



St Stephen in Brannel Parish Council

Mrs Linda Ranger - Clerk and RFO
E-mail: clerk@ststepheninbrannel-pc.org.uk
www.ststepheninbrannel-pc.org.uk

Office 2, Brannel Room
22 Fore Street, St Stephen
St Austell, PL26 7NN
Tel: 01726 823003
Fax: 01726 821233

Adoption Leave¹

This policy applies to all St Stephen in Brannel Parish Council employees seeking to adopt a child or have a child through a surrogacy agreement.

An employee has the statutory right to adoption leave (SAL) and Statutory Adoption Pay (SAP) provided they meet with certain criteria.

Such employees have a right to:

- 52 weeks' statutory adoption leave (SAL); and
- 39 week's statutory adoption pay.

Adoption Leave

Adoption leave is made up of Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL).

OAL will begin on the date chosen by the employee and last for 26 weeks. However, it cannot start any more than 14 days before the expected placement date and no later than the date of the placement.

As long as an employee takes OAL and does not end prematurely (e.g. as it would if the employee was dismissed or resigned during OAL) then an employee is also entitled to AAL.

Qualifying for Adoption Leave

In order to qualify for adoption, leave the person must meet the following conditions:

- Be an employee;
- Give the correct notice; and
- Give proof of the adoption or surrogacy

Note only one person in a couple is entitled to adoption leave and adoption pay. The other partner may be entitled to take paternity leave and pay.

¹Adopted by Full Council at the meeting held on Wednesday 6th February 2019 under minute number FPC36/19. Due for review February 2022.

Leave can begin on either:

- Up to 14 days before the date the employee expects the child to begin living with them; or
- For overseas adoptions – when the child first arrives in the UK or within 28 days of this date; or
- For surrogacy arrangements - the day the child is born or the day after.

If an employee changes their mind about the date that they want to start their leave, the employee must give the Council at least 28 days' written notice of this intention.

If an employee qualifies for adoption leave, they are also entitled to paid time off work to attend up to 5 adoption appointments after being matched with a child.

Exceptions

An employee does not qualify for Statutory Adoption Leave or Pay if

- It is a private adoption;
- The employee becomes a special guardian or kinship carer;
- The employee is adopting a step child; or
- The employee is adopting a family member.

Notification Requirements.

Within 7 days of being matched with a child, the employee must tell Council:

- How much leave they require;
- The date they wish the leave to start; and
- The date the child is expected to be placed for adoption.

Council will require proof of the adoption and this should show -

- The name and address of the adoption agency;
- The employee's name and address;
- The date the child is expected to be placed for adoption, or where the child has already been placed, the date of placement;
- The date the employee was informed that the child would be placed with the employee;
- The relevant UK authority official notification confirming you are allowed to adopt from overseas; and
- The date the child arrived in the UK.

If the employee is using a surrogate to have a baby, they must inform Council of the due date and when they want to start the leave at least 15 weeks before the expected week of birth.

An employee must also supply a written statement (statutory declaration) to confirm that they have or will apply for a parental order within 6 months of the child's birth. This must be signed in the presence of an independent legal professional.

Rights during OAL and AAL.

An employee on OAL or AAL is entitled to the benefit of all the terms and conditions of employment that would have applied if he or she was not on Adoption Leave including annual leave.

Returning to Work

An employee who returns to work after OAL is entitled to return to exactly the same job he or she left except if the OAL follows on from a period of Additional Adoption Leave or a period of parental leave of more than 4 weeks, and it is not reasonably practicable for a reason other than redundancy for the employee to return to the same job.

An employee who returns after a period of AAL is entitled to return to the job in which he or she was employed before the absence except when it is not reasonably practicable for a reason other than redundancy for the employer to allow this.

Early Return

If an employee wishes to return early or on a different date than they had previously notified, they must give 8 weeks' notice.

Statutory Adoption Pay

Statutory Adoption Pay is paid for up to 39 weeks. The current weekly amount is

- 90% of the employee's average weekly earnings for the first 6 weeks
- £145.18 or 90% of the employee's average weekly earnings (whichever is the lower) for the next 33 weeks.

It is paid in the same way as the employee's wages (for example monthly). Tax and National Insurance will be deducted.

Statutory Adoption Pay starts when the employee takes adoption leave.

To get Statutory Adoption Pay the employee must:

- Have been continuously employed by the Council for at least 26 weeks by the week they were matched with a child;
- Earn on average at least £116 a week before tax;
- Give the correct notice; and
- Give proof of the adoption or surrogacy.

If it is an overseas adoption, the employee must also sign form SC6 and supply the official notification permission from a UK authority.

To qualify for Statutory Adoption Pay for surrogacy arrangements, in addition to the above, the employee must:

- Have been continuously employed by the Council for at least 26 weeks by the 15th week that the baby is due;
- Intend to apply for a parental order; and
- Expect the order to be granted.

If the employee is genetically related to the child (the egg or sperm donor) they can choose to get paternity leave and pay – they cannot get both.