

## Adoption Leave and Pay

<b>Contact Name and Details</b>	Davneet Sandhu, HR and Development Adviser sandhud@methodistchurch.org.uk 020 7467 3790
<b>Status of Paper</b>	Final
<b>Action Required</b>	For decision
<b>Draft Resolutions</b>	111/1. The Council receives the report. 111/2. The Council approves the principle of using the Living Wage as the basis for all payments due to employees taking adoption leave. 111/3. The Council adopts the Adoption Policy as set out in the paper.
<b>Alternative Options to Consider, if Any</b>	None proposed.

### Summary of Content

<b>Subject and Aims</b>	To present revisions to the adoption policy that reflect both statutory requirements and enhanced pay based on the living wage To ensure that the policy is in line with agreed policies on Maternity and Paternity leave.
<b>Main Points</b>	The statutory amendments are a legal requirement and may be subject to change every year.  Based on the 2007 Conference decision, confirmed in 2010, that the Living Wage would form the minimum basic salary for lay employees in the Methodist Church; the existing Adoption Leave Policy has been amended to reflect this decision, in line with the agreed policies for Maternity and Paternity Leave.
<b>Background Context and Relevant Documents (with function)</b>	MC/13/46 Enhancing Maternity and Paternity Pay to Living Wage 2010 Conference Report: Towards an inclusive Church and Living Wage

### Summary of Impact

<b>Standing Orders</b>	N/A
<b>Faith and Order</b>	N/A
<b>Financial</b>	The proposals can be funded from existing resources.
<b>Personnel</b>	The proposals accord with existing processes and practices.
<b>Legal including impact on other jurisdictions</b>	Employers are required to have in place arrangements for adoption leave which accord with legislative requirements.
<b>Wider Connexional</b>	The proposals apply to staff employed by the Methodist Council only.

## **Adoption Leave and Pay**

- 1.0 The 2010 Conference confirmed the decision of the 2007 Conference that the Living Wage would form the minimum basic salary for lay employees in the Methodist Church. The purpose of this report is to enhance the adoption pay for Methodist Council employees in line with the Living Wage and the decisions of the Conference.
- 1.1 The Methodist Council currently pays the Living Wage to lay employees on either maternity or paternity leave.
- 1.2 The policy set out below incorporates amendments not only in respect of statutory leave requirements but also to enhance the statutory pay to payments based on the Living Wage in line with the decision of the Conference.
- 2.0 The procedure describes the steps line management and employees need to take to ensure the legal requirements are being met as well as ensuring an effective administrative practice.
- 2.1 The adoption policy will be accompanied by appendices relating to the various forms required by the employee to submit to the line manager, for example providing sufficient notice for leave and to confirm eligibility for adoption pay.

# Adoption Leave Policy

Congratulations on your good news.

This policy aims to provide you with details of and guidance on your entitlement to adoption leave and pay.

## Contents

<b>Introduction</b> .....	<b>1</b>
<b>Entitlements</b> .....	<b>1</b>
<b>Time off to attend appointments</b> .....	<b>1</b>
<b>Ordinary adoption leave</b> .....	<b>1</b>
Additional adoption leave .....	2
Surrogacy and Foster Care .....	2
<b>Adoption Pay</b> .....	<b>2</b>
<b>Eligibility for adoption pay</b> .....	<b>3</b>
<b>Notice requirements</b> .....	<b>3</b>
<b>Time off to attend appointments</b> .....	<b>3</b>
<b>Rights during adoption leave</b> .....	<b>4</b>
<b>Contact during adoption leave</b> .....	<b>4</b>
<b>Keeping-in-touch days</b> .....	<b>4</b>
<b>Returning to work after adoption leave</b> .....	<b>4</b>
<b>Shared parental leave</b> .....	<b>4</b>

## 1. Introduction

When a child of up to 18 years of age is placed with a family for adoption **one** of the adoptive parents is entitled to paid adoption leave for the purpose of caring for their newly adopted child. An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave from day one of his/her employment. Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier.

Please refer to the following procedures for more information on:

Maternity Leave

Paternity Leave

Shared Parental Leave

Parental Leave

*If you are adopting a child from overseas please refer to document 'Adoption from Overseas' document for further guidance.*

## 2. Entitlements

The employee should discuss the timing of his/her adoption leave with the immediate manager as early as possible.

### 2.1 Time off to attend adoption appointments

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments.

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.

The line manager will ask the individual for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency. In addition, if the employee is adopting jointly, the HR and development team will ask the individual to sign a declaration, to be submitted alongside the documentary evidence, confirming that he/she has elected to exercise his/her right under to take time off to attend an adoption appointment. This will be for the first occasion on which the individual asks for time off to attend an adoption appointment.

### 2.2 Ordinary Adoption Leave (OAL)

One adoptive parent is entitled to up to 52 weeks' adoption leave; ordinary adoption leave is for the first 26 weeks.

At the end of the 26 weeks' ordinary adoption leave you will have the right to return to work in the same, or similar post under the same terms and conditions, with no break in continuous service. If there is any organisational change during this leave that affects your post you will be included as part of the consultation process.

If you wish to return early from OAL you must give a minimum of 8 weeks' written notice. Failure to give the required notice may delay your return to work but not beyond the end of the adoption leave period. Alternatively, at the end of OAL you may take Additional Adoption Leave (AOL).

### 2.3 **Additional Adoption Leave (AAL)**

At the end of the 26 weeks' AAL, you will have the right to return to work in the same, or similar, post under the same terms and conditions, with no break in continuous service. If there is any organisational change during this leave that affects your post you will be included as part of the consultation process.

If you wish to return early from AAL you must give a minimum of 8 weeks' written notice. Failure to give the required notice may delay your return to work but not beyond the end of the adoption leave period.

There is no right on either side to extend adoption leave beyond the AAL entitlement.

A period of up to 39 weeks adoption leave is normally paid (see below for rates), thereafter it is unpaid. You may choose which parent takes adoption leave and receives payment. The other parent will be able to take two weeks paternity leave or you may choose to opt for shared parental leave.

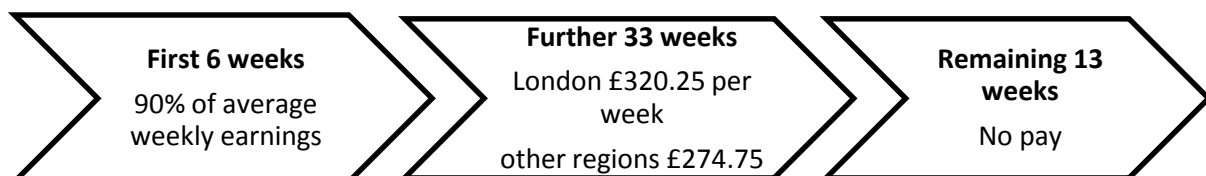
### 2.4 **Surrogacy and Foster Care**

Employees who will become the legal parents of a child under a surrogacy arrangement are entitled to take adoption leave. Local authority foster parents who are also prospective adopters ("foster to adopt") are entitled to take ordinary adoption leave in relation to children matched for adoption.

## 3. **Adoption Pay**

The Methodist Council offers an enhanced Adoption pay scheme which is in line with the Living Wage. The standard rate of statutory adoption pay is a flat rate set annually by the Government while the Living Wage rate is set annually by the Living Wage Foundation which is published by the Connexional Allowances Committee.

Employees who take adoption leave may qualify for adoption pay, provided that they have 26 weeks' service calculated as at the week in which notification of matching was given by the adoption agency and have average weekly earnings not less than the lower earnings limit for national insurance contributions. Adoption pay is payable for up to 39 weeks as follows:



### 3.1 Eligibility for adoption pay

You are entitled to receive adoption pay for a maximum of 39 weeks, if the following conditions are satisfied: -

- a) You are the child's adoptive parent, you have notified the adoption agency that you agree that the child should be placed with you.
- b) You have 26 weeks' service by the end of the week in which you were notified of having been matched with a child for the purpose of adoption. A week being 7 days beginning with a Sunday.
- c) You have provided evidence that you are the child's adoptive parent by completing the *Adoption Leave Application* form and returning it to the HR and D team along with the *Matching Certificate: Statutory Adoption Leave and Pay* completed by the adoption agency. The certificate is available through the DTI website at [www.dti.gov.uk/er](http://www.dti.gov.uk/er)
- d) Your average weekly earnings over the eight week period prior to the week you were notified of being matched with a child for adoption purposes are above the Lower Earnings Limit (LEL) for national insurance purposes. This is set annually by the Government. Information on the current amount can be obtained from Payroll team.
- e) Your adoption pay can begin on:
  - i) The date in which the child is placed with you for adoption, or the day after if you are at work on the day of placement.
  - ii) A predetermined date specified by you which is no more than 14 days before the date on which the child is expected to be placed with you. This must be no earlier than 28 days' after you give notice that you wish to be aid Adoption Pay.
- f) You will not be entitled to receive adoption pay if you have exercised your entitlement to paternity pay.

### 4. Notice Requirements

Connexional Team employees should initiate conversations with their line managers as soon as reasonably possible to help plan and prepare.

You must notify the HR and Development team and your line manager no later than 7 days on which you were notified of having been matched with a child for the purpose of adoption, or as soon as it is reasonably practicable to do so of;

- a) The date on which the child is expected to be placed with you
- b) The date you expect to commence adoption leave

An *Adoption Leave application form* should be completed and signed. The completed application form should be returned to HR and Development along with the *Matching Certificate* signed by the adoption agency.

Where possible the form and the documents must be submitted at least 28 days before the start date of the adoption leave and pay period, or as soon as reasonably practicable.

You may change the commencement date of your adoption leave provided you give 28 days' written notice.

Within 28 days of receiving the employee's notice of intention to take adoption leave, the HR and development team will write to the employee confirming the latest date on which the employee must return to work after adoption leave.

### 5. Rights during adoption leave

During ordinary adoption leave and additional adoption leave, all terms and conditions of the employee's contract except normal pay will continue.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue.

**6. Contact during adoption leave**

The Methodist Council reserves the right to maintain reasonable contact with employees during adoption leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

**7. Keeping in touch days**

Employees can agree to come into work (or to attend training) for up to 10 days during their adoption leave without that work bringing their adoption leave to an end and without loss of a week's adoption pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes. Line managers have no right to require employees to carry out any work

**8. Returning to work after adoption leave**

The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that he/she gives the appropriate notification. Alternatively, the employee may take his/her full period of adoption leave entitlement and return to work at the end of this period.

If the employee wishes to return before the full period of adoption leave has elapsed, he/she must give at least **eight weeks'** notice in writing to the line manager and / HR and development team of the date on which he/she intends to return.

The employee has the right to resume working in the same job if returning to work from ordinary adoption leave. If the employee returns to work after a period of additional adoption leave, he/she is entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the employee is sick, at this point the employee would follow the Methodist council's Sickness Absence Procedure.

If the employee decides during adoption leave that he/she does not wish to return to work, he/she should give written notice of resignation to the line manager as soon as possible and in accordance with the terms of his/her contract of employment.

**9. Shared Parental Leave (SPL)**

Shared parental leave enables adopters to commit to ending their adoption leave and pay and to share the untaken balance of leave and pay with their partner.

For further information please refer to the *Shared Parental leave Policy*.

**\*\*\*RESOLUTIONS**

**111/1. The Council receives the report**

**111/2. The Council approves the principle of using the Living Wage as the basis for all payments due to employees taking adoption leave.**

**111/3. The Council adopts the Adoption Policy as set out in the paper.**