

1. INTRODUCTION

The aim of the Adoption Leave Policy is to provide all employees with a period of pay and leave comparable with the Council's Maternity Leave Schemes .

Adoption Leave will be available to **all Local Government employees** provided the child being adopted is under 18 years of age and where an approved adoption agency notifies the adopter of a match with a child on or after 6 April 2003.

2. WHO CAN TAKE ADOPTION LEAVE?

Adoption Leave provisions will apply to the adoptive parent who is nominated as the Principal Carer. The Principal Carer must be identified at the beginning of the adoption process and notified to Head of Service and Human Resource Services.

Employees must have 26 weeks continuous service at the date when an approved match is made in order to qualify.

Adoption Leave will apply to individuals, same sex, married and unmarried couples. Where both parents are employees of East Dunbartonshire Council, only the Principal Carer will qualify for paid Adoption Leave.

3. WHAT IS MY ENTITLEMENT?

Scheme A

Scheme A applies if you have less than 26 weeks continuous service at the date when an approved match is made.

How Much Leave am I Entitled to?

You will be entitled to 26 weeks Ordinary Adoption Leave.

Will I be Entitled to Pay?

Subject to qualifying conditions:

- * **26 weeks at £100 (Statutory Adoption Pay*).**
**subject to satisfying NI Earnings criteria*

SCHEME B

Scheme B applies if you have more than 26 weeks continuous service at the date when an approved match is made.

How much Leave am I entitled to?

You will be entitled to 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave.

Will I be Entitled to Pay?

During the Ordinary Adoption Leave period, subject to qualifying conditions, you may be entitled to

first 6 weeks @ 90% of average weekly pay incl of SAP*
then
12 weeks @ half pay plus SAP*

then
8 weeks @ SAP (£100)

**subject to satisfying NI Earnings criteria.*

You must return to work for a period of 3 months otherwise you will have to repay the 12 weeks half pay.

Additional Adoption Leave

This period of leave is unpaid. If both parents are employees of the Council then there is an option available to allow the parents to split to leave ie, one parent takes the Ordinary Adoption Leave and the other takes the Additional Adoption Leave.

4. WHAT HAPPENS IF AN EMPLOYEE ADOPTS MORE THAN ONE CHILD?

Where more than one child is being adopted at the same time e.g. brothers and/or sisters from the one family, only one period of leave shall be granted irrespective of the number of children being adopted.

Adoption Leave will not be granted in circumstances where the child is already living as a family member e.g. where the spouse/partner of a natural parent adopts their partner's child or children.

5. WHEN CAN ADOPTION LEAVE BEGIN?

Employees can choose to start their leave from:

The date of the child's placement (whether this is earlier or later than expected)

Or

A fixed date which can be up to 14 days before the expected date of placement.

6. WILL EMPLOYEES BE ABLE TO RETURN TO THE SAME JOB AFTER ADOPTION LEAVE?

An employee who has taken ordinary adoption leave (26 weeks only) will be entitled to return to the same job, with seniority, pension and other rights unaffected and on no less favourable terms.

An employee who has taken additional adoption leave is entitled to return to the same job or if that is not reasonably practicable, to another suitable job but no less favourable remuneration, with seniority, pension and other rights unaffected, and on no less favourable terms and conditions.

7. WHAT ARE THE PROCEDURES FOR APPLYING FOR ADOPTION LEAVE?

Employees must inform their Head of Service of their intention to apply for Adoption Leave at least 15 weeks prior to the approximate commencement date of leave. It is recognised that definite dates cannot be supplied at this time, however, in order to allow a period of leave of up to one year, provisional arrangements will require to be in place.

Employees will be required to inform Human Resources of their intention to take Adoption Leave within 28 days of being notified by their Adoption Agency that they have been matched with a child for adoption, unless this is not reasonably practicable.

Employees will require to advise Human Resources when the child is expected to be placed with them and the date they wish the adoption leave to start using Form PER/ADOP/1.

A Matching Certificate from the approved adoption agency must be submitted as evidence of entitlement to Adoption Leave and Pay.

8. CAN ADOPTION LEAVE BE REFUSED?

No. Human Resources will respond within 28 days of the employee's notification of their leave plans, advising of the latest date for return to work if the full entitlement to Adoption Leave is taken.

9. WHAT IS THE EMPLOYMENT STATUS WHILE AN EMPLOYEE IS ON ADOPTION LEAVE?

The employment status is the same as an employee on maternity leave. That is, the employment contract continues whilst the employee is on Adoption Leave unless it is terminated by either employer or employee. The normal notice periods from either party would apply.

The continuation of other contractual terms and conditions will not be affected by breaks for Adoption Leave. However, occupational pension rights that have accrued prior to going on unpaid Adoption Leave will be frozen until the employee returns to work.

10. ANNUAL LEAVE AND PUBLIC HOLIDAY ENTITLEMENT

Annual leave and public holidays continue to accrue during the Ordinary Adoption Leave.

11. RETURN TO WORK

28 days notice must be given in writing of the intended date of return.

The Principal Carer must return to work for the Council for a period of not less than 3 months or repay the 12 weeks half pay.

Subject to agreement, an employee may return to work, part way through the notice period.

A phased return to duty can be arranged. Contact Human Resources for further information.

12. QUESTIONS

Human Resource Services should be contacted if there are any questions with regard to any aspect of Adoption Leave.

13. RELATED POLICIES AND PROCEDURES

Parental Leave
Scheme of Special Leave