganisation) which would have occurred if the employee had not been absent, and necessitate a change in the job in which she/he was employed prior to her/his absence. The work to be done should be suitable to them and appropriate to the circumstances and the capacity and place of employment, and the terms and conditions of employment should not be less favourable than if the employee had been able to return to the job in which they were employed prior to her/his absence.

### Early Return to Work

- 6.4 An employee who wishes to return to work before the end of their adoption leave will have to give 8 weeks' notice in writing. Pro-forma DABVJB/PER/ADPT/02 (Appendix 2) can be used for notification purposes.
- 6.5 If an employee wants to return even earlier than the date they have already notified they will have to give notice 8 weeks before the new date. If an employee wants to postpone their early return they will have to give notice 8 weeks before the original early return date.

## **7. KEEPING IN TOUCH DAYS:**

- 7.1 During Adoption Leave the employee is allowed up to 10 days at work with normal pay as 'Keeping In Touch Days', without bringing the Adoption Leave period to an end. Normal pay will be an amount inclusive of any SAP. These days do not have to be consecutive and can be used for training or any other activity which enables the employee to keep in touch with the place of

employment. These days can only be taken following agreement between the employer and the employee to both the activity and timing.

### Reasonable Contact

- 7.2 An employer and employee are allowed to make reasonable contact during adoption leave, to discuss such issues as the return to work. Such contact will not bring the adoption leave period to an end. Apart from discussing the return to work, Line Managers should ensure that an employee is kept informed of other issues, such as job vacancies, significant workplace developments and training opportunities.

## **8. ANNUAL LEAVE/PUBLIC HOLIDAYS:**

- 8.1 Where possible employees should take proportionate annual leave, for that year, prior to their adoption leave commencing.
- 8.2 Employees on Adoption Leave retain their entitlement to accrue contractual annual leave throughout ordinary adoption leave. Adopters are entitled to accrue contractual annual leave throughout the additional adoption leave period. Where an employee returns from Adoption Leave with accrued annual leave, they should endeavour to take these holidays before 31<sup>st</sup> March in any year. However where this is not practical employees may in consultation with their line manager or senior officer take their annual leave after 31<sup>st</sup> March.
- 8.3 An employee will be entitled to a day in lieu for each Public Holiday that coincided with the paid period of Adoption Leave (i.e. 39 week period).

## **9. CONTINUOUS SERVICE:**

- 9.1 All periods of Adoption Leave count towards continuous service.

## **10. PENSION CONTRIBUTIONS:**

- 10.1 Employees who are members of the Local Government Pension Scheme should note that pension contributions continue to be paid during the paid period of Adoption Leave (i.e. first 39 week period) based on earnings. However, during the unpaid period (final 13 weeks) the Board does not pay pension contributions. The employee can elect to pay pension contributions for this period and should contact Corporate HR Services in West Dunbartonshire Council for the appropriate form. Election must be made within 30 days of return to duty.

## **11. ADOPTION SUPPORT LEAVE AND PAY:**

- 11.1 Support Leave of 5 days with full normal pay will be granted to the partner or the nominated carer of the adopter at or around the time of the placement. The nominated carer is the person nominated by the adopter to assist in the care of the child and to provide support to her/him at or around the time of the placement. Application for adoption support leave should be made on form VJB/MSL/1/01 and returned to the line manager as soon as it is known what dates are required.

## **12. PATERNITY LEAVE AND PAY:**

- 12.1 In addition to Adoption Support Leave described above, an employee who is the spouse or partner of the adopter, and has at least 26 weeks' continuous service at the start of the notification week is entitled to a second week's leave with full normal pay. Applications for paternity leave must be submitted on form VJB/MSL/01 and returned to Line Manager/Senior Officer for signing and approval.
- 12.2 Statutory Paternity Leave can be taken:
- (a) from the date of the child's placement
  - (b) from another date after the child's placement for adoption
- 12.3 Leave can start on any day of the week, but must be taken within 56 days of the actual placement date.
- 12.4 An employee who is on Statutory Paternity Leave shall receive Statutory Paternity Pay (SPP) and this will be offset against normal pay.
- 12.5 An employee who wishes to take SPL must inform the Joint Board of their intention to take paternity leave within 7 days of having been notified by their adoption agency that they have been matched with a child/children, unless this is not reasonably practicable. He/she must state in writing:-
- (a) the expected date of the placement for adoption; and
  - (b) when they want the leave to start
- 12.6 There can only be one period of leave. Where an employee elects to take 2 weeks' leave, these must be consecutive (not odd days).
- 12.7 Employees may alter the date on which their leave starts by giving 28 days' notice in writing, where this is reasonably practicable.
- 12.8 Only one period of leave is available to employees, irrespective of whether more than one child is placed for adoption.

## Summary of Adoption Leave and Pay – Local Government Employees

Criteria	Leave	Pay
Less than 26 weeks' continuous service prior to the week of notification of being matched.	Up to 52 weeks	Unpaid
At least 26 weeks' service prior to the week of notification of being matched but does <b>not</b> meet SAP qualifying criteria.	Up to 52 weeks  Comprising: 26 Ordinary and 26 Additional	<ul style="list-style-type: none"> <li>• 6 wks – 9/10<sup>th</sup> week's pay</li> <li>• 12 wks – 5/10<sup>th</sup> week's pay</li> </ul>
At least 26 weeks' service prior to the week of notification of being matched and meet SAP qualifying criteria and intending to return to work.	Up to 52 weeks  Comprising: 26 Ordinary and 26 Additional	<ul style="list-style-type: none"> <li>• 6 wks – 9/10<sup>th</sup> week's pay (offset against payments made by way of SAP)</li> <li>• 12 wks – 5/10<sup>th</sup> week's pay without deduction (except to the extent where combined pay and SAP exceeds full pay)</li> <li>• 21 wks – SAP only</li> </ul>
At least 26 weeks' service prior to the week of notification of being matched and meet SAP qualifying criteria but <b>not</b> intending to return to work.		<ul style="list-style-type: none"> <li>• 6 wks – 9/10<sup>th</sup> week's pay (offset against payments made by way of SAP)</li> <li>• 33 wks SAP only</li> </ul>
At least 26 weeks' service prior to the week of notification of being matched and does <b>not</b> meet SAP qualifying criteria but not intending to return to work.		<ul style="list-style-type: none"> <li>• 6 wks – 9/10<sup>th</sup> week's pay</li> </ul>

**Note:** SAP is only payable to employees who have average weekly earnings of not less than the lower earnings limit for NI purposes, which applies at the end of the week in which official notification of match is received. Any salary payment inclusive of SAP will not exceed full pay.