

Southampton City Council

Human resources and organisational development

Adoption (and paternity) leave and pay

With appendix for intended parents in a surrogacy
arrangement

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Adoption & Paternity leave and Pay

with Appendix

for

Intend Parents in a Surrogacy Arrangement

Context

1. The Council is committed to promoting equality and supporting working parents to balance the needs of work and family life.
2. It recognises the statutory entitlements of adoption leave and pay that apply to employees becoming parents who, meet the qualifying criteria. In addition to the statutory entitlements, the council offers enhanced benefits to eligible employees.
3. Current Employment law and government processes for adoption incorporate provisions for parents (known as intended or parental order parents) whose children are born via surrogacy arrangements. The terms 'Surrogacy Leave' and 'Surrogacy Pay' do not exist in the legal framework.

For this reason, intended parent(s) are referred to as the adopter(s) and their entitlements as Adoption leave and pay. However, recognising that surrogacy is different to adoption and, the milestones used in the legal framework and process are also different, the way in which the council supports and administers the entitlements of employees who are intended parents or surrogates is encapsulated in the appendix 'Adoption (& Paternity) Leave & Pay Policy and Procedure for Intend Parents in a Surrogacy Arrangement'. Unless otherwise stated, the main section of the policy focuses on the provisions for 'actual' adoptions.

4. All processes and time scales set out in this document including the appendix must be adhered to.
5. Links to other relevant policies and support documents can be found at the end of the appendix

Scope

6. This Policy including the appendix is applicable as below:
 - All employees directly employed by the council (other than school-based employees).
 - Agency workers are not entitled to adoption leave however, subject to meeting the eligibility criteria, they may be entitled to adoption pay and unpaid time off to attend antenatal appointments
 - Prospective adopters starting a 'Fostering for Adoption' placement (including Concurrent Planning) and notified of the placement.

Roles and responsibilities

7. Managers must:

Ensure that employees have access to the council's guidance on adoption and paternity entitlements in the workplace, and the necessary forms that must be completed.

Follow the processes and adhere to the time scales set out in the procedures outlined in this document.

8. Employees must:

Adhere to the required time scales to provide notification of adoption matching and request adoption/paternity leave.

Submit the relevant forms and information to their line manager in the time scales stipulated.

9. HR Pay and Pensions must:

Record and action adoption/paternity leave and pay requests submitted by employees.

Provide information and guidance to employees and managers as required

Definitions

10. Matched: a child is matched when an adoption agency decides that the person is suitable to adopt the child either individually or jointly with another person. A dated matching certificate would be provided.

11. Placed for adoption: the child starts living with the person permanently with a view to being formally adopted in the future, or placed with a local authority foster parent who is a prospective adopter

12. Primary adopter: the person who has been matched with a child for adoption or, if a couple is jointly matched, the **one** member of the couple who has chosen to take adoption leave and pay. Adoption leave and pay can only be taken by one person in a pair of adopters. The second adopter may be eligible for paternity leave and pay and shared parental leave and pay, under the entitlements that apply to adoptive parents.

Wellbeing and adoption

13. Planning and having a child can evoke many emotional and possibly financial demands in parents. It can be a big change in a person's life.

14. The council is committed to empowering employees to look after their health and wellbeing. It recognises that at times situations arise both in and outside of the working environment which might impact on individual's health, wellbeing, their personal life, work relationships and performance.

15. 'Our Wellbeing' is the council's employee wellbeing programme and offers a range of internal and external support services, including an Employee Assistance

Programme (EAP), trained Mental Health First Aiders, Wellbeing Champions and wellbeing intranet pages, which can support employees during more difficult times or if they wish, to improve and maintain their wellbeing.

16. Links and contact information are available at the end of the appendix.

17. The EAP service and HR Advisers, can provide advice to managers when an employee is dealing with a difficult and emotional situation

Adoption Leave & Pay

Paid time off to attend adoption meetings

18. The primary adopter is entitled to take paid time off to attend up to 5 adoption meetings. Apart from the first meeting, the employee must provide their manager, on request, with paperwork in conjunction with the appointments from a registered adoption agency.

19. If an employee is eligible for and elects to take paid time off to attend adoption appointments, it will be assumed that they are the primary adopter and will take the adoption leave and pay, they will not be able to take paternity leave in relation to the adoption of that child.

20. Their partner or secondary adopter can take unpaid time off to attend up to two adoption meetings. Please ask the employee to complete a Declaration Form to apply for time off to attend a joint adopter's meeting, available on the HR Pay and Pensions intranet. Alternatively, they may use annual leave, TOIL or flexible working to cover these appointments. HR Pay and Pensions should be informed so they can use the appropriate code for unpaid time off.

21. The time off to attend adoption appointments must be taken in the period between being notified of a match with a child and the date that the child joins the family.

22. For adoptions from outside Great Britain, statutory adoption leave cannot be used to cover the period employees spend travelling overseas to arrange the adoption or visiting the child. Employees may be granted unpaid leave on a discretionary basis.

Adoption leave entitlement & eligibility

23. All employees who are primary adopters have a statutory entitlement to Ordinary Adoption Leave (OAL) of 26 weeks and Additional Adoption Leave (AAL) of a further 26 weeks, to start immediately after OAL if they have:

- been matched with a child for adoption by an approved adoption agency
- notified the adoption agency that they agree that the child will be placed with them and have agreed a date for this placement
- given the correct notice. This should be given within 7 days of the employee being notified of a match with a child – or as soon as is reasonably practicable

- complied with the evidence requirements where they apply

24. Only one period of leave per adoption arrangement is permitted, even if more than one child is adopted.

25. Adoption leave and pay do not apply where the adopter:

- is in a private adoption arrangement.
- becomes a special guardian or kinship carer
- adopts a family member or stepchild (or a child they already live with)

26. If the adopter is not eligible for adoption leave and pay their employer must tell them why.

Starting adoption leave

27. An adopter can choose when to start his/her adoption leave, subject to giving the required notice.

a. If adopting from within Great Britain, adoption leave can start on either:

- the date on which the child is placed with the adopter for adoption
or
- a pre-determined date no earlier than 14 days before the expected date of placement, and no later than the expected date of placement

b. If adopting from overseas, adoption leave can start on either:

- the date the child enters Great Britain
or
- a pre-determined date no later than 28 days after the date the child enters Great Britain

c. Dual approved prospective adopters:

- are entitled to take adoption leave and pay from up to 2 weeks before the child is placed with the family i.e. from up to 2 weeks before the child joins the family, initially for fostering
- the notice must be given within 7 days of the employee being notified by the local authority in accordance with section 22C of the Children Act 1989

28. If the adoption leave has commenced and the placement is delayed the employee cannot stop the leave and start it again at a later date. Should the adoption process cease, or a placement comes to an end after the employee has commenced adoption leave, the period of leave will end eight weeks later (unless the period of leave remaining is less than eight weeks). The HR Professionals will advise on specific cases.

Statutory adoption pay (SAP) eligibility & entitlement

29. Employees who are primary adopters are entitled to Statutory Adoption Pay (SAP) if they:

- have at least 26 weeks' continuous service with the council ending with the week, in which they are notified of being matched with a child for adoption. Previous service with other local authorities or organisations under the Modification Order does not count.
- and
- earn before tax, the Lower Earnings Limit for National Insurance Contributions

30. The primary adopter is entitled to:

- 6 weeks of SAP paid at 90% of the adopter's normal weekly earnings in the 8-week period leading up to the date the adopter is notified of a match with a child followed by
- 33 weeks of the SAP rate set annually by the Government or 90% of the employee's average weekly earnings – whichever is the lower. See the gov.uk website for the current SAP rate.

31. SAP will normally commence on the first day of the employee's adoption leave.

32. If the criteria to obtain SAP are not met, the employee may be entitled to other financial support. Employees in these circumstances should contact their adoption agency.

33. Calculation of a week's pay for Statutory Adoption Pay

In most adoptions, the qualifying week is the week in which a prospective adopter is notified they have been matched for adoption with a child. If the employee is awarded a pay rise which is effective at any time from the start of the set period used to work out SAP and the end of the employee's adoption leave, SAP will be recalculated.

34. The employee must give at least 28 days' notice of the date of the adoption for pay (the employer can ask for this in writing). Where 28 days' notice is not reasonably practicable the adopter must give whatever notice is reasonably practicable.

35. There is no entitlement to SAP in the following circumstances:

- in a week in which the person receives statutory sick pay
- following the death of the person claiming SAP
- when the person claiming pay is detained in custody or in prison following sentencing (with some exceptions)

Occupational adoption pay (OAP)

36. Eligibility for both OAP and SAP

If the primary adopter has one year of continuous local government service at the beginning of the 11th week before the expected week of adoption and is entitled to SAP, they will receive a combination of the two elements, with a cap to payments (where applicable) to ensure that the payment does not exceed the employee's normal full pay.

37. Entitlement

Eligible primary adopters are entitled to:

- SAP at 90% of a weeks' pay for the first six weeks of OAL and if, they declare in writing their intention to return to work with the council for a minimum of three calendar months (as above), they will also receive:
- half pay for 12 weeks in addition to the lower rate of Statutory Adoption Pay (for 33 weeks).

If they have not been continuously employed by the council by the qualifying week i, they will not meet the requirements for statutory adoption pay.

38. A 'week's pay' is calculated with reference to the employee's pay at the time that they commence adoption leave.

39. 12 Weeks' Half Pay Options

The employee may elect to receive the 12 weeks' half pay either by payments in conjunction with any SAP payable between the 7th and 18th week, or, as a lump sum on their return to work.

If the employee does not return to work or returns for less than three calendar months, they will be required to refund the 12 weeks' half pay in full. They would also be required to refund the occupational element if they leave or move to another local government organisation or another organisation where service counts under a 'Modification Order'.

40. Second and Subsequent Adoptions

In these circumstances, the employee must return to work for a minimum period of 3 months as a qualifying condition to receiving further Occupational Adoption Pay.

Shared parental leave & pay

41. Parents who are primary and secondary adopters are entitled to apply for Shared Parental leave. This requires the primary adopter to elect to 'share' an element of adoption leave entitlement with the secondary adopter. To do so, they must give notice to end their adoption leave early.

Sometimes only one parent in a couple will be eligible for Shared Parental Leave and Statutory Shared Parental Pay. This means that the leave cannot be shared.

For more details please see the Shared Parental Leave & Pay policy on the council's intranet.

Keeping in touch (KIT) days

42. An employee can choose to work up to 10 days for the council during their adoption leave, providing both the manager and employee agree. These days are known as Keeping in Touch (KIT) days.

43. KIT days can be used to keep up to date with what has been happening in the workplace whilst the employee has been on adoption leave, to attend a training

course or a staff meeting, to complete a specific piece of work or project, or simply to help the employee settle back into work gradually at the end of their adoption leave. If and how KIT days will be used is decided between the employee and their manager.

44. The employee will not lose any statutory adoption pay (where they are still in receipt of it) for working up to 10 KIT days. Working, even for part of a day, will count as one day in terms of KIT days (i.e. deducting from a total of the permitted 10 days).

45. The employee will receive payment for the actual hours they worked on a KIT day, at their contractual rate of pay. The council's expectation is that an employee will come into work for their normal contractual hours when undertaking a KIT day, but where the length of the working day is shorter, the individual will only receive pay for the hours they worked.

46. Employees may request to receive time off in lieu rather than payment for the hours worked. Any time off granted must be taken within 3 months of their return to work. It is important that the manager and employee discuss the use of KIT days and pay arrangements before the adoption leave commences.

47. If the employee moves onto Shared Parental Leave & Pay, they also qualify for up to 20 additional Shared Parental Leave in Touch (SPLIT) days. The joint adopter also qualifies for this. See the Shared Parental Leave & Pay policy on the SCC intranet for further details.

Rights on returning to work

48. Employees who return to work after ordinary adoption leave are entitled to return to the same job on the same terms and conditions as if they had not been absent, unless a redundancy situation has arisen.

49. Employees who return to work after additional adoption leave will normally return to the same job on the same terms and conditions as if they had not been absent, unless a redundancy situation has arisen. However, if there is a reason (other than redundancy) which means that it is not reasonably practicable for the employee to return to the same job, the employee is entitled to be offered suitable alternative work on terms and conditions that are no less favourable.

50. Should a redundancy situation arise which could affect the post of an employee on adoption leave (ordinary or additional), they will be consulted about the continuation of their employment, and if the post becomes redundant the employee is entitled to be offered a suitable alternative vacancy, where one exists.

Review and amendment

51. This policy does not form part of the employee's contract of employment and the council retains the right to review and change the Policy at any time, ensuring that it complies with current employment legislation and the requirements of the council.

The recognised Trade Unions will be consulted with a view to reaching an agreement on any changes prior to publication.

Adoption Leave and Pay -The Procedure

Notification requirements

52. UK adoptions

Employees must inform their manager of their intention to take adoption leave within seven days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable.

- a. The employee should complete the online form “Notification of Adoption” which can be accessed via the HR Pay and Pensions forms library on the intranet and submit it to their line manager (retaining a copy).
- b. At the same time, the employee must also submit the matching certificate issued by the adoption agency (or submit this at a later date, if received later) again retaining a copy.
- c. The manager must send the form and matching certificate to HR Pay and Pensions.
- d. HR Pay and Pensions will write to the employee within 28 days confirming the date the employee would be expected to return to work if their full entitlement to adoption leave is taken.
- e. Employees can change the start date of their adoption leave after they have submitted the form by writing to their line manager at least 28 days in advance of the new date that they wish their adoption leave to start. The line manager must advise HR Pay and Pensions of any changes.

53. Overseas adoptions

Employees must inform their manager in writing of their intention to take adoption leave within 28 days of receiving official notification* (or completing 26 weeks’ service if that is later).

*Official notification in relation to overseas adoption means a written notification issued by or on behalf of the relevant UK authority, that it is prepared to issue or has already issued a certificate to the overseas authority concerned with the adoption of the child, confirming, that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

- a. The employee should complete the online forms “**Notification of Adoption**” and the “**Statutory Adoption Pa/Adoption Leave - Overseas Adoptions (SC6)**”, which can be accessed via the HR Pay and Pensions forms library on the intranet and submit them to their line manager (retaining copies).
- b. The employee must also give their line manager a copy of the official notification document (either when submitting the form or at a later date, if received later.)
- c. The manager must send both forms and the official notification document to HR Pay and Pensions.

- d. HR Pay and Pensions will write to the employee within 28 days confirming the date the employee would be expected to return to work if they take their full entitlement to adoption leave.
- e. Employees can change the start date of their adoption leave after they have submitted the form by writing to their line manager at least 28 days in advance of the date that they wish their adoption leave to start. The line manager must advise HR Pay and Pensions of any changes.
- f. To claim SAP the employee must provide their manager with further evidence of the date of entry, such as a plane ticket or copies of entry clearance documents, within 28 days of the child entering Great Britain.

Returning to work -notification

54. The council will expect the employee to return to work at the end of their adoption leave unless they submit their resignation, giving the required contractual notice, in the normal way. They are also requested to complete the “Notification to Return to Work or Resign (Maternity/Adoption)” form available in the online forms library.

55. If the employee wishes to return to work earlier or later than previously notified, they must give eight weeks’ notice in writing. If the employee fails to give the eight weeks’ notice the council may amend the employee’s return until the full eight weeks’ notice has been given, but not beyond the end of the adoption leave period. Employees should complete the “Notification to Return to Work or Resign (Maternity/Adoption)” form available from the online forms library to give written notice of a change to the return date.

56. To ensure that pay can recommence correctly, the employee should complete the Notification to Return to Work or Resign (Maternity/Adoption)” form to confirm their return to work date at least 21 days before the return date and send it to their manager. Alternatively, they can give the form to their manager at one of the contact meetings or on a KIT day. If the expected date of return changes, please ensure that HR Pay and Pensions are informed as soon as possible by email.

Adoption Leave & Pay Guidance

Childcare Vouchers

57. Following the launch of the government’s Tax-Free Childcare (TFC) scheme, the council’s Childcare Voucher (provided in partnership with Computershare) is closed to new entrants.

58. The government’s Tax-free Childcare scheme pays 20% of childcare costs up to a maximum of £2000 each year for each child. The scheme has some eligibility criteria and there are some specific clauses relating to Adoption leave otherwise, it is open to all parents of children under 12 (or under 17 if disabled). For more information, see the link at the end of this document.

59. Where an employee is in receipt of Childcare Vouchers via the council's partnership with Computer share, they should seek advice from Computershare as deductions made during the period leading up to adoption leave can affect maternity pay

Planning Ahead

60. The manager and employee must agree together how to manage the employee's adoption leave in the workplace. Following the employee's notification about the adoption to their manager, it is recommended that the manager and employee discuss:

- Requirements for time off to attend adoption order interviews
- If/how/when to inform colleagues
- Contact arrangements during adoption leave
- Keeping in Touch (KIT) days
- Return to work plans e.g. flexible working arrangements, parental leave, annual leave
- Childcare vouchers

61. Maintaining contact

The council may contact the employee (and vice-versa) while they are on adoption leave. The purpose of this contact is to discuss issues such as return to work plans, or to keep the employee informed of important developments at the workplace e.g. if a restructure is being planned.

62. Returning to work

Managers must ensure that HR Pay and Pensions are informed of any resignation/return to work date linked to a period of adoption leave and pay, and any subsequent change to working hours.

63. Pension

Employees who are members of the Local Government Pension Scheme (LGPS) will continue to have contributions deducted on all payments during paid adoption leave (including SAP periods). This period will count as full service.

There is no requirement for pension contributions to be made for the first 30 days of authorised unpaid absence. It is the employee's choice as to whether to cover the period of absence for pension purposes. If the employee chooses to make up the 'lost' pension this is done via an Additional Pension Contribution (APC). Where the election is made within 30 days of returning to work the cost of the APC is apportioned 1/3 to the employee and 2/3 to the Council. However, if an election is made after the 30-day period, the employee must meet the full cost of the APC contract.

64. Annual Leave

The employee should, if possible, take any accrued leave before the start of their adoption leave. If this is not possible the employee may, in exceptional circumstances, agree with their manager to carry it forward. If this is done the employee must either add it at the end of their adoption leave or agree with their

manager when they will take it. The employee will continue to accrue annual leave during their period of adoption leave, whether this is paid or unpaid.

If the employee seeks to return to work for the council on different contractual terms (e.g. to work part-time) they should ideally clear any leave carried forward and any leave accrued during adoption leave before starting on new terms. However, with agreement of their manager, the employee may carry leave forward into the new contract and, if this is the case, the leave will not be pro-rated to reflect any reduction in working hours.

65. Public Holidays

Upon their return to work, the employee will be 'credited' with any public holidays that fell during their period of adoption leave. In effect, these days will be added to the employee's annual leave entitlement, and the arrangements outlined above will apply.

Paternity Leave & Pay - entitlements

Paternity leave (PL)

66. Qualifying employees have a statutory entitlement to take two weeks' Paternity leave at or around the time a child is adopted. The maximum entitlement of two weeks' PL must be taken in complete and consecutive weeks. Employees can opt to take only one week's leave, but they will then forfeit the second week.

67. The leave can begin on any day of the week, which may include the day on which the adoption formally begins. Paternity leave must be taken within 8 weeks of the child's placement. Only one period of leave per adoption arrangement is permitted, even if more than one child is adopted.

68. Eligibility

For a secondary adopter to be entitled to take PL to care for a child (adopted in the UK), they must:

- have at least 26 weeks' continuous service with the council, this does not include service with another local authority or organisation named in the modification order, at the date they are notified by an approved adoption agency that they (or their partner) has been matched with a child for adoption
- be the secondary adopter of the child (in joint adoptions, the person who is not taking Adoption leave and taken paid time to attend adoption appointments) or be married to, or the partner or civil partner of the adopter
- have, or expect to have, the main responsibility for upbringing of their child, along with the other parent
- provide the correct notice

There are slightly different arrangements when adopting from overseas. Please see form SC5 in the HR forms library on the intranet.

Paternity pay

69. Rate

Statutory Paternity pay is paid at a standard rate (as this is reviewed annually please see the gov.uk website for the current rate). The employee receives the lower of either the standard rate or 90% of their average gross weekly pay.

70. Eligibility

To qualify for Paternity pay, the employee must meet the criteria for Paternity leave and have earned at least the lower earnings level in the 8-week period leading up to the date the adopter is notified of a match with a child.

Slightly different rules apply if the child is being adopted from overseas. In this case, the adoptive parent must have at least 26 weeks' continuous service with the council ending with the week in which the adoptive parent receives notification from the relevant domestic authority or commencing with the week in which the adoptive parent's employment began.

The second point recognises the fact that notification of the placement may have been obtained some time before the child enters the UK and the employee may have changed employers during that time.

Paternity Leave & Pay Procedure

Notification requirements

71. UK adoptions

The employee must notify their manager of their intention to take Paternity Leave (PL) no later than seven days after being notified of the match with the child.

The employee can make a verbal request to their line manager, to take paternity leave within the required seven-day time scale.

Once the employee has determined the details of their request, they should complete the "Statutory Paternity Pay/Paternity Leave – becoming an adoptive parent" form (SC4), which can be accessed via the HR Pay and Pensions intranet and submit it to their line manager (retaining a copy). Providing the employee has advised their manager of the details, the form can be submitted any time in the month prior to the leave. The manager must send the SC4 to HR Pay and Pensions.

The employee must inform their manager in writing of the actual date the child is placed for adoption (if not detailed on the SC4 form), and this information should be forwarded to HR Pay and Pensions.

Employees can change the start date of their paternity leave by completing and submitting a new SC4 form, giving at least 28 days' notice of the amended date (where practicable).

72. Overseas adoptions

The employee must notify their manager in writing of their intention to take Paternity leave within 28 days of receiving the official notification of the placement,

or within 28 days of the employee completing 26 weeks' continuous service (whichever is later).

Employees are advised to read the guidance notes found on Statutory Paternity Pay/ Paternity Leave when adopting from abroad" form (SC5) which can be accessed via the HR intranet.

The employee can make a verbal request to their line manager, to take paternity leave within the time scale detailed above.

Once the employee has determined the details of their request, they should complete the "Statutory Paternity Pay/ Paternity Leave when adopting from abroad" form (SC5) and submit it to their line manager (retaining a copy). Providing the employee has advised their manager of the details, the form can be submitted any time in the month prior to the leave. The manager must send the SC5 to HR Pay and Pensions.

The employee must inform their manager in writing of the actual date the child enters the UK within 28 days of arrival (if not detailed on the SC5 form), and this information should be forwarded to HR Pay and Pensions.

Employees can change the start date of their paternity leave by completing and submitting a new SC5 form, giving at least 28 days' notice of the amended date (where practicable).

Shared parental leave and pay

73. For details on applications and eligibility, please see the separate policy on the HR intranet.

Shared parental leave keeping in touch days (SPLIT)

74. Employees on shared parental leave also qualify for up to 20 additional Shared Parental Leave Keeping in Touch (SPLIT) days. These are like KIT days and details may be found in the Shared Parental Leave policy on the intranet and the required form Shared Parental Leave is in the HR Forms library.

Appendix
Adoption (& Paternity) Leave & Pay
Policy and Procedure
for
Intended Parents in a Surrogacy Arrangement

Context

1. Surrogacy is an arrangement whereby a surrogate, (a woman) agrees to bear a child for another person(s) who will become the child's parent(s) after the birth. It is legally recognised in the UK and is increasingly used by individuals to have a family.

2. The leave and pay provisions for Intended Parents in a surrogacy arrangement largely reflect the entitlements of the maternity and adoption. In addition to the statutory entitlements, the council offers enhanced benefits to eligible employees.

The associated policy of Paternity leave is covered in this appendix and an overview of Shared Parental leave and Parental leave provided.

3. Current Employment law and government processes for adoption, incorporate provisions for parents whose children are born via surrogacy arrangements and, are reflected in the council's processes. This why an intended parent is formally referred to as the 'adopter' and their leave and pay as 'adoption leave and pay'. However, the adoption leave and pay provisions for intended parents who are the 'primary adopter' may informally be referred to as 'surrogacy leave and pay' within conversations, document and supporting documents. Although it should be noted that the term 'Surrogacy leave and pay' does not exist in the legal framework.

4. All processes and timescales set out in this appendix must be followed.

Scope

5. This appendix forms part of the Adoption (&Paternity) Leave and Pay policy and the policy and processes are applicable to all employees, excluding school-based employees who have a separate policy and procedure.

6. It is specifically aimed at those employees who are in a surrogacy arrangement and are the intended parent(s) via a Parental Order or, have or intend to make, a statutory declaration of their intention to apply for an Order. For more information see definitions below.

7. Whilst eligibility criteria and entitlements are set out within the document it should be noted that agency workers are not entitled to adoption leave however, subject to meeting the eligibility criteria they may be entitled to adoption pay and unpaid time off to attend antenatal appointments.

Roles and responsibilities

8. Managers must:

- follow the requirements of the policy and guidance provided, including recording the absence in Business World
- support the employee accessing and using the policy and ensure the policy is fairly and consistently applied
- signpost relevant related policies, offering support where applicable
- plan 'keeping in touch' arrangements with the employee during the adoption (surrogacy/intended parental) leave.
- plan for the employee's leave and return
- complete a return to work with the employee and update Business World

9. Employees must:

- follow the requirements of the policy and guidance provided
- informally keep their manager informed of their intentions
- adhere to the notification requirements outlined in Processes below
- use the relevant forms in the HR forms library on the intranet
- inform their manager when the baby has been born
- maintain contact with their manager during the adoption (surrogacy) leave
- notify the manager in writing of any changes to their return date

10. HR Pay and Pensions must:

- provide information and guidance to managers and employees as required
- record and action an employee's adoption leave and pay, including where applicable Paternity pay
- confirm payments due to the employee on Adoption, Paternity and, or, Shared Parental leave
- explain the reasons for declining an adoption leave request
- provide the appropriate forms to those employees who are not entitled to adoption pay

Definitions

11. Primary adopter

For the purposes of this policy, unless stated otherwise, the term is applicable to a Parental Order parent who has elected to take adoption leave and if eligible, pay. This reflects the current legislative framework and government processes.

12. Secondary adopter

For the purposes of this policy, the term is applicable to a Parental Order parent who has not elected to take adoption leave or where eligible, pay. They may be entitled

to Paternity leave. This reflects the current legislative framework and government processes.

13. Surrogacy

Surrogacy is an arrangement whereby a surrogate, (a woman) agrees to bear a child for another person(s) who will become the child's parent(s) after the birth. Legal parenthood is transferred to the intended parent(s) in the arrangement from the surrogate (and their spouse/partner) by a Parental Order.

Surrogates generally prefer not to be referred to as a mother or the parent of the child.

14. Parental order parent(s)

Parental Order Parents are the intended parent or parents in a surrogacy arrangement who have or, are eligible and intend to apply for a Parental Order which, will make them the legal parent(s) of the child that they are having with the help of a surrogate. This document uses the term Parental Order Parent and Intended parents interchangeably.

At least one of the Parental Order parents or, the intended parent where there is one person having a child through a surrogacy arrangement, must be genetically linked to the child.

If there is no genetic link between the intended parent(s) and the child then, adoption is the legal process required to become a legal parent.

The Parental Order, which must be sought no later than 6 months after the birth, results in the birth being re-registered to record the intended parent(s) as the legal parent(s), and a new birth certificate issued. The Order permanently extinguishes the parenthood of the surrogate (and their spouse/partner).

15. Statutory declaration - parental order

The Statutory Declaration is a written declaration by the intended parent(s) in a surrogacy arrangement who wish to claim adoption/paternity leave and /or pay. The declaration, made in the presence of a: practising solicitor; Notary of the Public; Justice of the Peace; Commissioner for Oaths or any other qualified person, is an affirmation that they have or intend to apply for a Parental Order and expect the Order to be granted.

16. Continuous Service

For statutory maternity, adoption, paternity and shared parental leave and pay, continuous service is unbroken employment with the council. It excludes service with another local authority, or an organisation named in the redundancy modification order unless stated in the Policy.

Wellbeing and Surrogacy

17. Planning and having a child can evoke many emotional and possibly financial demands in parents. It can be a big change in a person's life.

The council recognises that at times situations arise both in and outside of the working environment which might impact on individual's health, wellbeing, their personal life, work relationships and performance. It is committed to empowering employees to look after their health and wellbeing and would encourage employees to access the support services found in 'Our Wellbeing', the council's employee wellbeing Programme.

Links and contact information are available at the end of the document.

The EAP service and HR Advisers, can provide advice to managers when an employee is dealing with a difficult and emotional situation

The surrogate

18. A pregnant employee who is carrying child for the purposes of a surrogacy arrangement has the same entitlements to Maternity leave and pay as any other pregnant employee. As such she should be treated the same as any other pregnant employee during and after the birth.

Her entitlements are covered by the Maternity leave and pay provisions on the HR Intranet-see the link at the end of this document

Ante-natal appointments – parent order parents

19. Employees and, agency workers with at least 12 week's service who are Parental Order parent(s) have the right to take unpaid time off work to accompany the surrogate to two of her antenatal appointments.

Both Parental Order parents may request this time off by each completing the form: Surrogacy -time off to attend ante-natal appointments. The request for leave must then be authorised by their line manager on Business World.

The employee cannot be asked for any evidence of the antenatal appointment, such as an appointment card, as this is the property of the surrogate.

Alternatively, employees may use time accrued through Flexible Working or annual leave to attend appointments. In exceptional circumstances paid time off may be granted, at the discretion of senior managers and in conjunction with HR Pay and Pensions.

Adoption leave and pay

20. Adoption leave – entitlement & eligibility

All employees who are the primary adopter will be entitled to 52 weeks adoption leave; there is no service qualification but there are some criteria as set out in this document. The eligibility criteria include the notice and evidence requirements related to milestones which are largely focused on the expected date of the child's birth.

Should an employee's request for adoption leave be declined the reasons will be explained.

Adoption leave comprises 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption Leave (AAL) which starts immediately after the OAL. During this period the employment contract remains in all aspects except remuneration.

This means continuous service, annual leave and bank holidays will accrue, payment of essential car user allowances etc. will also continue. For information relating to pension contributions see below, Adoption leave – pension guidance.

An employee's rights on returning to work following Adoption leave are detailed below in Adoption leave – returning to work.

NOTE: Not all employees who are the primary adopters and eligible for adoption leave will also be entitled to Adoption pay; this is a separate entitlement.

21. Adoption leave – notice and evidence

At least 15 weeks before the expected week of birth, the employee must use the on-line form, Notification of Adoption, to request Adoption leave and confirm:

- the amount of leave required (this will be assumed to be 52 weeks unless stated otherwise; if less than 52 week's adoption leave is requested please state the return to work date)
- the date the leave is to start
- the expected date of birth
- it is helpful to know if the employee intends to return to work, unless they are also requesting Occupational Adoption pay, where is a requirement (see paragraphs 26, 28 and 29 below)

And, as soon as reasonably practicable, confirm in writing the actual date of birth.

A copy of the Statutory Declaration that the employee intends to apply for a Parental Order may also be required as evidence.

Eligible employees may also request adoption pay at this time (see Adoption pay below)

22. Adoption Leave – start date

Subject to giving the required notice, the intended parent can choose to start their adoption leave on the day of the birth or the day after the birth. The child does not have to be in the UK for adoption leave to start.

HR Pay and Pensions will write to the employee within 28 days to confirm the arrangements

23. Changing the start date of adoption leave

Once a date to start adoption leave has been agreed but not yet started, a minimum of 28 days' notice (from the new start date) is required to bring forward the start date or to delay it, 28 days' notice from the original date.

Once Adoption leave has started, it cannot be interrupted (i.e. started and postponed) however a Shared Parental leave agreement may have this affect.

Adoption pay

24. Adoption pay - eligibility and start date

The Primary adopters' eligibility for statutory adoption pay statutory (SAP) and occupational adoption pay (OAP) is dependent on meeting the criteria for each of the payments.

Both have different eligibility criteria meaning an employee may be entitled to:

- Both SAP and OAP
- OAP but not SAP - may have local government qualifying service but not Southampton City Council (SCC) qualifying service or, do not meet the earnings threshold
- SAP but not OAP – may have SCC qualifying service but not local government qualifying service
- Neither SAP or OAP – may not have the qualifying service or/nor meet the earnings threshold

Adoption pay will normally commence on the first day of the employee's adoption leave and is capped to ensure that where both SAP and OAP are due, this does not exceed the employee's normal full pay.

25. Statutory adoption pay – eligibility

Statutory Adoption pay is paid for 39 weeks and starts from the date the adoption leave commences. Only the primary adopter may apply for statutory adoption pay. There is no requirement to return to work at the end of the adoption leave.

To be eligible for Statutory Adoption pay the employee must:

- be legally classed as an employee (although some agency workers may be entitled to statutory adoption pay)
- have been continuously employed by the council for at least 26 weeks ending with the end of the 15th week before expected date of birth
- earn at least the 'lower earnings limit' for National Insurance contributions, before tax, in the 8 weeks before the 'qualifying week' (ending 15 weeks before the baby is due)
- have not claimed paternity pay in relation to this child
- provide the correct notice (detailed below)
- provide the required evidence (detailed below)

There is no entitlement to SAP in the following circumstances:

- in a week in which the person receives statutory sick pay
- following the death of the person claiming SAP
- when the person claiming pay is detained in custody or in prison following sentencing (with some exceptions).

If the eligibility criteria are not met, the employee may be entitled to other financial support. In these circumstances the employee should contact their surrogacy agency, Jobcentre Plus or Citizens Advice.

Where an employee seeks SAP but does not qualify for the pay, HR Pay and Pensions will, within 28 days of the request, confirm the outcome in writing and provide the employee with form SAP1.

26. Adoption pay (SAP & OAP) –notice and evidence requirements

The primary adopter:

- using the online form Notification of Adoption, must give the council at least 28 days' written notice of the date adoption pay is to start (this may be done when giving notice of maternity leave; see 21 above)
- a copy of the Statutory Declaration showing the employee intends to apply for a Parental Order may be required and when available, they must confirm the child's actual date of birth.

27. Statutory Adoption pay – payment rates

Statutory Adoption pay is paid at two different rates:

- First 6 weeks – 90% of average weekly earnings
- Following 33 weeks – the lower of, the statutory adoption pay rate set by the Government and published on the gov.uk website or 90% of average weekly earnings.

The eight-week period up to and including the 15th week before the expected week of childbirth is used to calculate a weeks' pay. (Please see the note below about Childcare Vouchers).

If the employee is awarded a pay increase which is effective at any time from the start of the period used to work out SAP and the end of the employee's paid adoption leave period, the SAP will be recalculated. Where the pay increase is implemented before the leave commences, the average pay will be recalculated and included within the payments. If an increase occurs during the leave, any additional monies due will be paid on return.

28. Occupational Adoption pay – eligibility

Occupational Adoption pay (OAP) is the additional monies which the council pays to eligible primary adopters taking adoption leave. It is paid for 18 weeks at two different rates. The first rate is applicable for the first 6 weeks only – see Occupational Adoption pay rates below.

To be eligible for OAP the primary adopter:

- must have 1 year's continuous local government service at the beginning of the 11th week before the expected date of the child's birth and if they,

- provide a written declaration of their intention to return to work with the council, for a minimum of 3 months they will qualify for the OAP during weeks 7-18 inclusive of their adoption pay period

29. Occupational Adoption pay – rates

Primary Adopter who is entitled to SAP and OAP will receive:

- 90% of a weeks' pay for the first six weeks of OAL (inclusive of SAP entitlement)
and
- subject to the return to work declaration, half pay* for 12 weeks plus the lower rate of SAP
- thereafter, if eligible they will receive only SAP for the remaining statutory adoption pay period (i.e. 39 weeks less 18 weeks = 21 weeks).

Note: A week's pay is calculated with reference to the employee's pay at the time they commence adoption leave.

All OAP is capped to ensure that the primary adopter's total adoption pay does not exceed their normal full pay.

30. Occupational Adoption pay – 12 weeks' half pay payment options

An employee who is entitled to receive 12 weeks' half pay may elect to do so by either:

- payments made in conjunction with any SAP payable between the 7th and 18th week,
or
- as a lump sum on their return to work.

If the employee does not return to work or returns for less than three calendar months, they will be required to refund the 12 weeks' half pay in full.

The requirement is to return to work with the council. They would also be required to refund the occupational element if they leave or move to another local government organisation or other organisations where service counts under a 'Modification Order'. They will not be required to repay the 12 week's half pay if they return on a part-time basis having previously worked full time.

Adoption leave and related pay matters

31. Adoption leave & pay – miscarriage

Sympathetic consideration will be given to the intended parent(s)' requests for time off should a miscarriage occur before a surrogate's pregnancy has reached 24 weeks as Parental Order parent(s) do not have the right to statutory adoption leave or pay following their loss.

Where payroll has been informed of the pregnancy, the line manager should advise Pay and Pensions, so that any necessary communications to the employee are appropriately written.

32. Adoption leave & pay – circumstances where adoption must end early

If the adoption leave has started and

- the intended parents' application for a Parental Order is refused by the court or the parent(s) fail to apply for the Parental Order
- the child dies or is still born

the period of leave and pay will normally end 8 weeks later (unless the period of leave remaining is less than eight weeks, when it will come to a natural end).

In the sad event of a child's death, sensitive consideration will be given to requests for time off and the intended parent will also be entitled to parental bereavement leave. (Details below.) The line manager should advise HR Pay and Pensions, so that any communications required with the employee are appropriately written

33. Adoption/Paternity leave & pay – second and subsequent surrogacy arrangements

One period of adoption and paternity leave per pregnancy is permitted, even when more than one child is born via the surrogacy arrangement.

Should the employee seek a further period of adoption leave to commence immediately when the first period ends (and starting a second period of leave would end the first) they would not be eligible for OAP. A qualifying condition of receiving further Occupational Adoption Pay is that the employee must return to work for a minimum period of 3 months.

34. Adoption leave – pension guidance

Employees who are members of the Local Government Pension Scheme (LGPS) will continue to have contributions deducted on all payments during paid adoption leave. Your pension for this period will be based on your assumed pensionable pay.

During unpaid adoption leave (when SAP has ended) the employee will be retained in the scheme, but the period will not count as superannuable service unless the employee arranges for the additional contributions to be paid, this is called a Shared Cost APC; more details are available on the Hampshire Pensions website. These contributions are based on the assumed pensionable pay and not on normal contractual pay. These arrangements must be made within 30 days of returning to work. Employees should contact the Payroll and Pensions team in the first instance

35. Adoption leave and Childcare vouchers scheme

Following the launch of the government's Tax-Free Childcare (TFC) scheme the council's Childcare Voucher (provided in partnership with Computershare) is closed to new entrants.

The Tax-free Childcare scheme pays 20% of childcare costs up to a maximum of £2000 each year for each child. The scheme has some eligibility criteria and there are some specific clauses relating to Adoption leave otherwise, it is open to all parents of children under 12 (or under 17 if disabled). For more information, see the link at the end of this document.

Where an employee is in receipt of Childcare Vouchers via the council's partnership with Computer share, they should seek advice from Computershare as deductions

made during the period leading up to adoption leave can affect maternity pay; see 27 above

36. Annual Leave & Public Holidays

The employee should, if possible, take any accrued leave before the start of their adoption leave. If this is not possible the employee may, in exceptional circumstances, agree with their manager to carry it forward. If this is done the employee must either add it at the end of their adoption leave or agree with their manager when they will take it. The employee will continue to accrue annual leave during their period of adoption leave.

If the employee seeks to return to work for the council on different contractual terms (e.g. to work part-time) they should be strongly encouraged to clear all outstanding leave (e.g. any leave carried forward and any leave accrued during adoption leave) before starting on new terms. However, with agreement of their manager, the employee may carry leave forward into the new contract and, if this is the case, the leave will not be pro-rated to reflect any reduction in working hours.

Public Holidays

Upon their return to work, the employee will be 'credited' with any public holidays that fell during their period of adoption leave. In effect, these days will be added to the employee's annual leave entitlement, and the arrangements outlined above will apply.

Adoption leave – keeping in touch (KIT) days

37. An employee can choose to work up to 10 days for the council during their adoption leave. These days are paid and are known as Keeping in Touch (KIT) days. It is important that the manager and employee discuss and agree the use of KIT days and pay arrangements before adoption leave commences.

KIT days can be used to:

- keep up to date with what has been happening in the workplace
- attend a training course or staff meeting
- complete a specific piece of work or project
- help the employee settle back into work gradually at the end of their adoption leave

The employee will not lose any statutory adoption pay (where they are still in receipt of it) for working up to 10 KIT days.

The council's expectation is that the employee will work their normal contractual hours on a KIT day. However, if they work reduced hours, only the actual hours worked will be paid and the day will count as one day in terms of KIT days (i.e. will be deducted from a total of the permitted 10 days) and. The payment will be at their normal contractual rate.

Employees may request to receive time off in lieu rather than payment for the hours worked. Any time off granted must be taken within 3 months of the return to work.

It is important that the manager and employee discuss the use of KIT days and pay arrangements before adoption leave commences.

Adoption leave -returning to work

38. Adoption leave – rights on returning to work

Employees who return to work after:

- ordinary adoption leave, are entitled to return to the same job on the same terms and conditions as if they had not been absent, unless a redundancy situation has arisen.
- additional adoption leave, will normally return to the same job on the same terms and conditions as if they had not been absent unless, it is not reasonably practicable to do so. In which case the employee is entitled to be offered suitable alternative work on terms and conditions that are no less favourable.

Should a redundancy situation arise which affects the post of the primary adopter, they will have the same entitlements as a woman on maternity leave. The employee will be consulted about the continuation of their employment, and if the post becomes redundant the employee is entitled to be offered a suitable alternative vacancy, where one exists.

39. Notice of intention to return

An employee is entitled to remain on adoption leave for up to 52 weeks however they may choose not to take their full entitlement, see 21 above.

The council will expect the employee to return to work at the end of their adoption leave unless they submit their resignation, giving the required contractual notice. A form is available in the HR intranet to submit a resignation.

If the employee wishes to change the date, they intend to return to they must give eight weeks' notice in writing. If the employee fails to give the eight weeks' notice the council may delay the employee's return until the full eight weeks' notice has been given, but not beyond the end of the adoption leave period.

To ensure that pay can recommence correctly employees should complete the "Employee's Notification to Return to Work or Resign (Adoption)" form available from the online forms library to confirm the expected return to work date at least 21 days before the return date. Alternatively, the completed form can be given to the employee's manager at one of the contact meetings or on a KIT day. If the expected date of return changes, please ensure that HR Pay are informed as soon as possible by email

If the employee is unable to return from adoption leave on the agreed date due to sickness, they must inform their manager in accordance with the sick absence rules (or earlier if possible). The council will treat the employee as returning to work on the originally agreed date and apply the sick pay scheme.

40. Flexible working requests

An employee returning from adoption leave may request to work flexibly, including reducing their contracted hours. To do so they should follow the Flexible Working policy on the intranet. A link is available at the end of this document.

41. Not returning to work

If the employee decides not to return to work following a period of adoption leave, they are required to give the council notice of their resignation in line with the terms of their contract. The form “Employee’s Notification to Return to Work or Resign (Adoption)” available from the HR online forms library should also be completed.

They will be paid in respect of any accrued leave but, where relevant, will be required to repay the half pay element of any OAP received.

It is important to note that once an employee terminates their contract of employment, they will not have the right to return to work after the birth of their baby.

Intended parents and paternity leave & pay

42. Intended parents who are secondary adopters may, subject to the eligibility criteria below, take up to two weeks’ Paternity leave, to care for a child, at or around the time a child is born. The leave must be taken in complete and consecutive weeks however, employees can opt to take only one week’s leave. In which case they will forfeit the second week.

Paternity leave can begin on any day of the week, which may include the day on which the child is born and must be taken within 8 weeks of the birth.

Where a child is born early the employee can take the leave any time between the actual birth and the end of an 8-week period starting on the Sunday of the week the baby was originally due.

Paternity leave cannot start before the child is born. This may require the employee to delay the date they wish to start paternity leave until the baby is born.

Only one period of leave is permitted, even if more than one child is born as a result of a pregnancy.

Note: Agency workers are not usually entitled to Paternity leave however, they may be entitled to Paternity pay.

43. Intended Parents and Paternity leave & pay

a. To qualify for paternity leave, the employee must:

- have at least 26 weeks’ continuous service with the council by the end of the 15th week before the expected week of childbirth (EWC)
- be an intended parent in a surrogacy arrangement and is not planning to take adoption leave (i.e. the secondary adopter of the child)
- be married to, or the partner or civil partner of the primary adopter and

- have, or expect to have, the main responsibility for upbringing of the child along with the other parent
- be taking the time off to look after the child
- notify their line manager by the 15th week before the expected week of birth they intend to take Paternity leave

b. To qualify for Statutory Paternity pay, the employee must:

- be entitled to Paternity leave (as outlined above)
- have earned at least the lower earnings level for National Insurance in the 8-week period leading up to the 15th week before the baby's due date (EWC).
- Complete the on-line form 'Statutory Paternity Pay and Leave UK Adoptions (SC4)' by the 15th week before the expected week of childbirth (EWC) (or as soon as practicable thereafter). Prior to submitting the form, a verbal request should be made to the line manager. Providing this has been done the SC4 form may be submitted any time in the month before the requested leave.
- Following the birth, the employee must inform their manager, in writing, of the actual date of birth of the child, and this information should be forwarded to HR Pay and Pensions
- Employees can change the start date of their Paternity leave by completing and submitting a new SC4 form, giving at least 28 days' notice of the amended date (where practicable).

44. Paternity pay – rate

Statutory paternity pay is paid at a standard rate (see the gov.uk website for the current rate). This is the same as the statutory maternity pay weekly rate i.e. the lower of either the standard rate or 90% of their average gross weekly pay.

45. Paternity leave and disruption of leave

Once started Paternity leave and pay will continue if the baby is either;

- stillborn from 24 weeks of pregnancy
- or
- born alive at any stage of the pregnancy but later dies

For further details, see Paternity Leave and Pay on the intranet.

Intended parents and shared parental leave (SPL) and pay

45. Intended parents and shared parental leave

Intended Parents who are primary and secondary adopters are entitled to apply for Shared Parental leave. This requires the primary adopter to elect to 'share' an element of adoption leave entitlement with the secondary adopter. To do so, they must give notice to end their adoption leave early.

Sometimes only one parent in a couple will be eligible for Shared Parental Leave and Statutory Shared Parental Pay. This means that the leave cannot be shared.

Shared parental leave must be taken in blocks of at least 1 week. It may be taken in 1 continuous block or a series of 3 discontinuous blocks. Both parents may take the leave at the same time, but the total amount of shared leave taken must not exceed 52 weeks.

To qualify for Shared Parental pay the primary adopter must meet the requirements for Statutory Adoption Pay (see 25 above) and the secondary adopter must qualify for Statutory Paternity pay

Shared Parental Pay is paid at a standard weekly rate (the same rate as Statutory Maternity Pay (SMP) which is set by the government annually) or 90% of the employee's normal weekly earnings (if this is lower).

For further details see Shared Parental Leave and Pay on the intranet. A link is available at the end of this document

Shared parental leave keeping in touch (SPLIT) days

46. Employees on shared parental leave also qualify for up to 20 additional Shared Parental Leave in Touch (SPLIT) days. These are like KIT days and details may be found in the Shared Parental Leave policy on the intranet and the required form Shared Parental Leave is in the HR Pay Forms library.

Adoption (Intended Parents) leave and pay

Process and Guidance

47. The employee must:

- a. It is helpful to discuss your adoption leave intentions with your manager, throughout the process, including keeping in touch when on leave; this helps you both plan for your return to work. You may wish to consider when and what information you wish to share with your colleagues.
- b. You must confirm that you are the primary adopter and complete the 'Declaration Form for Surrogacy to attend Ante-natal Appointments' form. This form and all others you are required to complete can be found on the HR Forms library. See the link at the end of this document.
- c. No later than 15 weeks before the expected week of childbirth (EWC), you must confirm in writing your wish to take adoption leave and the date you expect to start the leave, by completing the 'Notification of Adoption' form online and upload the supporting evidence (copy of Statutory Declaration or Parental Order). You should request an email copy of the 'Notification of Adoption' form, which you must give to your manager and retain a copy for your records
- d. At the same time, you should also confirm
 - your return to work intentions
 - if eligible for OAP, how you wish the 'half pay' element to be paid

Alternatively, you may delay providing this information, but it must be submitted at least 28 days before the adoption leave is to start. Use the Notification of Adoption form to update your adoption leave and pay request. You should again request an email copy of the 'Notification of Adoption' form, which you must give to your manager and keep a copy for your own records.

- e. During your leave you should keep in touch with your manager and consider if you wish to change the terms on which you return to work. To do so you will need to submit a Request for Flexible Working form found in the HR forms library.
- f. You are entitled to 52 weeks adoption leave but may elect to take less. To return early from adoption leave or changed the date you have submitted you must provide 8 week's written notice using the form Maternity/Adoption Return to Work or Resign.

If you have elected to take the full 52 weeks' Adoption leave, you do not have to provide any notice of your return but to ensure you are paid correctly, please advise your manager and submit the Maternity/Adoption Return to Work or Resign form at least 21 days before you intend to return. In addition, please let you manager know when you are returning to work, so they may make any necessary arrangements.

- g. Should you decided not to return you must give your contractual notice in writing notice. Please do so by completing the form, Maternity/Adoption Return to Work or Resign.

48. HR Pay and Pensions must:

- a. Within 28 days of receiving the employee's notification:
 - confirm receipt of the request
 - eligibility for adoption leave and pay
 - the date the adoption leave will end
 - if the employee is not eligible for adoption leave and/or pay, advise the employee using a SAP1 form
- b. Ensure appropriate adoption leave payments are made.
- c. Be sensitive when writing to the employee, to recognise, their gender and baby is genetically the child of the intended parent(s)
- d. On receipt of the manager's authorisation either reinstate the employee on the payroll to ensure pay when returning to work or, implement termination of contract arrangements
- e. On receipt of forms and notifications will update the personal records of the employee in Business World

49. The manager must:

- a. Approve the employee's requests to attend up to two Antenatal appointments
- b. Discuss the employee's adoption leave plans with them.

- c. Be sensitive in communications with the employee including, recognising the baby is genetically the child of the intended parent(s)
- d. Support the employee by, for example, checking they are aware of their rights under the Policy, signposting to relevant forms and planning for their leave and return.
- e. Agree keeping in touch arrangements including KIT Days.
- f. Keep in touch with the employee during their leave, especially when they are due to return to work. (See Additional Guidance below)
- g. Consider any flexible working request.
- h. Inform Pay and Pensions when the employee confirms their return to work date and any changes to their working arrangements.
- i. Inform Pay and Pensions of the death or still birth of a child so they may adjust any to correspondence appropriately.

Additional guidance

50. Adoption leave – returning to work preparations

Employees returning to work after a long period of absence may feel anxious. The manager should take steps to ensure the employee feels welcome and ease their reintegration into the team. Suggestions to achieve this include:

- maintaining contact during the leave may help ease the return to work
- whilst the employee will have been advised early in the process of the date the adoption leave will end, consider sending a courtesy letter reminding them of the expected return date
- if the employee is returning to work on reduced hours consider what changes need to be made in the workout
- make sure the workstation is ready for their return and they have the necessary materials to do the job
- arrange update meeting with the employee to discuss any training needs to support their return
- ensure the employee has returned to work from adoption leave is not subject to any detriment because of their decision to take adoption leave

Links to relevant policies

Maternity Leave and Pay

http://staffinfo.southampton.gov.uk/hrod/worklife/holiday-absence/family_leave/maternity.aspx

Paternity Leave and Pay

[http://staffinfo.southampton.gov.uk/Images/\(D079\)Paternity-Leave-%26-Pay_tcm67-385022.pdf](http://staffinfo.southampton.gov.uk/Images/(D079)Paternity-Leave-%26-Pay_tcm67-385022.pdf)

Shared Parental Leave and Pay (including SPLIT Days)

[http://staffinfo.southampton.gov.uk/Images/\(S225\)Shared-Parental-Leave-and-Pay-Policy-and-Procedures_tcm67-385173.pdf](http://staffinfo.southampton.gov.uk/Images/(S225)Shared-Parental-Leave-and-Pay-Policy-and-Procedures_tcm67-385173.pdf)

Right to request Flexible Working

[http://staffinfo.southampton.gov.uk/Images/\(D066\)Right-to-Request-Flexible-Working-Policy_tcm67-384442.pdf](http://staffinfo.southampton.gov.uk/Images/(D066)Right-to-Request-Flexible-Working-Policy_tcm67-384442.pdf)

Unpaid Parental Leave

http://staffinfo.southampton.gov.uk/hrod/worklife/holiday-absence/family_leave/unpaid_parental.aspx

Parental Bereavement Leave

[http://staffinfo.southampton.gov.uk/Images/\(D472\)Parental-bereavement-leave-policy_tcm67-440756.docx](http://staffinfo.southampton.gov.uk/Images/(D472)Parental-bereavement-leave-policy_tcm67-440756.docx)

Right to Request Flexible Working

[http://staffinfo.southampton.gov.uk/Images/\(D066\)Right-to-Request-Flexible-Working-Policy_tcm67-384442.pdf](http://staffinfo.southampton.gov.uk/Images/(D066)Right-to-Request-Flexible-Working-Policy_tcm67-384442.pdf)

Forms and other resources

All Adoption and Paternity leave forms can be found at:

https://staffinfo.southampton.gov.uk/hrod/hronline/forms_library.aspx

The forms are split into two sections:

1. Maternity, Paternity and Adoption

- Declaration Form for Secondary Adopter to Attend Antenatal Appointments
- Declaration Form for intended parents -Surrogacy to Attend Antenatal Appointments
- Maternity/Adoption return to work or resign (adoption)
- Keeping in Touch Days
- Shared parental Leave

2. Online Forms

- Notification of Adoption (this should be completed by adopters and intended parents)
- Statutory Paternity Pay/Paternity Leave – Overseas Adoption
- Statutory paternity Pay/Paternity Leave – UK Adoption (SC4)
- Statutory Adoption Pay/Adoption Leave – Overseas Adoption (SC5)
- Unpaid Parental Leave Application
- Parental bereavement leave

Other useful resources

Employee Assistance Programme – Health Assured

<http://staffinfo.southampton.gov.uk/hrpay/occhealth/employee-assistance-programme.aspx>

telephone on: 0800 716 017

email at: counsellingadvice@healthassured.co.uk

Childcare Vouchers v Tax Free Childcare

<https://staffinfo.southampton.gov.uk/hrod/new/childcare.aspx>

Tax Free Childcare

<https://www.gov.uk/browse/childcare-parenting/childcare>