



Adoption Leave/ Surrogacy Leave

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This document has been assessed for:	
Compliance with Legislation	<input checked="" type="checkbox"/>
Equality Impact Assessment	<input checked="" type="checkbox"/>
Freedom of Information issues	<input checked="" type="checkbox"/>
Human Rights compliance	<input checked="" type="checkbox"/>
Health and Safety	<input checked="" type="checkbox"/>
Risk Management	<input checked="" type="checkbox"/>

Important notice: During times of national emergency or pandemic, the head of HR will approve relevant and necessary changes to policy and process to allow the spirit of the policy to be maintained whilst caring for and supporting our people.

1. Policy statement

Adoption Leave is one of the types of leave supported through the organisations commitment to work-life balance. Cleveland Police recognises the benefits about achieving a balance between work requirements and home life to the mutual benefit of both the organisation and the individual.

The procedures set out in this document apply to Police Officers and Police Staff (including those police staff employed by the Police and Crime Commissioner for Cleveland).

This policy must be applied fairly, equally, consistently and sensitively to all police officers and employees irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other unjustifiable grounds.

2. Purpose and definitions

The purpose of the document is to explain about the leave that can be taken by eligible Police Officers and Police Staff to support them after they adopt a child for a defined period of time.

A 'child' is a person under the age of 18.

The policy does not apply to step parent adoption.

It does apply to those parents who following a period of fostering receive a matching certificate for the adoption of the child. (This may be referred to as 'Foster to Adopt' or 'dual approved prospective adopters'. In these circumstances, to be eligible for adoption leave the employee must:-

- a) Be a local authority foster parent who has been approved as suitable to adopt the child that they will initially foster
- b) Have been notified by the local authority of it's decision to place a child with them in accordance with section 22C of the Children Act 1989
- c) Have notified the local authority that they agree to the placement (initially for fostering) and the date it will take place
- d) Give the correct notice to their employer (this must be within 7 days of the employee being notified of the local authority in accordance with section 22C, or as soon as is practicable.

For the purposes of this policy, notification from the local authority may take the form of an official letter from the local authority or adoption co-ordinators authorised to work on behalf of the local authority in order to commence the necessary internal processes.

The notification to the employee should fulfil the above criteria. As employees are often advised of 'matches' at very short notice, an initial e-mail from the local authority or adoption co-ordinator will be sufficient in order to determine eligibility for adoption pay, the employee must advise as soon as is possible which pay option they wish to be applied

Only one period of leave can be taken even if more than one child is to be adopted.

Parents who will become the legal parents of a child under a surrogacy arrangement are also entitled to take adoption leave.

3. Underpinning procedures

3.1 Adoption leave

This procedure outlines the entitlement of Police Officers and Police Staff to contractual and statutory benefits when a child is adopted. The amount of leave and pay to which individuals are entitled is dependent upon their length of service. The adoption leave scheme is applicable to only one Adopter, known as the primary carer, not both. The remaining Adopter, known as the secondary carer, may be eligible for Paternity/maternity support leave. Shared Parental leave can also be taken.

If both partners working for the Force jointly adopt a child, then they must decide who will be the Primary Carer for the purpose of this policy.

Please see the Paternity / Maternity Support Leave and Shared Parental Leave policy for advice on the pay and leave available to the secondary carer following the adoption of a child.

3.2 Pre Adoption

The primary adopter is entitled to paid time off to attend up to five pre placement appointments, where the appointment is requested by the adoption agency.

The secondary adopter is entitled to unpaid time off to attend up to two pre placement appointments' where this has been requested by the adoption agency.

3.3 Adoption leave and pay entitlement

Entitlement to statutory Adoption Leave and pay is not dependent on either length of continuous service and/or length of service with Cleveland Police.

Entitlement to occupational Adoption Leave and pay is dependent on both length of continuous service and length of service with Cleveland Police.

An individual can choose to start their leave and pay from either the date of the child's placement, or a fixed date which can be up to 14 days before the expected date of placement. Leave can start on any day of the week.

In cases of adoption involving an agency outside of the UK, then the leave can commence on the date the child enters the UK or form a fixed dater no later than 28 days after the child arrives in the UK.

To qualify for Statutory Adoption Leave as the primary carer, the individual must:

- Be newly matched with a child for adoption by an adoption agency (i.e., there is no eligibility for a step parent adopting a partner's child);

- Provide documentary evidence such as a matching certificate/ letter or e-mail from an approved adoption agency to support entitlement to adoption leave; including the name and address of the agency, name and date of birth of the child, date of the notified match and the date of the expected placement
- If the adoption is from overseas then the force will need the member of staff / officer to have an official notification that the relevant UK authorities are prepared to issue a certificate to the relevant authority overseas.

To qualify for Occupational Adoption Leave as the primary carer, the individual must:

- Points 1 and 2 above plus;
- Have worked continuously for Cleveland Police for 26 weeks ending with the week in which they were notified of being matched with a child for adoption.

All individuals can take up to a maximum of 52 weeks adoption leave. This is made up of: 26 weeks' Ordinary Adoption Leave and 26 weeks' Additional Adoption Leave.

Additional Adoption Leave follows immediately on from Ordinary Adoption Leave and there must be no gap between the two. An individual who returns to work after Adoption Leave is entitled to return to the same job on the same terms and conditions as if he or she had not been absent, unless a redundancy situation has arisen.

Individuals do not need to give advance notice if they are intending to return to work immediately after the period of Ordinary Adoption Leave plus Additional Adoption Leave (52 weeks). However, if an individual wishes to return to work before the end of this period they must inform their Head of Command / Service Unit Manager in writing at least 8 weeks before the intended return date.

If the individual fails to give the appropriate notice the Head of Command / Service Unit Manager may postpone the return for up to the 8 week notice period as long as this does not exceed the 52 week period.

3.4 Entitlements – Pay during Adoption Leave

Statutory Adoption Pay

Since 2015 statutory adoption pay has been payable for 39 weeks and for officers and staff they will be paid for the first six weeks at a rate set by the Government for the relevant tax year or 90% of average weekly earnings, and the remaining weeks (33 weeks) at the statutory rate set by the Government followed by 13 week's unpaid leave.

Occupational Adoption Pay for Police officers (subject to eligibility) is as follows:

Police Officers who have worked continuously for Cleveland Police for 52 weeks by the date of the approved match and undertake to return to work for a period of at least 3 months are entitled to 18 weeks at full pay, followed by 21 weeks Statutory Adoption Pay followed by 13 weeks unpaid leave. Individuals who do not return to work for at

least 3 months will have to repay the occupational pay element, i.e., the 13 weeks full pay will be replaced with statutory adoption pay.

Eligible Police Officers can elect, with the agreement of the force, to extend their final five week's adoption pay to 10 weeks at half pay; (weeks 13 – 18).

Occupational Adoption Pay for Police staff (subject to eligibility) is as follows:

Employees who have completed one year's continuous service, ending with the week in which the employee is notified of having been matched with a child, shall receive the following payments:

- 18 weeks at full pay;
- Employees can elect, with the agreement of the employer, to extend their final five week's adoption pay to 10 weeks at half pay; (weeks 13 – 18)
- 21 weeks at statutory adoption rate;
- 13 weeks unpaid.

The pay to which an employee is entitled to above shall be reduced, in respect of any week for which the employee receives statutory adoption pay by an amount equal to the statutory adoption pay. The half pay to which an employee is entitled above shall be reduced, in respect of any week for which the member receives statutory adoption pay, by an amount equal to half of the statutory adoption pay that the member receives for that week.

Leave taken as adoption leave will be reckonable for incremental pay, annual leave purposes and count as continuous service. An employee is entitled to buy back, for pension purposes, reckonable service in respect of any period of adoption leave.

Payments made by the employer during adoption leave under above shall be made on the understanding that the employee will return to work for the employer for a period of at least one month. This period may be varied by the employer on good cause being shown. In the event of the employee not returning to work for the one month period, they shall refund the monies paid, or such part thereof, if any, as the employer may decide. Payments made to the employee by way of Statutory Adoption Pay are not refundable.

3.5 Adoption leave related to Surrogacy

Where a child is born to a surrogate mother, the intended parents can become the child's legal parents by applying for a parental order. One of the intended parents must be genetically related to the child and the child must live with the intended parents.

Where a couple have a parental order in relation to a child, one of the parents can be eligible for adoption leave and pay in accordance with the above and the other can be eligible for paternal leave and pay. The couple must elect which one of them will take adoption leave.

3.6 Pension Implications

Both statutory and occupational Adoption Leave for all individuals is subject to PAYE, national insurance and pension implications.

A period of paid adoption leave will be pensionable for up to 26 weeks and reckonable for incremental pay purposes.

If a placement of adoption ends, Adoption Leave may continue for up to a further 8 weeks following the date the placement ended.

3.7 Notification process for Adoption leave

Individuals applying for Adoption Leave must inform Cleveland Police within 7 days of the placement notification by completing the e-form on the force intranet this will be received by People Services, who will require a copy of the matching certificate.

People Services will write to individuals confirming that the application has been approved and detailing the expected date of return, following 52 weeks of Adoption Leave. Individuals who wish to return earlier than this date must give Cleveland Police 8 weeks' notice in writing of their intended return to work date.

Whilst receiving Statutory Adoption Pay, an individual must not:

- Undertake any paid work including any work for the Force, even casual work, other than keeping in touch days.
- Be in legal custody at any time.

If any of the above occurs it will result in Statutory Adoption Pay ceasing.

If the placement is delayed for any reason and the individual has already begun their Adoption Leave, they cannot suspend leave in order to start it again at a later date.

If an individual does not fulfil their obligation to return to work at the end of Adoption Leave on either a full or part time basis for a period of at least 3 months, they will be required to refund any non-statutory Adoption Pay that they may have received (i.e. the 13 weeks at full pay less 13 weeks statutory adoption pay). If an individual returns to work on less hours than they worked before the start of their Adoption Leave they will **not** have to repay Occupational Adoption Pay, as long as they work for at least 3 months from the date of their return.

3.8 Reasonable Contact

It is expected that contact will be maintained during your Adoption Leave, to discuss such issues as returning to work, organisational developments/changes. This contact will not be considered as keeping in touch days.

3.9 Keeping in Touch Days

An individual on adoption leave may agree with their line manager to carry out up to 10 'days' work (10 periods of work), whether consecutive or not, without bringing the adoption leave period to an end. These days are known as "keeping in touch days".

For the purposes of this entitlement, any period of work carried out on any day shall constitute one day's work. Therefore, if an individual works for 2 hours on one day it will be 'classed' as one Kit day and they will be paid for 2 hours work.

Work in this context includes training or any other activity to assist the individual in keeping in touch with the workplace. Any days that are worked do not have the effect of extending the total duration of the leave period. Furthermore, Statutory Adoption Pay (SAP) is not affected and will continue to be paid for the week in which any 'keeping in touch' work is undertaken. Payment will be made for each hour the individual works, at their normal hourly rate of pay, in addition to any adoption pay received. For the payments to be made the appropriate Manager must inform HR of the payment requirements. E.g.: dates of work and hours worked on each day.

Such work may be carried out only following agreement between the line manager and the individual. There is no right for the Force to provide any work, or for an individual to do such work. If any further days above the 10 days were to be undertaken then SAP would cease for the week that work was carried out.

3.10 Returning to Work

Individuals who want to return to work before the full entitlement of 52 weeks' Adoption Leave has been taken must give Cleveland Police 8 weeks' notice, in writing, of the return to work date. If adequate notice is not given, the individuals return can be postponed until the 8 week notice period has been fulfilled or until the end of the 52 weeks Adoption Leave period, whichever is sooner.

Failing to return to work by the end of adoption leave will be treated as an unauthorised absence unless the individual is sick and produces a current medical certificate before the end of the adoption leave period. Should any officer or police staff member not return; each case will be individually reviewed with regards to the requirement to repay the Force money.

Cleveland Police will write to individuals no later than 8 weeks prior to the expected date of return if the full entitlement of adoption leave has been taken, to ensure that the primary carer is aware of the date of return.

Should anyone on adoption leave wish to consider flexible working application then they should contact the people services team prior to their return to work, 8 weeks should be allowed for the various processes flexible working to be completed.

If whilst you are on Adoption leave you wish to commence a period of career break then the People Services team can assist with this, you would receive the minimum adoption pay to which you are entitled, and the career break would start as soon as the adoption leave ends.

3.11 Transfer of Adoption leave to Shared Parental Leave (ShPL)

Shared Parental Leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date. Individuals considering this option should discuss the process with a member of People Services

on extension 1234 (Option 2) and read the Force policy on the intranet, under staff policies.

3.12 Additional information

Whilst on Adoption Leave all normal terms and conditions apply for both Police Officers and Police Staff, with the exception of pay.

Whilst on Adoption Leave there is protection from detriment and unfair dismissal, in relation to Adoption Leave.

Police Officers and Police Staff are reminded that they are expected to maintain the same standards of conduct and behaviour as if they were not on Adoption Leave.

3.13 Records

People Services will record and monitor the amount of Adoption Leave taken by a Police Officer or a Police Staff member. This will be recorded on the Oracle system.

4. Appendices

There are no appendices with this policy.

5. Compliance and monitoring

Cleveland Police expects every individual to act within approved policies and take appropriate professional advice as necessary.

All Police Officers and Police Staff should be briefed on Work Life Balance policies at their induction and their attention drawn to key points.

The Head of HR will monitor the implementation of and compliance with this policy on an ongoing basis.

6. Version control

This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	01.04.11	Policy Review Timetable	████████

1.2	03.07.13	Policy amend for Police Officers in terms of adoption leave payment to reflect officer maternity leave process	████████
1.3	10.12.13	Policy amend for Police Officers in terms of adoption leave payment to reflect change to officer maternity pay	████████
1.4	Jan 2014	Policy amend to reflect change in Officer adoption leave payment options in line with PNB guidance	████████
1.5	24.01.14	Policy amend to clarify KIT payments and error in police staff adoption leave payment	████████
1.6	01.04.14	Policy amendment to include the Office of the Police and Crime Commissioner for Cleveland	████████
1.7	01.04.15	Policy amend to reflect legislative changes to adoption leave from 05.04.15	████████
1.8	30.05.19	Policy changes to reflect e-forms, remove references to forms and appendices. Clarify the types of adoption leave available. Clarify the payments that can be received and include reference to Surrogacy.	████████
1.9	18.07.19	Additional information re foster to adopt included	████████
2.0	Feb 2020	Change of owner dept. name	████████
2.1	Apr 2020	Addition of COVID 19 message	████████