

Family Friendly Policies

Section a – Adoption leave policy and procedure

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1.0 Introduction

The term “family friendly” is used to describe working practices that acknowledge and aim to support the needs of staff in achieving a home and work life balance. NHS Lewisham CCG strives to make working for staff with, or starting a family, as easy as possible. To this end we have a number of policies for family situations:

- Adoption leave – section a
- Maternity leave – section b
- Parental leave – section c
- Shared parental leave – section d
- Paternity leave – section e

The policies have been reviewed in consideration of the:

- Employment Rights Act 1996, as amended by the Employment Relations Act 1999
- Employment Act 2002;
- Maternity and Parental Leave Regulations 1999 and the Maternity and Parental Leave (Amendment) Regulations 2002;
- Children and Adoption Act 2006;
- Work and Families Act 2006;
- Equality Act 2010;
- Additional Paternity Leave Regulations 2010;
- Children and Families Act 2014;
- Paternity and Adoption Leave (Amendment) Regulations 2014
- Agenda for Change Handbook - Sections 15 and 35

The Adoption Leave policy is designed to implement the statutory rights to leave following the placement of a child for adoption. Adoption leave and pay entitles eligible employees both male and female, including a parent in a same sex relationship to take paid leave when a child is newly placed for adoption.

2.0 Scope

The adoption policy and procedure applies to employees of NHS Lewisham CCG who are newly adopting a child, regardless of their length of service and entitlement to statutory adoption benefits. It is available to individuals who adopt and to one member of a couple where a couple adopt jointly (the couple may choose which partner takes adoption leave). Where NHS Lewisham CCG employs both parents, one parent will be identified as the primary carer and will be entitled to leave under this policy. The other parent will be entitled to leave under the Paternity Leave policy regardless of gender or sexual orientation.

3.0 Definitions

Matching Certificate:	Certificate provided by approved adoption agency
EDP:	Expected Date of Placement
SAP:	Statutory Adoption Pay
OAL:	Ordinary Adoption Leave

OAP	(NHS) Occupational Adoption Pay
AAL	Additional Adoption Leave

4.0 Principles

4.1 Entitlement to Adoption Leave

All employees will be entitled to 52 weeks Adoption Leave.

4.2 Entitlement to Occupational Adoption Pay (OAP) under the NHS Scheme

An employee working full or part-time is entitled to Adoption pay under the NHS scheme provided that they;

- have completed at that time 12 months continuous service with one or more NHS employing organisation ending with the week in which they are notified of being matched with a child for adoption;
- submit documentary evidence in the form of a 'matching certificate' from their adoption agency as proof of entitlement to leave.

4.2.1 Entitlements under the Scheme

An employee who qualifies for full benefits and intends to return to work with the same or another employing NHS Organisation will be entitled to 52 weeks adoption leave, paid as follows:

- 8 weeks at full pay including any Statutory Adoption Pay (SAP) or equivalent benefits payable;
- 18 weeks at half pay reduced only where half pay plus any SAP, adoption allowance benefits payable exceeds full pay;
- 13 weeks at SAP, if payable;
- 13 weeks unpaid leave.

4.2.2 An employee who qualifies for full benefits and does not intend to return to work for the same or another employing NHS Organisation will be entitled to 52 weeks adoption leave, paid as follows:

- 6 weeks SAP, paid as 90% of full pay (average weekly earnings);
- 33 weeks paid at the lesser of standard rate SAP or 90% of average weekly earnings, if payable;
- 13 weeks unpaid leave.

4.3 26 weeks service but less than one years' service

An employee who does not qualify for full benefits but who has at least 26 weeks service leading into the week in which they are notified of having been matched with a child and meets the earnings rule, whether or not they intend to return to work, will be entitled to 52 weeks adoption leave which will be paid as follows:

- 39 weeks paid at the lesser of standard rate SAP or 90% of average weekly earnings;
- 13 weeks unpaid leave.

4.4 Less than 26 weeks service

An employee who does not qualify for SAP whether or not they intend to return to work will be entitled to 52 weeks adoption leave. No payments will be made during the adoption leave period.

4.5 Timing of Leave

- 4.5.1 Leave can start from the date of the child's placement (whether this is earlier or later than expected) or 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.
- 4.5.2 Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.
- 4.5.3 If the date of a placement changes, the employee should give 28 days' notice to change the start date of their adoption leave, where this is reasonably practicable. In any event, as much notice as possible should be given and the adopter's manager must be kept informed.
- 4.5.4 If there is an established relationship with the child, e.g. fostering prior to adoption or when a step-parent is adopting a partner's child/children, there may be scope for local arrangements to be agreed on the amount of leave and pay in addition to time off for official meetings.

4.6 Calculation of Pay

Adoption Pay is calculated on average earnings paid for two months prior to the start of the week after that in which the adopter is notified of having been matched with a child for adoption.

- 4.6.1 **Implementation of a Pay Award or Annual Increment**
Absence on Adoption Leave, whether paid or unpaid, counts as service towards the normal annual increment.
- 4.6.2 Where a pay award and/or annual increment are implemented from a date prior to the paid Adoption Leave period, the Adoption Pay will be calculated as though the pay award had effect throughout the entire SAP calculation period. If a pay award is agreed retrospectively, the Adoption Pay will be recalculated on the same basis
- 4.6.3 Where a pay award and/or annual increment is implemented from a date during the paid Adoption Leave period, the Adoption Pay due from the operative date of the pay award will be calculated as though the pay award had effect throughout the SAP calculation period. Again, if such a pay award were agreed retrospectively, the Adoption Pay should be recalculated on the same basis.
- 4.6.4 All payments of statutory and contractual pay will be subject to deductions of tax and NI. Average weekly earnings will be calculated in accordance with the SAP Regulations.

4.7 Employees on a Fixed-Term Contract

An employee on a fixed-term contract which expires after the week in which the adopter is notified of a match with a child for adoption will, subject to satisfying the conditions in 4.2, have their contract extended to enable them to receive 52 weeks adoption leave which includes occupational and statutory adoption pay and 13 weeks unpaid leave.

Under these circumstances, there will be no right of return to be exercised because the contract would have ended if the adoption had not occurred.

- 4.7.1 An employee not satisfying the conditions in 4.2.1 but who is entitled to SAP will, have their contract extended to allow them to receive SAP. The contract will not be extended to cover a period of unpaid leave.

5.0 Contractual Rights

All contractual rights, apart from remuneration, will continue to accrue during the whole adoption leave period. The expectation is that an employee on adoption leave will progress through a pay progression gateway on the due date if concerns have not been raised about the employee's capability prior to adoption leave.

5.1 Annual Leave and Time Off

Annual leave will continue to accrue during both paid and unpaid adoption leave.

Where the amount of accrued leave would exceed the normal carry over provisions, the manager and employee should agree arrangements for the leave to be taken either prior to or immediately following the adoption leave period.

- 5.1.1 In exceptional circumstances, where leave cannot be carried over for operational reasons, payment in lieu of annual leave may be considered.
- 5.1.2 All adoption leave including unpaid adoption leave will count as service for the purpose of satisfying the service qualification for accruing additional annual leave entitlements.
- 5.1.3 Bank Holidays are not accrued whilst on paid or unpaid adoption leave.
- 5.1.4 An employee who is the adopter or an employee who is the partner of the adopter may take reasonable time off with pay for adoption related meetings, as long as reasonable notice is given and proof of all appointments is provided.
- 5.1.5 The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and pay (please refer to the Paternity Leave Policy and Procedure).

5.2 Pension Contributions

Contributions will be deducted from salary as normal during paid Adoption Leave and continue to be payable during unpaid leave. On return to work, arrears of contributions will be recovered and deducted from salary, over an agreed period of time.

6.0 Procedure

6.1 Notification of adoption leave

- 6.1.1 In accordance with statutory requirements, an employee seeking adoption leave must notify the CCG within 7 days of being notified by the adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. The employee should specify the date that the child will be placed for adoption.
- 6.1.2 At least 28 days before the employee wishes to start their adoption leave they must formally confirm when they intend to start their adoption leave and whether they wish to return to work with the CCG. This should be done via the appropriate form (appendix a or b).
- 6.1.3 The CCG has a duty to respond to staff within 28 days of receiving notice of adoption and will do so by letter, confirming the start date of the adoption leave, pay details, any annual leave to be taken, and the expected return date.

6.2 Adoption leave

- 6.2.1 The CCG will write to the employee within 28 days of receiving notification of adoption leave. The letter will confirm their leave dates, the amount of annual leave that the employee will accrue during their period of adoption leave and whether they have indicated if they wish to take annual leave prior to, or following, adoption leave, or in lieu of some unpaid leave.
- 6.2.2 If the date of placement changes before the employee begins adoption leave, they should discuss the situation with their manager as soon as possible and give 28 days' notice to change the start date.
- 6.2.3 It is recommended that the employee takes any outstanding annual leave accrued prior to their adoption leave, before their adoption leave starts.

6.3 Sickness absence

If the employee is unable to return to work at the end of their adoption leave due to ill health, this will be dealt with under the arrangements for sick leave. Absences should be supported by a Medical Certificate.

6.4 Contact during adoption leave

- 6.4.1 Reasonable contact between an appropriate colleague and the employee on adoption leave is encouraged to facilitate communication. Either party may initiate this contact.
- 6.4.2 Under the Children and Families Act 2014, the employee and their managers can agree to up to 10 'Keeping in Touch' (KIT) days during a period of adoption leave, without bringing the adoption leave to an end. The employee may attend work, undertake training or keep in touch with work developments through other means. KIT days can be agreed either before the adoption leave, or at any point during the leave period.
- 6.4.3 KIT days will be paid at the employee's flat rate of pay, in arrears. They must be recorded and authorised (appendix c) and once all the days have been used or at the end of adoption leave, the form should be signed by the member of staff, authorised by the line manager and then forwarded to the Payroll Department.

6.5 Return to work

- 6.5.1 If the employee is returning to work at the end of their adoption leave period on the date already agreed with the CCG, no further notification is required.
- 6.5.2 The employee will normally have the right to return to the job in which they were employed under the original contract of employment. In the event of this not being possible, by reason of reorganisation or redundancy, they will be offered a suitable alternative vacancy where one exists.
- 6.5.3 The CCG will give favourable consideration to all flexible working requests which should be submitted in writing no later than 28 days before the notified date of return to work. See the CCG's Flexible Working policy and procedure for further details.

7.0 Equality Statement

We are committed to a policy of equality in all our employment practices in accordance with the Equality Act 2010 and Human Rights Act 1998 which consolidates existing equality legislation relating to the protected characteristics and strive to eliminate unfair discrimination, harassment, bullying and victimisation. NHS Lewisham CCG will not unlawfully, unfairly or unreasonably discriminate or treat individuals less favourably on the grounds of age, disability, gender reassignment, marriage & civil partnerships, pregnancy & maternity, race, religion or belief, sex and sexual orientation.

Appendix a – Form A1

ONE YEAR'S RELEVANT CONTINUOUS SERVICE

Full name:		Lewisham CCG start date:	
Department:		Continuous NHS service date:	
Personal no:		Expected date of placement:	
Home address:		☞ Work:	
		☞ Home:	

MATCHING CERTIFICATE ATTACHED YES/NO (*If not, please forward as soon as reasonably practicable.*)

I have read and understood the Adoption Leave Policy issued by the CCG and wish to claim;

	Please Tick Your Option
<p>52 weeks Adoption Leave, including 39 weeks occupational and statutory adoption pay, and unpaid leave of up to 13 weeks. I will return to work no later than 52 weeks after the commencement of my leave.</p> <p>I hereby declare that;</p> <ol style="list-style-type: none"> 1. It is my intention to return to work for at least 3 months after my Adoption Leave. 2. If I do not return for at least 3 months I agree to repay any money not due to me. 3. I will inform the CCG in writing not later than 28 days before my date of return unless I intend to take my full entitlement to leave. 	<input type="checkbox"/>
<p>OR</p> <p>52 weeks Adoption Leave paid for 39 weeks at the lesser of standard rate SAP or 90% of average weekly earnings (if I qualify) with a further 13 weeks unpaid leave and the right to return to work.</p>	<input type="checkbox"/>
<p>OR</p> <p>52 weeks Adoption Leave paid for 39 weeks at the lesser of standard rate SAP or 90% of average weekly earnings (if I qualify). I <u>do not</u> wish to return to work.</p>	<input type="checkbox"/>
<p>I wish my first day of adoption leave to from (day, date):</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	<input type="checkbox"/>

Please forward this to your manager within seven days of notification of being matched with a child for adoption.

Signed: _____ Date: _____

Appendix b – Form A1 (b)
26 WEEKS RELEVANT CONTINUOUS SERVICE

Full name:		NHS Lewisham CCG start date:	
Department:		Continuous NHS service date:	
Personal no:		Expected date of placement:	
Home address:		☎ Work number:	
		☎ Home number:	

MATCHING CERTIFICATE ATTACHED YES/NO (*If not, please forward as soon as reasonably practicable.*)

I have read and understood the Adoption Leave Policy issued by the CCG and wish to claim;

	Please Tick Your Option
52 weeks Adoption Leave paid for 39 weeks at the lesser of standard rate SAP or 90% of average weekly earnings (if I qualify) with a further 13 weeks unpaid leave and the right to return to work.	<input type="checkbox"/>
OR	
52 weeks Adoption Leave paid for 39 weeks at the lesser of standard rate SAP or 90% of average weekly earnings (if I qualify). I <u>do not</u> wish to return to work.	<input type="checkbox"/>
I wish my first day of adoption leave to from (day, date):	

Please forward this to your line manager within seven days of notification of being matched with a child for adoption.

Signed: _____ Date: _____

Appendix c – Keeping in Touch (KIT) days record form

Employee Name:		Contact no.	
Department:		Payroll Number:	
Contracted hours per week:		Worked over:	days
Date started adoption leave:		Date ending adoption leave:	

You are allowed a maximum of 10 KIT days where you may come into work without affecting your adoption pay and leave. If you do exceed 10 KIT days your pay and leave will end automatically.

	Date worked	Employee Signature	Date	Manager Signature	Date
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

Manager:		Signature:		Date:	
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Appendix d - Equality & Equity Impact Assessment

This is a checklist to ensure relevant equality and equity aspects of proposals have been addressed either in the main body of the document or in a separate equality & equity impact assessment (EEIA)/ equality analysis. It is not a substitute for an EEIA which is required unless it can be shown that a proposal has no capacity to influence equality. The checklist is to enable the policy lead and the relevant committee to see whether an EEIA is required and to give assurance that the proposals will be legal, fair and equitable.

The word proposal is a generic term for any policy, procedure or strategy that requires assessment.

	Challenge questions	Yes/No	What positive or negative impact do you assess there may be?
1.	Does the proposal affect one group more or less favourably than another on the basis of:		
	<ul style="list-style-type: none"> • Race 	No	
	<ul style="list-style-type: none"> • Pregnancy and Maternity 	No	
	<ul style="list-style-type: none"> • Sex 	No	
	<ul style="list-style-type: none"> • Gender and Gender Re-Assignment 	No	
	<ul style="list-style-type: none"> • Marriage or Civil Partnership 	No	
	<ul style="list-style-type: none"> • Religion or belief 	No	
	<ul style="list-style-type: none"> • Sexual orientation (including lesbian, gay bisexual and transgender people) 	No	
	<ul style="list-style-type: none"> • Age 	No	
	<ul style="list-style-type: none"> • Disability (including learning disabilities, physical disability, sensory impairment and mental health problems) 	No	
2.	Will the proposal have an impact on lifestyle? (e.g. diet and nutrition, exercise, physical activity, substance use, risk taking behaviour, education and learning)	No	
3.	Will the proposal have an impact on social environment? (e.g. social status, employment (whether paid or not), social/family support, stress, income)	No	
4.	Will the proposal have an impact on physical environment? (e.g. living conditions, working conditions, pollution or climate change, accidental injury, public safety, transmission of infectious disease)	No	

5.	Will the proposal affect access to or experience of services? (e.g. Health Care, Transport, Social Services, Housing Services, Education)	No	
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By using evidence and insight to assess and grade our equality performance, NHS Lewisham CCG can generate much of the information we will require to demonstrate compliance with the PSED. The checklist is to enable the policy lead and the relevant committee to see if a particular policy or project will provide the relevant evidence to assist NHS Lewisham CCG meet the set out EDS goals to achieve better outcomes for patients and staff. Please assess your policy, project or service against the following: