

# Adoption Guidance

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## SECTION 1: INTRODUCTION

### **Purpose of the Guidance**

This guidance is part of our Family Friendly suite of resources. These are designed to reflect that the demands and responsibilities vary from family to family, and can be applied to differing circumstances.

Aberdeen City Council acknowledges that employees undergoing the adoption process can be a joyful and stressful time for them and their partner. The Council will be as supportive as possible in relation to employees going through the adoption process, in particular in relation to time off requests and will aim to take a fair and consistent approach with employees

Employees working in supportive and compassionate environments are more likely to feel able to discuss a wellbeing issue or a challenging life event, to ask for help when needed, and to make an effective return to work. When managers manage well and build trust-based relationships with their team, they help to create an environment that is open, respectful and kind.

The purpose of this guidance is to provide managers and employees with relevant information in order to effectively manage and support a Primary Adopter / Secondary Adopter who are going through an adoption process.

Core to this guidance is that no employee will be adversely treated in the workplace due to them, taking leave throughout the adoption process .

### **Inclusivity Statement**

This guidance is applicable to any employee considering adopting. The gender, sexual orientation or other characteristics are irrelevant in the application of any of our family friendly policies.

### **Application and Scope**

This guidance applies to all Aberdeen City Council employees apart from Teachers and other employees covered by the SNCT terms and conditions.

This guidance incorporates relevant national and local conditions of service and legislation. This guidance applies to employees whose baby is due to be born on or after 5<sup>th</sup> April 2015.

## SECTION 2: OVERVIEW OF ADOPTION PROCESS

Following the steps on this checklist will make sure that you take the necessary actions at the right time so that you receive your adoption entitlements.

ACTION		TIMESCALE	Tick box on completion
1.	If applicable, consider whether you wish to remain in the childcare voucher or other salary sacrifice schemes.	As soon as possible. Cancellation needs to be processed by the beginning of the 8 <sup>th</sup> week before the matching week to provide the highest level of adoption pay.	
2.	Submit <b>Application for Adoption Leave</b> form together with a matching certificate to your Line Manager.	Within 7 days of being notified by the adoption agency that you have been matched with a child for adoption (or as soon as possible).	
3.	If applicable, submit <b>Notification of Early Return to Work</b> form to your Line Manager (only required if you wish to return to work <u>early</u> i.e. before the end of your 52 week adoption leave period).	At least 8 weeks before early return date.	
4.	If applicable, consider whether you and your partner may be eligible and wish to opt into <b>Shared Parental Leave and Pay</b> . You may wish to discuss and seek further information from your Line Manager.	You would be required to follow notification and curtailment of adoption leave and/or pay processes, providing notice at least 8 weeks before the first day of your intended period of leave.	
5.	Write to Pensions if you wish to pay an Additional Pension Contribution (APC) to purchase any or all amounts of pension 'lost' during any unpaid period of adoption leave.	Within 30 days of returning to work for it to be a shared cost APC (Council pays 2/3rds and you pay 1/3rd).	

## SECTION 3: WHAT DO I NEED TO KNOW BEFORE MY ADOPTION LEAVE

It is up to the couple to decide and elect who is the:

**Primary Adopter:** this is the person who takes adoption leave and receives adoption pay (where applicable) and would be the parental order parent in the case of surrogacy.

**Secondary Adopter:** this is the Primary Adopter's partner and may be entitled to paternity leave and pay.

### Time off for pre-adoption meetings

You are entitled to time off to attend pre-adoption meetings regardless of your length of service or hours of work, as long as you provide evidence of your meeting to your Line Manager.

If you are the **primary adopter**, you are entitled to take **paid time off** during working hours to attend up to 5 meetings, and each meeting may last up to 6.5 hours.

If you are the **secondary adopter**, you are entitled to take **unpaid time off** during working hours to attend up to 2 meetings, and each meeting may last up to 6.5 hours.

You should give your Line Manager as much notice of these meetings as possible and wherever possible such meetings should take place at the start or end of the working day.

You have protection against unfair treatment, discrimination or dismissal resulting from exercising your right to take time off to attend pre-adoption meetings.

Please note that if you exercise your right to paid time off to attend adoption meetings (as primary adopter), you won't be entitled to elect to take paternity leave rather than adoption leave.

If you are having a child through a surrogacy arrangement and intend to apply for a parental order to become one of the child's legal parents, you have the right to **unpaid** time off work to accompany the mother/birth parent to up to 2 antenatal appointments.

## SECTION 4: WHAT DO I NEED TO KNOW ABOUT ADOPTION LEAVE AND PAY

This guidance applies if you are adopting a child from within the UK. You will not qualify for adoption leave or pay if you:

- Arrange a private adoption
- Become a special guardian
- Adopt a family member or stepchild

If you are one of the intended parents in a surrogacy arrangement, and apply for a parental order to become one of the child's legal parents, the **parental order parent** can be eligible for adoption leave and pay and the partner of the parental order parent can be eligible for paternity leave and pay. You and your partner must elect who will be the parental order parent and take adoption leave.

If you are adopting a child from outwith the UK, you may also be entitled to adoption leave or pay, subject to certain qualifying criteria. If you are adopting a child from outwith the UK, please contact the HR Service Centre for further advice.

### Am I entitled to adoption leave?

You are entitled to adoption leave regardless of your hours of work if you:

- a) Have been newly matched with a child by an approved adoption agency and are the Primary Adopter.
- b) Are the parental order parent and have or are applying for a parental order in a surrogacy arrangement.
- c) Complete and submit the **Application for Adoption Leave** form (attached at **Appendix 1**) to your Line Manager, together with a completed matching certificate (or parental order in the case of a surrogacy arrangement), within 7 days of being notified by the adoption agency that you have been matched with a child for adoption, or as soon as possible.

Once you have submitted the original copy of the **matching certificate** (or parental order in the case of a surrogacy arrangement) along with the **Application for Adoption Leave** form, your Line Manager will send these to the HR Service Centre. The HR Service Centre will then write to you within 5 days of receiving these documents (by law this must be within 28 days of your Line Manager receiving the completed documents from you) to confirm your adoption information along with your date of return to work, assuming you decide to take your full entitlement to adoption leave. If you later decide to change the start date of your adoption leave, you need to let your Line Manager know in writing at least 28 days before the revised start date of your adoption leave (or as soon as possible).



## When can my adoption leave start and how long can I be on adoption leave?

If you meet the qualifying criteria listed under section 3.1 of this guidance, you can take up to 26 weeks' ordinary adoption leave immediately followed by 26 weeks' additional adoption leave i.e. a total of 52 weeks' leave.

Your adoption leave can start:

- No earlier than (the date given in your application) which will be no more than 14 days before the expected date of placement/surrogacy birth;
- No later than the date of the child's placement or surrogacy birth (or the day after that if you are at work on that day).

If you decide to change the start date of your adoption leave, you need to let your Line Manager know in writing at least 28 days before the revised start date of your adoption leave (or as soon as possible).

If the child's placement ends during the adoption leave period, you must notify your Line Manager in writing immediately. You will be entitled to remain on adoption leave and to receive any adoption pay which you are entitled to for up to eight weeks after the end of the week in which the placement ends, or until the adoption leave was due to end, whichever is earlier.

You can return to work early i.e. before the end of the 52 week adoption leave period, provided that you complete the **Notification of Early Return to Work** form (attached at **Appendix 2**) and give it to your Line Manager at least 8 weeks before the date on which you intend returning to work early.

## Can I share my adoption leave with my partner?

Where you adopt a child as a couple (this includes same sex couples) or have a child through a surrogacy arrangement, only one person can take the adoption leave and receive adoption pay (where applicable) - the primary adopter (this would be the parental order parent in the case of surrogacy). The primary adopter's partner (secondary adopter) may be entitled to 2 weeks of paid paternity leave at or around the time of the placement of the child.

In addition, under Shared Parental Leave provisions, you can choose to share a period of leave and pay with your partner. If eligible, you would do this by ending/curtailing your adoption leave and/or pay at a future date and share the untaken balance of leave and pay with your partner or return to work early from adoption leave and opt into Shared Parental Leave and Pay at a later date.

Further information on the Shared Parental Leave can be found in the Council's Shared Parental Leave Guidance and Paternity Guidance available on People Anytime or from your Line Manager.

## Am I entitled to adoption pay?

If you are the Primary Adopter (parental order parent in the case of surrogacy) your entitlement to adoption pay depends on your length of continuous service and how much you earn.

To qualify for **Statutory Adoption Pay (SAP)** and/or **Occupational Adoption Pay (OAP)** continuous service means, continuous service with **Aberdeen City Council** or a **public authority** as listed in the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Orders (which covers local authorities and related bodies).

(Please note that if you have returned to local government service following a break for adoption reasons and the break in service does not exceed eight years and does not include a period of employment for which you were paid, you will be entitled to have the previous service taken into account for adoption pay purposes).

Qualification	Entitlement
<b>If you have less than 26 weeks' continuous service* by the matching week or expected week of birth for surrogacy:</b>  (*see previous page for definition of continuous service)	You will not be entitled to SAP or OAP but you may be entitled to claim benefits through Jobcentre Plus. <b>See notes below</b> for further details.
<b>If you have 26 weeks' continuous service* or more by the matching week or expected week of birth for surrogacy and your average weekly earnings are <u>equal to or more</u> than the lower earnings limit for National Insurance contributions:</b>  (*see previous page for definition of continuous service)	You will be entitled to OAP and SAP for a maximum period of 39 weeks as follows:- <ul style="list-style-type: none"><li>• For the first 6 weeks you will get 90% of your average weekly earnings (which is the same rate as Statutory Adoption Pay).</li><li>• For the following 12 weeks you can get a sum equal to 50% of your normal pay (this is optional and you can choose whether or not to receive this money – <b>see notes below</b> for further details). In addition you will get the flat rate of SAP or 90% of your average weekly earnings, whichever is less. The maximum amount you can receive for these 12 weeks is your normal full pay.</li><li>• For the following 21 weeks you will get the flat rate of SAP (or 90% of your average weekly earnings if this is less than the flat rate of SAP).</li><li>• The remaining 13 weeks of adoption leave, if taken, would be without pay.</li></ul>

<p><b>If you have 26 weeks' continuous service* or more by the matching week or expected week of birth for surrogacy but your average weekly earnings are <u>less</u> than the lower earnings limit for National Insurance contributions:</b></p> <p>(*see previous page for definition of continuous service)</p>	<p>You will not be entitled to SAP but you may be entitled to claim benefits through Jobcentre Plus. <b>See notes below</b> for further details.</p> <p>You will be entitled to OAP as follows:-</p> <ul style="list-style-type: none"> <li>• For the first 6 weeks you will get 90% of your normal pay (which includes any benefits received from Jobcentre Plus.</li> <li>• For the following 12 weeks you can get a sum equal to 50% of your normal pay (this is optional and you can choose whether or not to receive this money – <b>see notes below</b> for further details). The maximum amount, including any benefits received from Jobcentre Plus, you can receive for these 12 weeks is your normal full pay.</li> <li>• The remaining 34 weeks of your adoption leave, if taken, would be without pay.</li> </ul>
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**Notes:**

- If you have submitted the **Application for Adoption Leave** form together with a matching certificate within 7 days of being notified by the adoption agency that you have been matched with a child for adoption (or in the case of a surrogacy arrangement submitted the parental order with the leave form), you will be issued with an **SAP1** form within 7 days of the decision that you are not entitled to SAP. This is so that you can ask about claiming benefits through Jobcentre Plus.
- If you choose to take the 12 weeks at 50% of your normal pay and then do not return to work for a period of 12 completed calendar weeks at the end of your adoption leave, you will be required to pay the money back (paid back on a pro rata basis if you return for less than 12 completed calendar weeks).
- If you choose not to take the 12 weeks at 50% of your normal pay, you will get the flat rate of SAP (or 90% of your average weekly earnings if this is less than the flat rate of SAP) for these 12 weeks. However if you do then return to work a period of 12 completed calendar weeks at the end of your adoption leave, you will then be paid for the 12 weeks at 50% of your normal pay (paid on a pro rata basis if you return for less than 12 completed calendar weeks).
- The definition of 'average weekly earnings' for the purpose of Statutory Adoption Pay is the gross average of all payments made to you in the 8 week period up to and including the last pay day before the end of the matching week or expected week of birth for surrogacy. The definition of 'normal pay' for the purpose of Occupational Adoption Pay is basic pay plus any contractual payments.
- If you are adopting more than one child as part of the same adoption arrangement or expecting more than one child through a surrogacy arrangement, your entitlement to adoption pay and adoption leave is the same as if you were only adopting one child.

- The rate of Statutory Adoption Pay may be reviewed by the Department for Work and Pensions. If payment of your Statutory Adoption Pay starts before and continues after the rate is changed, you will receive the new rate from the start of the week in which the change occurs.
- Income tax and national insurance contributions will be deducted from your adoption pay as appropriate.

### **What if I have more than 1 permanent or fixed term contract with the Council?**

If you have more than 1 permanent or fixed term contract with the Council e.g. two part time permanent posts, you only need to submit one copy of the **Application for Adoption Leave** form and you should list both job titles on the form. If you are entitled to receive Statutory or Occupational Adoption pay this will generally be calculated based on your total earnings under all permanent or fixed term contracts with the Council.

### **I currently receive Essential Car User allowance – what will happen to this allowance when I'm on adoption leave?**

As you currently receive Essential Car User allowance, you will continue to be paid the full lump sum allowance during your adoption leave.

### **I am part of the childcare voucher scheme (or any of the other salary sacrifice schemes) – how will this affect my adoption pay?**

If you have chosen to take part in any of the salary sacrifice schemes offered by the Council this may affect the amount of adoption pay you will receive. This is because Statutory Adoption Pay (SAP) is calculated on your average gross weekly earnings during the 8 week period up to and including the last pay day before the end of the matching week. Your 'gross weekly earnings' means the amount of salary you receive **excluding** the amount of salary which is sacrificed through the salary sacrifice scheme. So you may receive a lower rate of adoption pay if you remain in a salary sacrifice scheme after the beginning of the 8<sup>th</sup> week before the matching week or expected week of birth for surrogacy, than you would if you opt out of the scheme by that date.

You should give urgent consideration to whether or not you wish to remain in the scheme after the beginning of the 8<sup>th</sup> week before the matching week or expected week of birth for surrogacy. You may choose to leave the scheme at any time but if you do so after the beginning of the 8<sup>th</sup> week before the matching week or expected week of birth for surrogacy, the amount of adoption pay you receive may be proportionately reduced.

If you decide to leave the scheme you should do so by completing the required cancellation process from your online childcare account for childcare vouchers or the stated cancellation method for any of the other salary sacrifice schemes. Further information can be found by visiting the relevant section of [www.acmybenefits.co.uk](http://www.acmybenefits.co.uk). You should check the timelines on People Anytime or on the Council's My Benefits website to plan when you would need to opt out of the relevant scheme.

If you choose to remain in a salary sacrifice scheme you will receive the adoption pay due to you based on your average gross weekly earnings during the 8 week period up to and including the last pay day before the end of the matching week or expected week of birth for surrogacy. There will be no deduction made from this amount to fund your salary sacrifice during your adoption leave. When you go into a period of Statutory Adoption pay or no pay, childcare vouchers will be suspended during this time. When you return to work and are in receipt of pay and wish to reinstate your childcare vouchers, then you should send a written request to [ACCMYBenefits@aberdeencity.gov.uk](mailto:ACCMYBenefits@aberdeencity.gov.uk) and your request will be effective from the next available pay period.

The Council and its benefits providers are unable to offer financial advice so you are advised to seek financial advice from a qualified, independent source if you find yourself in any doubt as to the best course of action for your circumstances.

### **How does being on adoption leave affect my Local Government Pension Scheme (LGPS) pension contributions?**

Whilst you are on adoption leave you will pay pension contributions based on the adoption pay you receive during the paid period of your adoption leave (where you are entitled to receive adoption pay).

Whether or not you are entitled to receive adoption pay, the Council will pay pension contributions for you for the ordinary adoption leave period (first 26 weeks of your adoption leave) based on your normal full pay. The ordinary adoption leave period will be classed as pensionable service.

In addition, if you are entitled to be paid Occupational Adoption Pay and Statutory Adoption Pay for up to 39 weeks, the Council will pay pension contributions for you for the first 39 weeks of your adoption leave period based on your normal full pay. The ordinary adoption leave period (first 26 weeks of your adoption leave) plus the first 13 weeks of your additional adoption leave period (a total of 39 weeks) will be classed as pensionable service.

In respect of any unpaid period of adoption leave, where no pension contributions are paid either by you or the Council, you can elect, if you wish, to buy the 'lost' pension using an Additional Pension Contribution (APC) contract. Where you elect to pay an APC to purchase any or all the amount of pension 'lost' during the unpaid period of your adoption leave and you make the election within 30 days of returning to work, the Council will pay 2/3rds of the cost of the APC with you paying 1/3rd (it being a shared cost APC). If the election is made after 30 days following your return to work you would require to pay the entire cost of the APC yourself. You should contact the Pensions Section on 01224 264264 or by email [pensions@nespf.org.uk](mailto:pensions@nespf.org.uk) if you wish to make an election for an APC.

### **How does going on adoption leave affect my annual leave and public holiday entitlement?**

Once the start date of your adoption leave is known, the HR Service Centre can carry out a calculation to determine how much annual leave and public holiday entitlement you have for the current leave year up to your adoption leave start date. You will generally be expected to take any outstanding leave entitlement before your adoption leave start date.

If you are a part year employee (e.g. you work term time in a school), this calculation won't apply to you because your leave is taken as it falls in the school holiday periods throughout the year.

Both full year and part year employees continue to accrue annual leave and public holidays during adoption leave. See Section 5 of this guidance for further details on accrual of annual leave and public holidays during adoption leave.

### **How does going on adoption leave affect my continuous service with the Council?**

Adoption leave counts towards your continuous service with the Council and so does not count as a break in continuous service.

### **How does going on adoption leave affect my eligibility to receive a national pay award or a salary increment?**

Going on adoption leave will not affect your eligibility to receive a national pay award or a salary increment.

For those employees covered by the Continuous Review & Development scheme, if you have a period of adoption leave during a review year you will receive your annual increment if you are not already at the top point of your salary grade and have not been managed under Managing Performance, or received a disciplinary warning during the review year.

National pay awards will be applied automatically to those on adoption leave and Statutory or Occupational Adoption Pay (where applicable) will be recalculated to take into account any such pay award.

### **What if I decide to resign before my adoption leave starts?**

You should submit your resignation in writing to your Line Manager. Your contract end date will be in accordance with the notice period stated in your contract of employment. For most employees this will be 4 calendar weeks (28 days) from the date of resignation (3 months for Chief Officials), or the requested contract end date provided by you in writing where this is later. You will receive payment for any outstanding money due to you in your final salary payment. You should return any Council property you may have including ID badge, fob, keys, computer equipment etc. to your Line Manager.

Adoption leave won't apply to you as you are resigning before your adoption leave starts. If you are still employed by the Council at the matching week or expected week of birth for surrogacy, and you have at least 26 weeks' continuous service (see section 3.4 above) by that time, you will still receive any adoption pay which you are entitled to. You won't be entitled to receive the 12 weeks of Occupational Adoption Pay at 50% of your normal pay because you won't be returning to work with the Council after adoption leave.

The HR Service Centre will carry out a calculation to determine how much annual leave and public holiday entitlement you have for the current leave year up to your leaving date. If you have taken less leave than you are entitled to, you can then either use any entitlement

before you leave or be paid for the outstanding leave entitlement in your final salary from the Council. If you have taken more leave than you are entitled to, the balance of leave will be deducted from your final salary from the Council.

## SECTION 5: WHAT DO I NEED TO KNOW DURING MY ADOPTION LEAVE

### Keeping in touch days

Keeping in touch days can help to make it easier for both you and the Council when it comes to you returning to work.

You are not obliged to do any work or attend any work related events during your adoption leave but if both you and your Line Manager agree, you can do **up to 10 days** work during your adoption leave. These days do not have to be limited to your normal job as they could be used for training or other work related events.

Although you are entitled to a maximum of 10 keeping in touch days during your adoption leave you can only use a maximum of 2 days in any one week. You will need to discuss arrangements for keeping in touch days with your Line Manager at least 7 days in advance, detailing the dates and times that you wish to work. Your Line Manager has to agree these dates and times and the nature of the work that you will do before you can work them.

Any work you do as a keeping in touch day, even a one hour training course for example, will be counted as a whole keeping in touch day towards the total of 10 days. The maximum payment you can receive for keeping in touch days is your normal contractual rate of pay inclusive of any adoption pay you are receiving at this time i.e. you will **not** receive your normal contractual rate of pay **plus** any statutory or occupational adoption pay for keeping in touch days. If you work less than a full working day as a keeping in touch day you will be paid your normal contractual rate of pay inclusive of any adoption pay you are receiving at this time for the actual hours worked.

Any childcare costs incurred as a result of working a keeping in touch day will need to be met by you.

### Reasonable contact

The purpose of reasonable contact is for you to stay in touch with the Council during your adoption leave period and does not require you to actually do any work. Your Line Manager will agree with you before you start your adoption leave how you will stay in touch and how often. This may be by telephone, by email, by you making a visit to the workplace, or in other ways. Any contact of this nature will not bring your period of adoption leave to an end or result in you losing any adoption pay. It is an opportunity for you to find out from your Line Manager about any developments or changes at work, any relevant promotion opportunities or for you to talk about your plans to return to work if this is your intention.

### Right to live and work in the UK

If you are working in the UK on a visa or work permit, you must keep the documentation evidencing your right to live and work in the UK up to date during your adoption leave. You must also be able to produce this documentation at any time if requested to do so by the



Council. This is because you remain an employee of the Council during your adoption leave period.

## **PVG**

If your post requires you to be a member of the Protecting Vulnerable Groups (PVG) scheme and as part of your adoption leave you are outwith the UK for more than 3 months, you will need to provide a foreign police check before you return to work. For guidance on how to obtain a foreign police check please visit the Foreign & Commonwealth Office website.

## **SSSC registration**

If your post requires you to be registered with the Scottish Social Services Council (SSSC), you must continue to pay your SSSC registration fee and remain registered with the SSSC during your adoption leave.

## SECTION 6: WHAT DO I NEED TO KNOW WHEN I'M COMING TO THE END OF MY ADOPTION LEAVE?

### **Do I need to notify my Line Manager of the date I will be returning to work?**

If you are taking the full 52 weeks of adoption leave you are not obliged to tell your Line Manager the date on which you will be returning to work, as the date of return will be assumed to be the day following the end of the 52 week period. However as part of the reasonable contact you have with your Line Manager during your adoption leave, it is a good idea to be discussing with your Line Manager when you will be returning to work and also how you will use any accrued annual leave and public holiday entitlement.

If you are returning to work early from your adoption leave (i.e. before the end of the 52 week period), you need to complete the **Notification of Early Return to Work** form and give it to your Line Manager at least 8 weeks before the date on which you intend to return to work.

### **Will I return to the same job?**

You will normally return to the same job that you had before going on adoption leave. However, if this is not possible due to exceptional circumstances (e.g. redundancy or reorganisation) you will be offered a suitable alternative post with comparable duties, terms and conditions, pay and location where such a vacancy exists. You should also be aware that the dismissal of an employee on adoption related grounds is automatically unfair.

### **Can I return to work on a flexible working basis?**

If you would like to return to work on a flexible working basis (e.g. part time hours), you should make an application on the standard form, in accordance with the [Flexible Working Guidance](#), to your Line Manager as far in advance of your planned return date as possible. This will allow your Cluster sufficient time to consider your request and to make the necessary arrangements. Your application should include details of the hours/days you would wish to work and should suggest how your flexible working arrangement could operate in practice.

Whilst the law gives you the right to request flexible working from your first day back after maternity leave, your Cluster does not have to agree to your request, but it does have to consider the request seriously.

The Council's Smarter Working Guidance, as well as the application form for making a flexible working request, are available on [People Anytime](#) on the Intranet or from your Line Manager.

### **Do I continue to accrue annual leave and public holidays when I'm on adoption leave?**

You continue to accrue annual leave and public holidays when you are on adoption leave. When you return to work after adoption leave, the full period during which you were on adoption leave will be taken into account when calculating your annual leave and public holiday entitlement for the leave year(s) in which your adoption leave fell.

You will be able to take your accrued annual leave and public holiday entitlement on your return to work. When you take this leave is subject to the operational requirements of the Service and before you return to work you should discuss this with your Line Manager. Accrued leave entitlement will usually be taken at the end of the adoption leave period, before you actually come back in to work. If the accrued leave cannot all be taken before the end of the leave year, it can be carried over into the following leave year.

### **What if I'm unable to return to work at the end of my adoption leave due to sickness absence?**

If you are sick on the day on which you are due to return to work at the end of your adoption leave, the normal sickness reporting and certification procedures apply. This includes letting your Line Manager know that you are sick and also completing a self-certificate for up to 7 days of absence and getting a Fit Note from your GP for over 7 days of absence.

### **What if I decide not to return to work after my adoption leave?**

If you decide not to return to work after your adoption leave, and so you wish to resign, you should submit your resignation in writing to your Line Manager. Your contract end date will be in accordance with the notice period stated in your contract of employment. For most employees this will be 4 calendar weeks (28 days) from the date of resignation (3 months for Chief Officials), or the requested contract end date provided by you in writing where this is later. You will receive payment for any annual leave and public holiday days accrued during your adoption leave period, along with any other outstanding money due to you, in your final salary payment. Your Line Manager will contact you to arrange for you to return any Council property you may have including ID badge, fob, keys, computer equipment etc.

Resigning whilst on adoption leave will only affect the amount of your adoption pay if you were eligible to receive Occupational Adoption Pay and you chose to receive payment of the 12 weeks at 50% of normal pay. If you do not return to work at the end of your adoption leave because you have chosen to resign, you will be required to pay back the 12 weeks at 50% of normal pay (see section 3.4 above). The HR Service Centre will contact you to arrange for this money to be repaid.

The Council has a Leaver Support Scheme which enables an employee who leaves to care for a young child to maintain work related contact with the Council for a period of 5 years, with the opportunity to work for a minimum of 2 weeks in each of these years. If you register under this Scheme you will receive regular details of Council vacancies, although you will not be given priority when applying for posts. Full details of the Leaver Support Scheme are available on People Anytime or from your Line Manager.

### **What if I start work for another employer during my adoption leave?**

If you choose to resign from the Council and then start working for another employer whilst you are still being paid Statutory Adoption Pay and/or Occupational Adoption Pay, your Statutory Adoption Pay and/or Occupational Adoption Pay from the Council will stop. It is your responsibility to tell the Council about your new job and to make sure that you return any payment of Statutory Adoption Pay and/or Occupational Adoption Pay which covers the week you started your new job and any part of the period after you started your new job.

If you chose to receive payment of the 12 weeks at 50% of normal pay and if you do not return to work at the end of your adoption leave because you have started working for another employer, you will be required to pay back the 12 weeks at 50% of normal pay (see section 3.4 above). The HR Service Centre will contact you to arrange for this money to be repaid.

You will receive payment for any annual leave and public holiday days accrued during your adoption leave period, along with any other outstanding money due to you, in your final salary payment. Your Line Manager will contact you to arrange for you to return any Council property you may have including ID badge, fob, keys, computer equipment etc.

## Appendix 1

### APPLICATION FOR ADOPTION LEAVE FORM

**You are entitled to adoption leave regardless of your hours of work if you:**

- 1) Have been newly matched with a child by an approved adoption agency and are the Primary Adopter.
- 2) You are the parental order parent and have or are applying for a parental order in a surrogacy arrangement.
- 3) Complete and submit this form to your Line Manager, together with a matching certificate (or parental order in the case of a surrogacy arrangement), within 7 days of being notified by the adoption agency that you have been matched with a child for adoption, or as soon as possible.

**NOTE: If you do not complete and submit this form along with the original copy of the matching certificate/parental order (whichever applies) within the required timescale, you may not be entitled to adoption leave.**

#### 1. PERSONAL DETAILS

NAME (in full):	
EMPLOYEE NUMBER:	
HOME ADDRESS:	
FUNCTION:	
LOCATION:	
JOB TITLE:	
LINE MANAGER:	
START DATE WITH ABERDEEN CITY COUNCIL*:	
PUBLIC AUTHORITY CONTINUOUS SERVICE * START DATE:	
EMPLOYMENT STATUS:	PERMANENT / FIXED TERM *
ANNUAL SALARY:	£
HOURS PER WEEK:	
HOURLY RATE:	£

<b>ESSENTIAL CAR USER:</b>	<b>YES / NO **</b>
<b>SALARY SACRIFICE SCHEME MEMBER***:</b>	<b>YES / NO **</b>
<b>I INTEND TO LEAVE THE SALARY SACRIFICE SCHEME BEFORE STARTING ADOPTION LEAVE:</b>	<b>YES / NO / N/A **</b>

**\*For adoption pay purposes, continuous service means continuous service with Aberdeen City Council or a public authority as listed in the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Orders (which covers local authorities and related bodies).**

**\*\* Delete as applicable**

**\*\*\* If you wish to opt out of a salary sacrifice scheme before going on adoption leave, you should do so by the beginning of the 8<sup>th</sup> week before the matching week or expected week of birth for surrogacy. See the Adoption Guidance for further details.**

## **2. NOTIFICATION**

I have been informed by an adoption agency that I have been matched with a child for adoption and wish to apply for adoption leave/have or am applying for a parental order in a surrogacy arrangement. I attach the original copy of the matching certificate/parental order (whichever applies) as evidence.

## **3. START OF ADOPTION LEAVE PERIOD**

The child's date of placement is (date): .....

The expected week of birth for surrogacy (date): .....

I intend to start my adoption leave period on (date): .....

Note: Your adoption leave can start no later than the date of the child's placement (or the day after that if you are at work on that day) or from a fixed date up to 14 days before the expected date of placement or expected week of birth for surrogacy.

## **4. ARRANGEMENT FOR PAYMENT OF 12 WEEKS AT 50% OCCUPATIONAL ADOPTION PAY (please tick the appropriate box)**

This only applies to employees who have 26 weeks' continuous service (see guidance for definition and further details) or more by the week in which they are notified of being matched with a child for adoption/the expected week of birth for surrogacy (whichever applies).

- ☐ Please **pay me** 12 weeks at 50% Occupational Adoption Pay. If I don't return to work for a period of 3 completed months at the end of my adoption leave, I understand that I will be required to pay back this money (repaid on a pro rata basis if I return for less than 3 completed months).
- ☐ Please **do not pay me** 12 weeks at 50% Occupational Adoption Pay. If I return to work for a period of 3 completed months at the end of my adoption leave, I understand that I will be paid this money (paid on a pro rata basis if I return for less than 3 completed months).

## 5. SIGNATURE

I would like to apply for adoption leave as the **Primary Adopter/Parental Order Parent** (delete as applicable) in accordance with the information that I have provided.

Signed: ..... Date: .....

**Once completed and signed by the employee, this form should be sent to the HR Service Centre by the Line Manager.**

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**HR SERVICE CENTRE USE**

Information Verified

Initials..... Date:.....

<b>Date of Placement / expected week of birth for surrogacy</b>		<b>Adoption leave start date</b>		<b>Return to Work date</b>	
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Letter sent to employee and copied to Payroll: Initials ..... Date:.....

## NOTIFICATION OF EARLY RETURN TO WORK FORM – ADOPTION LEAVE

You only need to complete this form if you are returning to work early from your adoption leave (i.e. before the end of the 52 week period). If this applies to you, this form should be completed and given to your Line Manager at least 8 weeks before the date on which you intend to return to work early.

If you do not complete and submit this form within the required timescale, you may not be entitled to return to work early.

### 1. PERSONAL DETAILS

<b>NAME (in full):</b>	
<b>EMPLOYEE NUMBER:</b>	
<b>HOME ADDRESS:</b>	
<b>FUNCTION:</b>	
<b>LOCATION:</b>	
<b>JOB TITLE:</b>	
<b>LINE MANAGER:</b>	
<b>DATE ADOPTION LEAVE STARTED:</b>	

### 2. NOTIFICATION OF THE DATE ON WHICH YOU WISH TO RETURN TO WORK EARLY

I intend to return to work early on **(date)**: .....

Signed:.....Date:.....

Once completed and signed by the employee, this form should be sent to the HR Service Centre by the Line Manager.