

Adoption Leave

The Treasury recognises that employees often wish to combine their careers with a family life and actively supports employees during the adoption of a child. The Treasury positively encourages employees to return to work after the adoption of a child, thus retaining essential and valued skills within the department.

Employees who are legally adopting a child (excluding adoption from partner/spouse) from within the UK or from abroad shall be entitled to similar leave and pay entitlements as those defined for both the Treasury Maternity and Paternity policies as applicable.

Eligibility

This policy applies to the primary carer of an adopted child be they male or female, full-time or part-time employees no matter how many hours they work, provided they satisfy the qualifying conditions detailed below:

Employees are eligible for adoption leave if they:

- Have 26 or more weeks service ending with the week in which the employee is notified of having been matched with the child.
- Have been newly matched with a child for adoption by an approved adoption agency or, in the case of adoption from overseas, have received official notification from the relevant domestic authority; this right will therefore not apply to e.g. step-parents adopting a child
- Have given the correct notice as detailed in this policy (refer to Notification of Adoption Leave section).

Treasury Adoption Entitlements including Treasury Contractual Pay

- Entitlement for employees with at least 52 weeks service or more at the week in which they were notified of having been matched with a child for adoption.
- Entitlement for employees with at least 26 weeks but less than 52 weeks service at the week in which they were notified of having been matched with a child for adoption.

Entitlement for employees with at least 52 weeks service or more at the week in which they were notified of having been matched with a child for adoption.

Ordinary Adoption Leave

Employees are entitled to 26 weeks ordinary adoption leave during which time they maybe eligible to receive Contractual Adoption Pay which is dependent on the employee returning to work at the end of the adoption leave period and giving one month's effective service.

Employees entitled to Contractual Adoption Pay will be paid at full salary for the 26 weeks ordinary adoption leave period. To qualify for Contractual Adoption Pay, the employee must meet the eligibility criteria above and be employed on a permanent or on a fixed term contract which allows them to return for at least one month after the

end of their adoption leave. If an employee is on unpaid leave (excluding unpaid sick leave) for any reason during the qualifying period they will not receive any contractual adoption pay.

Additional Adoption Leave (AAL)

Employees are also entitled to an additional adoption leave period of 26 weeks to directly follow the ordinary adoption leave. For the first 13 weeks of this period the employee maybe entitled to receive SAP, the remaining 13 weeks or longer is unpaid. Note if the employee works any days as 'Ad Hoc Days' these will not extend the AAL period.

This extension does not affect an employee's right to take parental leave or to apply for a career break.

Entitlement for employees with at least 26 weeks or more but less than 52 weeks service at the week in which they were notified of having been matched with a child for adoption.

Employees are entitled to 26 weeks ordinary adoption leave and maybe entitled to Statutory Adoption Pay (SAP) for this period.

Additional adoption leave

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Statutory Adoption Pay

Statutory Adoption Pay (SAP) is paid directly to the employee on the normal pay date via the Payroll.

SAP is paid for 39 weeks of adoption leave providing the employee's normal earnings are not less than the lower earnings limit in force for the payment of national insurance contributions. The calculation period for SAP is based on 8 weeks average earnings ending on the last normal pay day prior to the week the employee was matched for adoption, i.e. If the matching date is 14 April 2007 then the period for calculating the SAP is 1 February 2007 to 31 March 2007.

SAP will be paid for 39 weeks of adoption leave at the lesser of a flat rate of £112.75 per week (for the tax year 2007- 2008) or 90% of full pay and is payable only in complete weeks while the employee is not working. The employee does not need to undertake to return to work in order to claim SAP. SAP is only paid where the employee has average earnings of at least the lower earnings level for National Insurance contribution purposes.

SAP is subject to tax and national insurance.

For further information refer to SAP information

When can adoption leave start?

Employees who adopt from within the UK can choose to begin their adoption leave:

- from up to 14 days before the expected date of placement up until the date of the child's placement (whether this is earlier or later than expected).

In the event of adopting a child from abroad, adoption leave can start:

- From the date the child enters the UK
- From a fixed date (as notified to the Treasury) no later than 28 days after the date the child enters the UK

In all cases the employee must give 28 days notice of intention to start adoption leave and 28 days if they wish to change the date their adoption leave is to start or as much notice as is reasonably practicable.

Notifying the Treasury of Adoption Leave

The employee should complete and submit an Adoption Leave Intention Form to their line manager within 7 days of receipt of written confirmation of being matched with a child from an approved UK agency or upon receipt of the official notification [from the relevant domestic authority] in the event of adopting a child from outside the UK.

The Adoption Leave Intention form details when the child is expected to be placed with the employee and when the employee wants their adoption leave to start.

In addition where the employee is adopting from overseas they must notify Treasury of the date they received official notification, the date the child is expected to enter the UK, and the date the child actually enters the UK. Note Treasury can request that employees provide a copy of the official notification letter and evidence of the child's entry to the UK.

The Adoption Leave Intention form also details the payback clause around Contractual Adoption Pay for those who are eligible. If an employee is eligible for Contractual Adoption Pay by signing the Form (which is a legally binding document), they will be agreeing to repay the Treasury the amount of salary less the amount of Statutory Adoption Pay if they do not return to work at the end of adoption leave and give one month's effective service.

The Treasury may waive repayment where there are good management reasons why they believe a genuine intention to return cannot be realised because of exceptional circumstances.

Documentation required

As well as the information required for leave, to be eligible for any pay (statutory or contractual) during adoption leave, the employee must also provide their line manager with the following evidence:

Adoption from within the UK - an adoption matching certificate (available from the adoption agency) as soon as this is available.

Adoption from outside the UK - the official notification from the relevant domestic authority, within 7 days of receipt. Employees may be expected to provide further evidence of the date of entry, such as a plane ticket or copies of entry clearance documents in place of an adoption matching certificate.

The line manager should forward copies of these documents on to HR Services as soon as possible.

Changing the dates of Adoption Leave

The Treasury appreciate that the dates for leave may change due changes to the adoption placement date. Should such circumstances occur, the employee is required to give as much notice as possible (at least 28 days) to their line manager to change their proposed leave dates.

If a placement is delayed for whatever reason and they employee has already begun their adoption leave, they should contact their line manager and HR Business Partner for advice on changing the dates of their leave.

Notification of adoption leave - Response from the Treasury.

Within 28 days following the receipt of the Adoption Leave Intention Form from the employee, the employee will receive a response from the Treasury confirming the following:

- If the employee is entitled to both ordinary and additional adoption leave; the date on which the additional adoption leave will end.

Prior to Adoption Leave

Performance Appraisal

The line manager must ensure that they complete a Performance Appraisal with the employee if one has not been completed within the previous quarter. This will provide input to the Performance Review Team and ensure that the employee's eligibility for an annual pay review and their career development is not disadvantaged by their undertaking adoption leave.

Treatment of Benefits during the adoption leave period

Contractual Benefits

Employees are entitled to the benefit of their normal terms and conditions of employment, except the terms relating to remuneration, throughout the 26 week ordinary adoption leave period. See Treatment of Benefits during adoption leave for further information. Employees continue to receive contractual benefits during the ordinary adoption leave period apart from remuneration unless they qualify for Contractual Adoption Pay. The employee's service with Treasury is also regarded as continuous upon return to work and they do not have to re-qualify for any service related rights.

Annual Leave

Employees are encouraged to take their annual leave entitlement accrued prior to commencement of adoption leave. Employees will continue to accrue annual leave during the 26 weeks ordinary adoption leave at the normal accrual rate.

Employees eligible for the 26 weeks additional adoption leave will accrue additional holiday to meet the statutory annual leave obligations under the Working Time regulations. Employees will not be entitled to pay for any bank holidays that fall within the additional 26 week period.

Subject to line manager approval and operational requirements, employees may be able to take some or all of the annual leave accrued during adoption leave at the end of the leave period. Employees should contact their line manager for approval if they wish to do so.

Pensions

Pension contributions will continue during the period of paid adoption leave. When payments cease so too will contributions. The employee will remain a member of the PCSPS and retain all other benefits associated with being so. For further information refer to, Civil Service Pension Scheme.

Keeping In Touch (KIT) Scheme

Whilst on leave, employees will regularly receive information to enable them to keep up to date with what is happening at the Treasury. They will receive job vacancy listings and office notices. The vacancy listings are sent via email therefore employees should provide HR Services with an email contact address before starting leave. If an employee does not have a home email facility then the vacancy listings can be sent by post. Office notices and other Treasury messages will be sent to employees either by email or post.

Please could all employees should ensure that they notify HR Services of any change to their postal and/or email addresses whilst they wish to be part of the Keeping in Touch (KIT) Scheme. If you have any queries relating to the KIT scheme please contact the HR Services (hrrservices@hmtreasury.gsi.gov.uk e-mail, or 020 7270 4741).

Ad Hoc Days Policy

The Treasury adheres to the statutory arrangement whereby employers and employees may agree that up to 10 days work may be carried out during the adoption leave period. There is no requirement on the employer, the Treasury, to offer or agree to such work, correspondingly the employee is not obliged to accept any such work offered. Where agreement is reached the employee will be paid his/her normal contractual rate of pay for any day or half day worked, less any Treasury or statutory adoption pay, which will be offset. Ad Hoc Days worked do not extend the adoption leave period. Note if more than 10 days are worked the adoption leave period will end. If you have any queries relating to the Ad Hoc Days policy please contact HR Reward and Policy Team.

What happens if the adoption placement is disrupted during adoption leave?

If an employee begins their ordinary adoption leave before the placement of the child and is then told that the placement will not be made or during adoption leave the child dies or returns to the adoption agency then the employee's leave will normally finish 8 weeks after the end of the week in which the disruption took place.

What happens if an adopting couple both work for the Civil Service

Where a couple working at Treasury or for the wider Civil Service are adopting a child jointly, they must decide which of them is going to take adoption leave and which of them is going to take Paternity Leave. The primary carer will be entitled to adoption leave and the partner will be entitled to paternity/maternity support leave.

Where an individual employee is adopting a child, they may take adoption leave. Where they have a co-habiting partner who also works at Treasury or for the wider Civil Service, their partner may take Paternity Leave. Employees will be expected to declare if their partner also works at Treasury or for another Civil Service department for monitoring purposes.

Returning to Work

After Ordinary Adoption Leave

An employee who returns to work after ordinary adoption leave is entitled to return to the same job on the same terms and conditions as if he/she had not been absent, unless a redundancy situation has arisen, in which case she is entitled to be offered a suitable alternative vacancy should one be available.

After Additional Adoption Leave

An employee who returns to work after additional adoption leave is entitled to return to the job in which they were employed before their leave or, if it is not reasonably practicable for Treasury to permit them to return to that job, to another job which is both suitable for them and offers no less favourable terms and conditions of employment.

Notification of Return to Work

It will be assumed that employees will take their full statutory entitlement to adoption leave unless they notify their line manager to the contrary. Employees must follow the notification of return to work guidelines as detailed below:

Return to work prior to the end of additional adoption leave

If the employee wishes to return to work before the end of the additional adoption leave period 8 weeks notice of the return date must be given to the line manager. This notice does not have to be in writing.

The line manager is to notify HR Services if the employee intends to return to work before the end of their full adoption leave entitlement so that the employee's pay may be reinstated.

Postponement of return to work

If an employee attempts to return to work earlier than the end of their ordinary or additional adoption leave without giving 8 weeks notice, the Treasury reserves the right to postpone the return until 8 weeks notice has been given. Should the Treasury exercise this right, and the employee returns to work prior to the date specified, they will not be entitled to any remuneration.

If an employee does not wish to return to work after adoption leave

An employee who does not wish to return to work after the ordinary or additional adoption leave period must resign and give the Treasury notice as required by their contract of employment.

If an employee decides to resign, the employee will be required to repay the Treasury the amount of contractual adoption pay received during the ordinary adoption leave period, less the amount of Statutory Adoption Pay as they have not returned to work at the end of the adoption leave and given one months effective service.

If an employee wishes to return to work on an amended work pattern

If an employee wishes to return to work on an amended work pattern, they have the right to make a formal request in line with the statutory guidelines provided by the DTI.

Line managers should also refer to the DTI guidance and seek advice from their line HR Business Partner when responding to a request for an amended work pattern.

Further Support Available

All employees, regardless of length of service, have the right to reasonable time off to attend meetings with the relevant approved agency to arrange the adoption. This time off will be paid as long as the amount of time required is reasonable. Should an employee adopt a child from abroad and the meetings with the agency are to take place abroad, they will usually be entitled to paid leave for the dates of the agency meeting only. Any remaining time taken should be taken as annual or unpaid leave. Employees must provide their Line Manager with evidence of the meetings upon request.

The Treasury recognises that during the adoption process there is often a period of introduction with the child, which is crucial to the process and involves both adoptive parents. The introduction period usually involves both adoptive parents spending time in the foster/care home with the child and is followed by a gradual introduction to the adoptive parents home prior to the actual date of placement. Employees are encouraged to use their annual leave entitlement to cover this period. In the event that this is not possible employees should request unpaid leave from their line manager giving as much notice as possible. All decisions will be made on a discretionary basis.

Related Policies at the Treasury

Paternity Leave (Maternity/Adoption Support Leave)

The partner of a new mother or adopter employed by the Treasury may be entitled to Paternity Leave. Please refer to the Treasury Paternity Leave Policy for full details.

Parental Leave

New parents who have completed one year's service with the Treasury may wish to take a period of Parental Leave. Please refer to the policy for full details.

Childcare

The department offers support to the childcare costs of eligible staff. Please refer to the section on Childcare.

Time off for Dependents

Employees are entitled to reasonable time off work to deal with certain unexpected emergencies involving people who depend on them. The time off is granted so that the employee may make long-term care arrangements if required but not to carry out prolonged care themselves. Please refer to the Treasury Special Leave Policy for further guidance.

Career Break Scheme

Employees may opt to take a career break under the Special Leave Policy. Please refer to the policy for full details.

