

WITHAM AND HUMBER DRAINAGE BOARDS

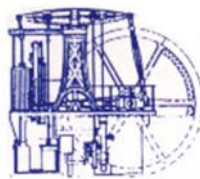
Four independent statutory Land Drainage and Flood Risk Management Authorities working in partnership.



Witham First District IDB



Upper Witham IDB



Witham Third District



North East Lindsey

www.witham3idb.gov.uk

Adoption leave policy

Background	<p>The 4 Boards will provide support and assistance for employees who are adopting a child. If you are matched for adoption with a child, you may be entitled to either adoption leave or paternity leave. One parent cannot take both periods of leave, and it is up to you and your partner to decide who is the main adopter and so will take adoption leave. The main adopter's partner may be entitled to paid paternity leave. You may also wish to refer to our Paternity Leave policy.</p> <p>Main adopters are entitled to a total of 52 weeks' leave. We have set out below all your rights and obligations should you be matched for adoption. We would ask that you notify us as soon as possible of your situation so that we can ensure you are fully aware of all your entitlements and obligations.</p>
Statement	This policy sets out the 4 Boards' entitlements for employees who are adopting a child, including notification requirements and rights to time off work.
Responsibilities	<p>Chief Executive for Implementing the scheme and ensuring that employees have necessary information.</p> <p>HR Lead and Line Managers to ensure that employees have the necessary information and that relevant forms are completed.</p> <p>HR Lead and Senior management team to review and revision of the policy</p>
Training	HR Lead to offer support, guidance and training in the most appropriate approach
Equality and Diversity	This policy aims to meet the requirements of the Equality Act 2010 and ensure that no employee receives less favourable treatment on the grounds of gender, sexual orientation, transgender, civil partnership/marital status, appearance, race, nationality, ethnic or national origins, religion/belief or no religion/belief, disability, age, carer, pregnancy or maternity, social status or trade union membership.
Association of Drainage Authorities (ADA)	Local Policy in Line with ADA Lincolnshire Branch White Book Wages and Salaries and Conditions of Service, 2019
Dissemination	Boards' Website
Version	V3
Approval Date	Joint Services Committee- 20.07.20.
Review Date	Within 3 years of approval or as and when policy guidance changes

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INTRODUCTION

This policy and guidance aim to assist employees who adopt a child and to allow them to be with the child for a settling in period.

MINIMUM STANDARDS

The entitlement to adoption leave is up to a maximum of 52 weeks in total for each child adopted, dependent upon length of service. There may also be entitlement to Adoption Pay.

An employee will have the contractual right to return to work following adoption leave. Adoption leave is a separate arrangement from and is in addition to annual leave.

PROCEDURE EMPLOYEE RIGHTS

Adoption leave is available to:

- individuals who adopt
- one member of a couple where a couple adopt jointly (the employee's partner may be entitled to paternity leave)

To be eligible for adoption leave the employee must be newly matched with a child for adoption by an adoption agency.

Please note adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example where a stepparent is adopting a partner's child.

APPLYING FOR ADOPTION LEAVE

The employee must tell their line manager in writing of their intention to take adoption leave within 7 days of being notified by the adoption agency that they have been matched with a child (or as soon as reasonably practicable) with the following information:

- when the child is expected to be placed with the employee;
- when does the employee want their leave to start?

Payroll will write to the employee within 28 days of receipt of this form confirming the end date of their leave.

The employee may change their leave dates providing they give 28 days' notice (unless this is not reasonably practicable).

ADOPTION LEAVE ENTITLEMENT

ORDINARY ADOPTION LEAVE (OAL).

Employees are entitled to up to 26 weeks OAL

ADDITIONAL ADOPTION LEAVE (AAL)

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This is available to employees who have worked continuously for Witham and Humber Drainage Boards for 26 weeks ending with the week in which they were notified of being matched with a child.

Where an employee meets the eligibility criteria for **Additional Adoption Leave (AAL)** then the **Ordinary Adoption Leave (OAL)** is followed immediately by up to 26 weeks' **Additional Adoption Leave (AAL)** – a total of 52 weeks' leave.

Employees can choose to start their leave:

- from the date of the child's placement (whether this is earlier or later than expected)
- from 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
- only one period of leave is available to employees irrespective of whether more than one child is placed for adoption as part of the same arrangement
- if the child's placement ends during the adoption leave period the employee can continue adoption leave for up to eight weeks after the end of the placement.

ADOPTION PAY

Adoption pay comprises two parts, Statutory and Occupational.

STATUTORY ADOPTION PAY

Employees will be eligible for Statutory Adoption Pay (SAP) if:

- they have been continuously employed by the 4 Boards' for at least 26 weeks ending with the week in which they are notified of being matched with a child for adoption.

The employee must complete and return to their manager the Adoption Leave Form and an original matching certificate, which is available from the adoption agency The manager should then forward this form to payroll

- they have average weekly earnings of over the lower limit for National Insurance contributions

SAP is treated as "pay" and will be subject to deductions, e.g. tax, National Insurance.

SAP is paid for up to 39 weeks and is paid at the standard rate of Statutory Maternity Pay (SMP) giving an overall entitlement of 52 weeks' leave and 39 weeks SAP.

OCCUPATIONAL ADOPTION PAY

Employees will be eligible to Occupational Adoption Pay if they have been continuously employed by the 4 Boards' for 26 weeks at the time the adoption leave commences.

Occupational adoption pay is payable for the first 6 weeks at 90% of the employees average weekly earnings offset against any entitlement to SAP.

ADDITIONAL OCCUPATIONAL ADOPTION PAY

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Employees will be eligible to Additional Occupational Adoption Pay if they have been employed continuously by the 4 Boards' for 1 year at the time the adoption leave commences.

For the first 6 weeks of absence they will receive 90% of their average weekly earnings offset against SAP.

For the subsequent 12 weeks, they will also be entitled to half pay. This is not offset against SAP except where their combined pay and benefits exceed full pay. In this instance, a week's full pay will be offset against the SAP payments.

Both SAP and occupational pay will be subject to normal deductions, that is, tax and National Insurance.

Employees have a choice regarding payment arrangements. Payment may be made during this period or in a lump sum when they return to work. No further pay is due until the employee resumes work.

Employees must inform the HR Lead and Line Manager before they start their Adoption Leave about their intentions for returning to work in order that suitable payment arrangement can be made.

Having returned to work, the employee must work for a period of at least 3 months. If they do not return to work for a period of at least 3 months, then they will have to refund such sum of Occupational and Additional Occupational Adoption Pay the 4 Boards' or the Governing Body at their discretion, may decide.

The employee will not have to refund any of the SAP payments.

RETURNING TO WORK

If the employee wishes to return to work at the end of their full adoption leave entitlement, they do not have to give any further notification.

If the employee wishes to return to work before the end of their adoption leave period, they must give at least 8 weeks' notice of the date they intend to return.

TRANSFER OF ADOPTION LEAVE

Providing that proper notification of an early return to work in accordance with the rules above, an employee may be eligible to transfer up to 26 weeks of the outstanding adoption leave (and outstanding statutory adoption pay) to their spouse, civil partner or partner, to be taken as additional paternity leave (and additional statutory paternity pay) once the employee has returned to work.

The earliest that additional paternity leave may commence is 20 weeks after the adopted child's placement and it must end no later than 12 months after the date of placement.

The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks. The employee must therefore have at least two weeks' adoption leave that remains unexpired.

Further details should be obtained from the employee's spouse's or partner's employer. If the employee does wish to transfer part of the adoption leave entitlement in this way, they will be required to submit a written and signed declaration form to their spouses or partner's employer, which may also make additional enquiries of the 4 Boards' to verify the employee's entitlement to additional paternity leave and pay.

See the Paternity Leave Policy for further details.

CONTRACT OF EMPLOYMENT DURING ADOPTION LEAVE

During the period of adoption leave the employees terms and conditions of employment will be maintained, apart from pay.

The employee has the right to return to the job in which they were employed under their original contract of employment and on terms and conditions not less favourable than those applicable had they not been absent.

PENSIONS

If you are a member of the Local Government Pension Scheme contributions are automatically deducted from your adoption pay based on what you actually receive. Witham and Humber Drainage Boards will continue to pay pension contributions whether or not you receive any pay during the ordinary adoption pay period and these will be based on what you would have been earning had you been working normally.

No contributions will be payable by either the employer or yourself during any period of no pay in the additional adoption leave period.

If you would like to make contributions to cover periods of your adoption leave when you are not receiving Occupational/Statutory Adoption Pay you may do so by confirming this in writing not later than 30 days after your return to work or the date confirming your wish to cease work (notification should be sent to the Finance department). The rate of contributions will be the rate applying immediately before your pay ceased. If you are a member of the Fire Scheme any period of unpaid additional adoption leave counts only as reckonable service if arrears are paid upon an option being made within 30 days of returning to work and for arrears of contributions to be recovered within a period of 6 months maximum.

GENERAL INFORMATION

Contact during Adoption Leave

Before your adoption leave commences your Line Manager will discuss with you suitable arrangements for you to keep in touch during your leave, should you wish to do so. Witham and Humber Drainage Boards' reserve the right in any event to maintain reasonable contact with you from time to time during your adoption leave. This may be to discuss your plans to return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

Keeping in Touch Days

You can agree to work for the 4 Boards' (or attend training) for up to 10 days during either ordinary adoption leave or additional adoption leave without that work bringing the period of your adoption leave to an end and without loss of a week's SAP. These are known as "keeping in touch days". Any work carried out on a day shall constitute a day's work for these purposes.

The 4 Boards cannot insist that you carry out any work, nor can you insist that you do so. Any work undertaken, including the amount of salary paid for any work done on keeping in touch days, is entirely a matter for agreement between the 4 Boards' and yourself. Any keeping in touch days worked do not

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extend the period of adoption leave. Once the keeping in touch days have been used up, you will lose a week's SAP for any week in which you agree to work for the company.

Payment for Keeping in Touch Days

Employees will be paid their normal standard rate of pay for the actual hours that they work.

As an alternative to receiving pay for KIT days worked employees could take Time off in Lieu (TOIL) for the hours which they work as 'keeping in touch' days on their return to work. This TOIL must be used within one year of the employee's return to work from adoption leave.

DETRIMENT/UNFAIR TREATMENT

You must not be subjected to any detriment or unfairly treated or dismissed for taking, or seeking to take, adoption leave.

REDUNDANCY

If there is a redundancy situation when you are on adoption leave (either ordinary or additional leave), you have a right to be included in the consultation and selection process just as if you had not been absent. Witham and Humber Drainage Boards will ensure that you do not suffer any detriment.

Where your job is redundant, you are entitled to be offered suitable alternative employment.

If there are no suitable, alternative vacancies then you will need to consider alternative vacancies which may be acceptable but on less favourable terms, e.g. although salary protection applies, holiday entitlement could be affected.

Where a vacancy does exist, you must be offered it before your existing contract comes to an end. It must take effect immediately when the old one terminates.

What is Suitable Work?

Any vacancies within the 4 Boards' will be classed as suitable alternative work if:

- they are suitable for that employee, i.e. they must be compatible with their skills, qualifications and status before they started their adoption leave; and
- they are appropriate for the employee to do in the circumstances; and
- they are offered on terms and conditions which are not in any respect substantially less favourable than those which they enjoyed before they started their adoption leave

If the 4 Boards' do not have a suitable or unsuitable alternative job to offer or the employee refuses to accept an offer of a suitable alternative job, then the 4 Boards' are entitled to terminate their employment on grounds of redundancy.

If the employee has the qualifying period of employment, then they will be entitled to a redundancy payment.

FURTHER INFORMATION

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Please contact an HR Lead for advice and support.

ADDITIONAL RELEVANT POLICIES

[Paternity Leave Guidance](#)

[Special Leave Policy](#)

[Ordinary Parental Leave and Maternity Support Leave Policy](#)