

ADOPTION LEAVE (STAFF) POLICY

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NORFOLK
CONSTABULARY



SUFFOLK
CONSTABULARY

ADOPTION LEAVE (STAFF)

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Official

Version Number: 1.2

Page 1 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

Index

1. Policy Statement	3
2. Who this policy is for	3
3. Adoption leave entitlement	4
4. Adoption Leave Pay	4
5. Adoption leave start date.....	5
6. Notification to take adoption leave.....	6
7. Adoption support meetings.....	6
8. Adoption appointments.....	7
9. Adoption support leave.....	7
Additional Week of Special Leave	8
10. Maintaining contact during adoption leave	8
11. Keeping in touch (KIT) days	9
12. Career development.....	10
13. Notice for ending your adoption leave	10
14. Shared Parental Leave.....	11
15. Flexible working.....	11
16. Career break	11
17. Your Return to Work Following Adoption Leave	11
Phased Returns.....	12
18. Deciding not to return to work.....	13
19. Your terms and conditions during adoption leave.....	13
20. Annual leave arrangements.....	13
21. Pension	14
22. Court attendance.....	14
23. Voluntary contributions/subscriptions	14
24. Disruption of your adoption placement and loss	15
25. Neonatal care leave	15
Entitlement to neonatal care leave	16
Amount of neonatal care leave you can take	16
How neonatal care leave may be taken	16
Notice to take neonatal care leave	17
Neonatal care pay	17
Contact during neonatal care leave.....	18
26. Parental bereavement leave.....	18
27. Sources of support	19
Appendix A – External organisations for information and support.....	20

Legal Basis

Legislation specific to the subject of this policy document:

- Employment Rights Act 1996
- Children and Families Act 2014 (part 7 – other statutory rights)
- Equality Act 2010

Other relevant legislation which you must check this document against (required by law)

- Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
- Health and Safety at Work etc. Act 1974 and associated Regulations
- General Data Protection Regulation (GDPR) and Data Protection Act 2018

Official

Version Number: 1.2

Page 2 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

- Freedom Of Information Act 2000

Other documentation which you must check this document against:

- College of Policing – Code of Ethics
- Norfolk and Suffolk Constabularies' Standards of Professional Behaviour
- College of Policing – Authorised Professional Practice

1. Policy Statement

- 1.1 The purpose of this policy is to provide guidance and information on the adoption leave and pay provisions that are available for our police staff employees including statutory rights and responsibilities. It also details the responsibilities of Norfolk and Suffolk Constabularies (together the Constabularies) and what an individual can expect during their adoption leave and when they return to work.
- 1.2 The Constabularies are committed to ensuring this policy complies with relevant legislation and that consultation has been undertaken with all relevant staff groups. Unless we have expressly stated that a policy is contractual, all our policies and procedures are non-contractual. This means we can update them at any time following consultation with UNISON.
- 1.3 All our policies promote equality, eliminate unlawful discrimination and actively promote good relations regardless of a person's age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status.
- 1.4 The Constabularies will review this policy periodically to ensure that it reflects appropriate standards, continues to meet our needs, and reflects any changes in legislation.
- 1.5 The Director of People has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Day-to-day responsibility for operating the policy and ensuring its maintenance and review has been delegated to the HR Managers, HR Delivery.
- 1.6 Managers have a specific responsibility to ensure that this policy is applied fairly, and all staff are also responsible for supporting their colleagues and ensuring the success of this policy.

2. Who this policy is for

- 2.1 This policy applies to all police staff employees who are preparing for adoption leave, including those who are having a child through surrogacy or fostering to adopt.
- 2.2 Police officers should refer to the Adoption Leave (Police Officer) Policy.

Official

Version Number: 1.2

Page 3 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

3. Adoption leave entitlement

3.1 All police staff are eligible to take up to 52 weeks' adoption leave if any of the circumstances below apply. There is no minimum length of service required. The circumstances are:

- you are adopting a newly-matched child (i.e. under the age of 18) through a UK approved adoption agency (which may include an overseas adoption agency);
- you are applying for a parental order for a child born through a surrogacy arrangement (where at least one of the intended parents is genetically related to the child);
- you are applying for an adoption order for a child born through a surrogacy arrangement (where neither of the intended parents is genetically related to the child);
- you are fostering through a local authority to adopt a child.

3.2 Unfortunately, under UK adoption law, there is no entitlement to adoption leave for a private adoption or where your child is not newly matched, for example if you are adopting or fostering to adopt a relative or step-child who was previously living with you.

3.3 If you are adopting as part of a couple only one of you will be eligible for adoption leave (whether they work for the Constabulary or otherwise). This person is referred to as the 'primary adopter' for leave purposes. It is for the parents to choose between themselves who will be the primary adopter. The other partner of the couple may qualify for adoption support leave.

3.4 It is your choice how much adoption leave you decide to take. You are however required by law to take a minimum of two weeks adoption leave from the date you start your adoption leave.

4. Adoption Leave Pay

4.1 You will be entitled to receive both statutory adoption pay and occupational adoption pay, if you meet the criteria below.

4.2 **Statutory Adoption Pay (SAP):** you will receive SAP if you have at least 26 weeks continuous service and your average weekly earnings are not less than the lower earnings limit for national insurance contributions by:

- the end of the week in which you are notified of being matched with a child;
- the end of the week in which you are notified of a fostering to adopt placement; or
- the 15th week before the baby is due under a surrogacy arrangement.

4.3 SAP is paid for 39 weeks of your adoption leave. The first six weeks is payable at 90% of your average weekly earnings. The remaining 33 weeks

Official

Version Number: 1.2

Page 4 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

is paid at the government rate for the relevant tax year, or at 90% of your average weekly earnings (whichever is lower). Current rates are available at www.gov.uk.

4.4 If you are not eligible for SAP you may get support from your local council instead.

4.5 **Occupational Adoption Pay (OAP)** You are entitled to OAP if you have at least 52 weeks continuous service by:

- the end of the week in which you are notified of being matched with a child;
- the end of the week in which you are notified of a fostering to adopt placement; or
- the 15th week before the baby is due under a surrogacy arrangement.

4.6 There are a couple of options regarding how you can receive your OAP:

- You can either choose to receive your OAP as 26 weeks at your full pay (inclusive of SAP) and SAP thereafter for the remaining 13 weeks; or
- You can choose to receive full pay for 21 weeks (inclusive of SAP), and then half of your normal pay, plus an amount equivalent to half of any SAP due, in the ten weeks following (weeks 22-31) and SAP only thereafter (from weeks 32-39). This means that you will receive all of the SAP to which you are entitled during weeks 22-31.

4.7 Payment of OAP is subject to you returning to work for at least one month after the end of your adoption leave. You can use any annual leave accrued to offset the minimum return period if required. If you do not return to work for this minimum period, you will be required to repay the OAP you have received, less any SAP received in those weeks.

5. Adoption leave start date

5.1 The date you can start your adoption leave depends on the circumstances you are adopting under, as follows:

- within the 14 day period ending with the date on which the child is expected to be placed with you, for UK adoptions;
- when your child arrives in the UK or within 28 days of this date, for overseas adoptions;
- the day the child is born (or the day after, if you are at work on that date), if you are having a child through surrogacy;
- the day from when the child comes to live with you, if you are fostering to adopt.

5.2 If your adoption placement is delayed but you have already started your adoption leave, it is not possible to stop your leave and start it again at a

Official

Version Number: 1.2

Page 5 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

later date. You should therefore make sure your placement will be going ahead on the date agreed before you start your leave.

6. Notification to take adoption leave

- 6.1 To take adoption leave, you must give the Constabulary written notice within seven days of being matched with a child for adoption (or if that is not possible, as soon as reasonably practicable) of the date the child is expected to be placed with you for adoption and the date you intend to start your adoption leave. Please note, these notification requirements are for UK adoptions only. There are different notification requirements for surrogacy and overseas adoption, full details of which may be obtained from your HR Advisor.
- 6.2 You should make this notification by submitting an online adoption leave notification form to People Customer Services. Please also make your line manager aware that you will be taking adoption leave.
- 6.3 You will receive written confirmation within 28 days of receipt of your notification, setting out your adoption leave and pay entitlements and the date on which you are expected to return if you take your full leave entitlement.
- 6.4 You are also required to provide documentary proof that you have the right to adoption leave, this is usually a matching certificate from the adoption agency (the agency must be recognised in the UK). You must send this to People Customer Services email prior to the start of your adoption leave. If possible, please submit this at the same time as you make the above notification. You can scan/email a copy of the document – the original document is not required.
- 6.5 For planned adoptions under surrogacy arrangements please make your notification of your intention to take adoption leave, at least 15 weeks before the beginning of the expected week of childbirth, or as soon as possible if this is not practicable. You are also required to give a further notice, as soon as reasonably practicable after the child's birth, of the date on which the child was born.
- 6.6 You will be able to change your adoption leave start date as long as you notify the Constabulary at least 28 days in advance, or as soon as is reasonably practicable if this notice is not possible.

7. Adoption support meetings

- 7.1 As part of the adoption process it is possible you can be notified quite suddenly that you have been matched with a child. For this reason, you are encouraged to notify your line manager as soon as you are comfortable with sharing that you are looking to adopt a child. This will give as much time as possible to ensure they have plans in place to support you.
- 7.2 Once you have given the Constabulary formal notification of your intention to take adoption leave, please let your line manager know and they will

Official

Version Number: 1.2

Page 6 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

arrange a support meeting with you. This will provide an opportunity to discuss any support you may need, your adoption leave or future plans.

- 7.3 Subsequent meetings will take place on a regular basis until your adoption leave starts. These may form part of your regular 1-1 meetings or may be held separately.
- 7.4 Your line manager will also arrange a support meeting with you approximately eight weeks prior to your planned return to work date to discuss any relevant issues or concerns you may have and to ensure you are fully supported on your return. Please see below for further information on returning to work.
- 7.5 A written record of all support meetings will be made and retained on your personal file.

8. Adoption appointments

- 8.1 You are entitled to take reasonable paid time off to attend your pre-adoption appointments once you have been matched with a child. This applies to the primary adopter, or sole adopter, as well as a secondary adopter or the primary adopter's partner, so that couples adopting jointly can attend the appointments together.
- 8.2 If you are an agency staff member at either of the Constabularies you are entitled to time off for adoption appointments as above, if:
 - You have completed your 12-week qualifying period;
 - You do not take on a different role with us;
 - You have not had any breaks between assignments, or during an assignment
- 8.3 If you are adopting a child through a surrogacy arrangement we understand that you may want to attend ante-natal appointments. You can take paid time off to accompany the surrogate mother to two of their ante-natal appointments.
- 8.4 Time off for attending any appointments should be agreed in advance with your line manager and should be arranged at times that are the least disruptive to your work as far as reasonably practicable. Your line manager may ask you to provide evidence of appointments, such as an appointment card.

9. Adoption support leave

- 9.1 If you are the co-adopter or partner of an adoptive parent who is eligible for adoption leave, you are entitled to two weeks' adoption support leave. You do not have to take the leave in one single period but it must be taken in blocks of at least one week. This means you can take the leave in either one single period of one week, one single period of two weeks, or two separate periods of one week each. A week's leave is the same duration

Official

ADOPTION LEAVE (STAFF) POLICY

Official

as your normal working week. You can only take two weeks leave per adoption even if more than one child is placed as a result of the same arrangement.

- 9.2 There is no minimum length of service required to take adoption support leave. Pay for the leave however is dependent on your length of continuous service. If you have at least 26 weeks' continuous service by the week in which the child's adopter is notified of having been matched with the child, you will receive your full normal pay for the first week of support leave, inclusive of statutory paternity pay (SPP), and SPP or 90% of your normal weekly pay, whichever is lower, for the second week, if taken.
- 9.3 If you have less than 26 weeks continuous service by the week in which the child's adopter is notified of having been matched with the child, you will receive your full normal pay for the first week and the second week, if taken, will be unpaid.
- 9.4 Current rates of SPP are available at www.gov.uk. For clarity, SPP is available to co-adopters or partners of any gender, and not just men.
- 9.5 You can start your support leave either on the date of the adoption placement or on an agreed number of days after the date of the placement, or the day the child is born for surrogacy parents. Your leave must end no later than 52 weeks of the data of the adoption placement. If you are intending to take shared parental leave for the adoption you must take your adoption support leave first. You will need to provide notice of your intention to take adoption support leave no more than seven days (unless not reasonably possible) after the date on which the adopter is notified of their match with the child.
- 9.6 You will need to tell your line manager when you wish to take your leave no more than seven days (unless not reasonably possible) after the date on which the adopter is notified of their match with the child. 28 days' notice should be provided where possible if you wish to change your dates.

Additional Week of Special Leave

- 9.7 If you are eligible for adoption support leave you can also take an additional one week's special leave at your full normal pay, to support the main adopter. This week must be taken immediately following your adoption support leave. If you opt to take support leave in non-consecutive weeks, the week of special leave must immediately follow either the first week or second week taken.
- 9.8 To request adoption support leave and the additional week of special leave please notify your line manager and complete an online HR form. You will receive written confirmation of your leave from People Customer Services.

10. Maintaining contact during adoption leave

- 10.1 We will want to keep in contact with you during your adoption leave. Your line manager will discuss and agree contact arrangements with you before

Official

Version Number: 1.2

Page 8 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

your leave starts so that they can ensure contact is relevant and reasonable.

- 10.2 Line managers will record the agreed contact arrangements in a suitable format. A 'contact contract' proforma is available for this purpose. This should include frequency of contact and what sort of information you would like to be updated on, KIT days, ICT access etc. Frequency of contact will depend on individual circumstances, but as a minimum the line manager should ensure contact is made at least once a month.
- 10.3 If you have been temporarily working in another team prior to adoption leave, it is your substantive line manager's responsibility to maintain contact. If there is a change in your line management during your leave the current line manager is obligated to handover responsibility to the new line manager who will then make contact with you.
- 10.4 In some cases, a staff member may prefer an alternative manager or senior colleague as their main contact. If you would like to request an alternative contact, please discuss this with your line manager so that any alternative arrangement can be considered and if appropriate, agreed.
- 10.5 IT user accounts are normally deactivated when an individual is on adoption leave, however you can request that your account is kept active if you would find this beneficial and will still have access to force ICT equipment when on leave. This will be subject to meeting certain conditions and taking full responsibility for your account's security whilst it remains active. Please speak to your line manager if you would like this to be put in place. A request will then need to be made to ICT by you or your line manager to set this up.

11. Keeping in touch (KIT) days

- 11.1 You can attend work for up to ten days during your adoption leave without bringing your leave to an end. These are known as Keeping in Touch (KIT) days. KIT days are intended to facilitate a smooth return back to work and can be useful in helping maintain relationships with colleagues and keeping up to date with any changes in the workplace. KIT days are optional and you are under no obligation to take them.
- 11.2 Any KIT days you would like to take must be agreed with your line manager. They can be taken singularly or consecutively at any time during your adoption leave, other than the first two weeks, and they cannot be taken at the end of your adoption leave to extend your adoption leave.
- 11.3 You should agree with your line manager in advance what you will do on your KIT days. They can be used for any work you would normally do in your day to day role or could be used to attend team meetings or training for example.
- 11.4 A KIT day will count as one day regardless of the length of time you are at work. For example, one KIT day will be used even if you only attend for a

Official

Version Number: 1.2

Page 9 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

one-hour meeting. If you come in and work on a shift straddling midnight the hours worked in that shift will count as one KIT day.

- 11.5 You will be paid for the actual hours you have worked at your normal hourly pay rate, plus SAP where applicable. This will be pensionable.
- 11.6 The line manager is responsible for completing an online notification form following completion of a KIT day to confirm the day taken and hours worked.

12. Career development

- 12.1 Whilst on adoption leave you will still have access to opportunities for career development.
- 12.2 You can request that Force Orders (which details current vacancies) is sent to your home address/email by emailing People Customer Services, to enable you to consider any vacancies or any other career development opportunities whilst on leave. This will be supplied to you via an encrypted email.
- 12.3 Special consideration will be given when arranging any interviews, assessments or board attendance whilst you are on adoption leave to minimise impact on you and any childcare arrangements you may need to put in place.
- 12.4 When you return from adoption leave your line manager will review your career development aspirations with you as part of your PDR discussions.

13. Notice for ending your adoption leave

- 13.1 If you will be taking your full 52 weeks adoption leave and will be returning to work at the end of this period, on the date as confirmed to you in writing, you do not need to give any further notice.
- 13.2 If you wish to return any earlier, you are required to give at least eight weeks' written notice to your line manager confirming the date you intend to return. The line manager must complete an on-line notification form upon receipt of their staff member's notification. We will send you written confirmation of your return date. You may change your return date by giving the same notice.
- 13.3 If you give less notice than the above, we will endeavour to accommodate your return on your desired date wherever possible. If there are any reasons why this is not possible, for example, to allow us time to put in place any alterations to your work environment to assist your return, we may need to postpone this up to the date equivalent to the required notice period. However, under no circumstances will we postpone your return beyond the end of your full adoption leave period.
- 13.4 If you are unable to return to work on your intended date due to sickness, you should follow the usual sickness absence reporting procedures under

Official

Version Number: 1.2

Page 10 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

the Sickness Absence Management Policy, and the Constabulary sick pay provisions will apply.

- 13.5 If you wish to extend your time-off following your adoption leave, you may like to request unpaid parental leave or annual leave. Please refer to the Leave and Time Off policy for further information.

14. Shared Parental Leave

- 14.1 If you and your partner meet the eligibility requirements, you may choose to end your adoption leave and pay early and take shared parental leave instead. This would enable you and your partner to take it in turns to have leave to care for your child, return to work while your partner takes leave or take leave at the same time. Shared parental leave is available to both parents. Please note that the pay for shared parental leave is statutory pay only. Please refer to the Shared Parental Leave Policy for further information.

15. Flexible working

- 15.1 If you are considering applying for flexible working to change your hours of work or other working arrangements when you return from adoption leave, you may wish to informally speak with your line manager before you start your leave to understand what options there might be.
- 15.2 It can be difficult to prepare a flexible working application whilst you are away from work, however you can use a KIT day to come into work to discuss options, proposed working patterns etc, with your line manager and complete a flexible working application.
- 15.3 If your partner works at the Constabulary and is also applying for flexible working and you let your line managers know, then both applications can be considered simultaneously.
- 15.4 For further information please refer to the Flexible Working Policy.
- 15.5 You may also wish to consider approaching UNISON for assistance and advice on flexible working.

16. Career break

- 16.1 If you would like to take a further formal break from work following your adoption leave you may wish to consider a career break. For further information please refer to the Police Staff Career Break Policy.

17. Your Return to Work Following Adoption Leave

- 17.1 You are entitled to return to the same role you were in prior to your adoption leave, on the same or not substantially less favourable terms and conditions.

Official

Version Number: 1.2

Page 11 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

- 17.2 However, if there is a genuine reason why that is not reasonably practicable, such as a redundancy situation, the Constabulary will look for a suitable alternative role for you, on terms and conditions that are not substantially less favourable than your original role.
- 17.3 If there are any proposed changes affecting your job whilst you are on leave you will be contacted by your line manager as soon as practicable so that all options available can be discussed and explored with you.
- 17.4 We will write to you as the end of your adoption leave approaches to remind you of your expected date of return and your line manager will contact you to discuss the arrangements for your first day back.
- 17.5 We recognise that returning to work from adoption leave after a significant period of time away from work can be challenging and we will take steps to ensure that your return to work is as smooth as possible. Your line manager will arrange to have a meeting with you during your first week back at work, the aim is to support and facilitate your integration back into the workplace taking account of any health, welfare, training, risk assessment or other job-related matters that may need addressing.
- 17.6 The line manager should ensure that a bespoke return to work plan is in place for their staff member.

Phased Returns

- 17.7 Additional support may be provided through a phased return.
- 17.8 A phased return may be implemented by the line manager to support their staff member returning to work following their adoption leave. This is a short-term arrangement agreed between the staff member and their line manager, which allows structured amendments to their duties or working conditions which fall short of full duties. A phased return is designed to help the staff member adapt and prepare for a return to their full duties and/or hours and will be considered on a case-by-case basis. Line managers can contact their HR Advisor for advice on implementing this.
- 17.9 Phased returns, where reasonably necessary, will be granted on the staff member's full normal pay. The number of hours worked should be incrementally increased over the phased return period. Phased returns should not normally exceed 28 days. A typical example of a 28-day phased return period is a minimum of 50% of working hours in week one, progressing back to working full hours by week four. This would be in consultation with the staff member's line manager and adapted to their specific needs.
- 17.10 If the staff member was previously full-time but has a flexible working request approved to return on a part-time basis, the phased return should be calculated on the revised part-time working pattern/number of hours.

Official

Version Number: 1.2

Page 12 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

18. Deciding not to return to work

- 18.1 You are under no obligation to decide at the start of your adoption leave whether or not you will return to work once your leave ends. If, during the course of your adoption leave, you decide that you do not wish to return you must give the appropriate written notice of your resignation in accordance with your employment contract.
- 18.2 Please note that if you resign you may have to repay your occupational adoption pay as set out above.
- 18.3 Once you have given notice of your resignation, you may not change your mind without our agreement.

19. Your terms and conditions during adoption leave

- 19.1 All terms and conditions except for normal pay will continue as usual during your adoption leave. Your pay will be replaced by adoption pay, if you are eligible for it. Other benefits such as annual leave entitlement and pension contributions will continue, as set out below. If there are any improvements or changes implemented whilst you are on leave, you will receive them just as if you were still at work.
- 19.2 All adoption leave taken, up to the 52 weeks maximum entitlement, is reckonable for incremental pay and annual leave purposes.

20. Annual leave arrangements

- 20.1 Your annual leave and public holiday entitlements will continue to accrue during the full duration of your adoption leave (and any periods of neonatal leave if applicable to you). The annual leave year runs from 1st April to 31st March.
- 20.2 You can choose to take annual/public holiday leave prior to and/or at the end of your adoption leave before returning to work, to extend your time off.
- 20.3 You can also take annual leave during adoption leave by opting to take your adoption leave in more than one period. However, if you chose to do this, you are strongly advised to take the annual leave after the period during which you are receiving SAP. If you break your adoption leave to take annual leave during the period you are receiving SAP, your SAP will stop and will not start again when you resume adoption leave.
- 20.4 If it is not possible for you to take your full leave entitlement in the applicable leave year, e.g. where your adoption leave period straddles two leave years, you may carry over any unused amount to the following leave year. The usual limit of five days carry-over will not apply in these circumstances. This also applies to any periods of neonatal care leave taken.
- 20.5 When planning any annual leave, you should make your request for approval in the usual way. For ease of making requests when away from

Official

Version Number: 1.2

Page 13 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

the workplace, you can apply by sending an email to your line manager's constabulary email address.

- 20.6 You can take any Flex-time, TOIL, RDIL or FDIL that you have already accrued in the period prior to starting your adoption leave or added on to the end of your adoption leave but you cannot use any of these entitlements during adoption leave.

21. Pension

- 21.1 If you are a member of the Local Government Pension Scheme (LGPS) we will continue to make contributions during your periods of paid adoption leave, including any period when you are only receiving statutory adoption pay. The contributions you make will be based on the actual amount of pay you receive however you will accrue full pension benefits as if you were on full pay.
- 21.2 No contributions will be made during periods of unpaid adoption leave. You can elect to make back-payments of the contributions lost once you have returned to work.
- 21.3 Payroll will contact you at the end of your adoption leave to advise you of the implications of any periods of unpaid leave on your pension and will provide you with full details on how you can arrange to make back-payments. The back-payment contributions can be made in either a lump sum or instalments. There is no minimum period in which you are required to make the back-payments. Where pension contributions are not paid back you will not accrue pensionable service for that period.
- 21.4 The above arrangements also apply to any periods of neonatal care leave taken.

22. Court attendance

- 22.1 You may be asked to attend court (dependent on your role) whilst on adoption leave.
- 22.2 Attendance at court will usually be treated as a KIT day. Alternatively, you may request that the court attendance is exchanged for time off in lieu once you return to work.
- 22.3 Wherever possible the Witness Care team will endeavour to set a time and date to minimise the impact on you and the appropriate care for your child, in line with your individual personal circumstances.

23. Voluntary contributions/subscriptions

- 23.1 Before going on adoption leave you should consider any contributions you make directly from your salary. Deductions will continue where pay is available, but it is your responsibility to make alternative arrangements if you will not have sufficient pay each month to cover them.

Official

Version Number: 1.2

Page 14 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

23.2 For further information regarding deductions from your pay please contact Payroll or the relevant provider/association to make alternative arrangements where necessary.

23.3 UNISON subscriptions will continue to be deducted from your salary, however once you reach your nil-pay period of adoption leave you can contact your UNISON branch and they will arrange for your membership to continue at no cost to you during this time.

24. Disruption of your adoption placement and loss

24.1 Sadly, not all adoption placements go ahead as planned. If you are affected by any difficult circumstances before or after your adoption placement begins, you will be supported by your line manager.

24.2 Circumstances will be unique to each individual and your line manager can discuss with you how best you would like to be supported. If for any reason you feel unable to approach your line manager, you can speak to your HR Advisor. Practical support options may include time off for dependants, compassionate leave and granting other additional leave requests (please refer to the Leave and Time Off Policy), and informal or formal flexible working arrangements.

24.3 In the sad circumstances that your placement breaks down or your newly adopted child dies, if you are the primary adopter and have started your adoption leave you are entitled to continue your leave for a further eight weeks from the end of the week this occurred.

24.4 If a surrogacy arrangement is disrupted because a parental order is not made or in the sad circumstances that the child dies, you are entitled to continue your leave for a further eight weeks from the end of the week in which the time limit for applying for a parental order expires, or in which your application for a parental order is refused, withdrawn or otherwise terminated, or in which the child dies (if you are the primary adopter and have started your adoption leave).

24.5 If you will be returning to work earlier than expected because of a disruption, please give 28 days' notice or as much notice as is reasonably practicable given your circumstances.

24.6 Managers will take care to ensure communication with you regarding any unexpected circumstances is approached sensitively and compassionately.

25. Neonatal care leave

25.1 Neonatal care leave allows parents and intended parents to take up to 12 weeks of additional leave, paid at a statutory weekly rate of pay, in respect of a child born after 6 April 2025 requiring neonatal care within 28 days of birth. This leave is in addition to any other leave that the individual may be entitled to, such as adoption, adoption support leave, shared parental leave and parental bereavement leave.

Official

Version Number: 1.2

Page 15 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

Entitlement to neonatal care leave

- 25.2 Neonatal care leave is available to a child's adoptive parent, intended adoptive parent, or their partner, provided they have or are expected to have responsibility for the child's upbringing and are taking the leave to care for the child.
- 25.3 It is a 'day one' right, meaning there is no minimum period of service to qualify for taking the leave (but will require a minimum service period to receive pay for the leave – see below).
- 25.4 To be eligible, the neonatal care must start within 28 days of the child's birth and continue for at least seven consecutive days after the date the child has been placed for adoption. 'Neonatal care' generally means medical care received in a hospital but can also mean medical care received elsewhere, if the child has been initially hospitalised, and includes palliative care.
- 25.5 Eligibility to take neonatal care leave is preserved in the event the baby dies or the adoption placement is disrupted.

Amount of neonatal care leave you can take

- 25.6 The entitlement is for one week's leave for any period of a week in which the child receives neonatal care, but the entitlement only arises after the first seven days of uninterrupted neonatal care and lasts for a period of seven days after neonatal care ends.
- 25.7 For example, if your child started receiving neonatal care on 7 April, the seven-day count begins on 8 April. This means the neonatal care leave can start on any day from 15 April, provided that the child has been placed for adoption.
- 25.8 The maximum length of leave is 12 weeks, even in the case of multiple births.
- 25.9 Any neonatal care leave must end within 68 weeks of the child's date of birth. Neonatal care leave cannot be taken at the same time as other family related leave.

How neonatal care leave may be taken

- 25.10 Neonatal care leave is available to take in two tiers, to allow for flexibility:
- The "tier 1 period" begins when the child starts receiving neonatal care and ends on the seventh day after neonatal care stops. Neonatal care leave taken in the tier 1 period can be taken in one continuous block or a number of non-continuous blocks of a minimum of one week at a time.
 - The "tier 2 period" is any remaining period (within 68 weeks after the child's date of birth) that is not part of the tier 1 period. Neonatal

Official

Version Number: 1.2

Page 16 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

care leave taken during the tier 2 period must be taken in one continuous block.

25.11 Staff taking adoption leave whose baby requires neonatal care, will most likely elect to take a period of 'tier 2' leave to extend the overall period of time off.

25.12 'Tier 1' leave might be more commonly taken by partners whose support leave has run out while their child is still receiving neonatal care.

Notice to take neonatal care leave

25.13 For 'tier 1' leave, notice must be given in respect of each week of leave, or as soon as reasonably practicable.

25.14 For a 'tier 2' period of leave, a minimum of 15 days' notice for a single week of leave, or 28 days' for two or more consecutive weeks of leave must be given.

25.15 We may however mutually agree to waive these notice requirements.

25.16 The notice should specify the date of birth, the date of the adoption placement, the date the child's neonatal care starts (and, if applicable, when it ended), the date on which the member of staff intends to start the period of leave, and the number of weeks.

Neonatal care pay

25.17 Statutory neonatal care pay is payable during your neonatal care leave period, provided that you are entitled to it.

25.18 The rate of statutory neonatal care pay is set by the Government for the relevant tax year, or at 90% of your average weekly earnings (whichever is lower).

25.19 You will qualify for statutory neonatal care pay if:

- you are entitled to take neonatal care leave;
- you have at least 26 weeks' continuous service at the end of the relevant week;
- you remain in continuous service from the end of the relevant week (or from the child's birth if they were born before the relevant week);
- your average weekly earnings are not less than the lower earnings limit for NI contributions in the eight weeks ending with the relevant week;

25.20 "Relevant week" means the week in which you are notified of being matched with the child for adoption purposes.

Official

Version Number: 1.2

Page 17 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

Contact during neonatal care leave

25.21 We reserve the right to maintain reasonable contact with you during your neonatal care leave. This may for example be to discuss your plans for taking leave, or to discuss any special arrangements to ease your time away from work.

26. Parental bereavement leave

26.1 Parental bereavement leave is the entitlement of two weeks' paid leave available to all parents who suffer a still-birth after 24 weeks of pregnancy or lose a child under the age of 18.

26.2 This leave entitlement is in addition to, and not a replacement for, any other leave a parent may wish to take, including time-off for dependants, compassionate leave, or other types of parental leave. There is no qualifying period of service in order to take parental bereavement leave. If more than one child has died the parent is entitled to a period of parental bereavement leave for each child. If the parent is on adoption leave when their child dies, they are entitled to continue their adoption leave for up to a further eight weeks.

26.3 Parental bereavement leave applies equally to a parent and to a parent's partner. This means any of the following:

- natural parents, adoptive parents or those who have become parents through surrogacy or fertility treatment;
- a natural parent of a child who has been adopted but has a court order giving contact with the child;
- a person with whom a child has been placed for adoption, as long as the adoption has not been disrupted;
- a prospective adopter who is living with the child following entry into the UK from overseas and has official notification of eligibility to adopt;
- an intended parent under a surrogacy arrangement;
- foster carers, guardians or others who are the child's main carer;
- a partner of any of the above

26.4 Parental bereavement leave can be taken at any time in the 56 weeks from the date of loss and either as two consecutive weeks or as two separate weeks at different times. A 'week' is seven calendar days and they must be taken as whole weeks.

26.5 Staff must notify their line manager/duty supervisor to take the leave but this can be informal e.g. a phone call, it does not need to be in writing.

26.6 For leave starting within 56 days (eight weeks) of the loss, notice should be given no later than when you would normally start work, or as soon as practicable thereafter. For leave to start more than 56 days (eight weeks)

Official

Version Number: 1.2

Page 18 of 20

ADOPTION LEAVE (STAFF) POLICY

Official

from the date of the loss, one week's notice, or as soon as is practicable, is required. The leave can be cancelled or changed to another date by giving the same notice periods, but not once a weeks' leave has already been started.

- 26.7 There is no requirement to provide any documentation, i.e. a death certificate in order to take parental bereavement leave.

27. Sources of support

- 26.1 There is information, support services and guidance on supporting your wellbeing whilst preparing for adoption and as a new parent on the [wellbeing intranet page](#), or contact [Wellbeing](#) for access if away from work.
- 27.2 The Constabularies have a number of peer support groups relating to new parents. Contact details for these can also be found on the Wellbeing intranet page.
- 27.3 The Employee Assistance Programme (EAP) provides support and guidance to help you manage work and personal stressors, mental health, as well as support you through lifestyle changes. Available 365 days of the year, 24 hours a day and free of charge, it is a totally confidential service and separate to work.
- 27.4 A list of external organisations for additional support and advice is shown at Appendix A.

ADOPTION LEAVE (STAFF) POLICY

Official

Appendix A – External organisations for information and support

Adoption UK – the UK's leading charity for adopters, adopted people, and the professionals who support them. Providing support and training and campaigning for improvements in adoption policy and practice.

www.adoptionuk.org

First4Adoption – the national information service for people interested in adopting a child in England

www.first4adoption.org.uk

Barnardo's Adoption Support – offers a range of support including therapies.

www.barnardos.org.uk/adopt/adoption-support

Family Lives – provides targeted early intervention and crisis support to families.

www.familylives.org.uk

Working Families – Helping working parents and carers achieve work-life balance.

www.workingfamilies.org.uk