

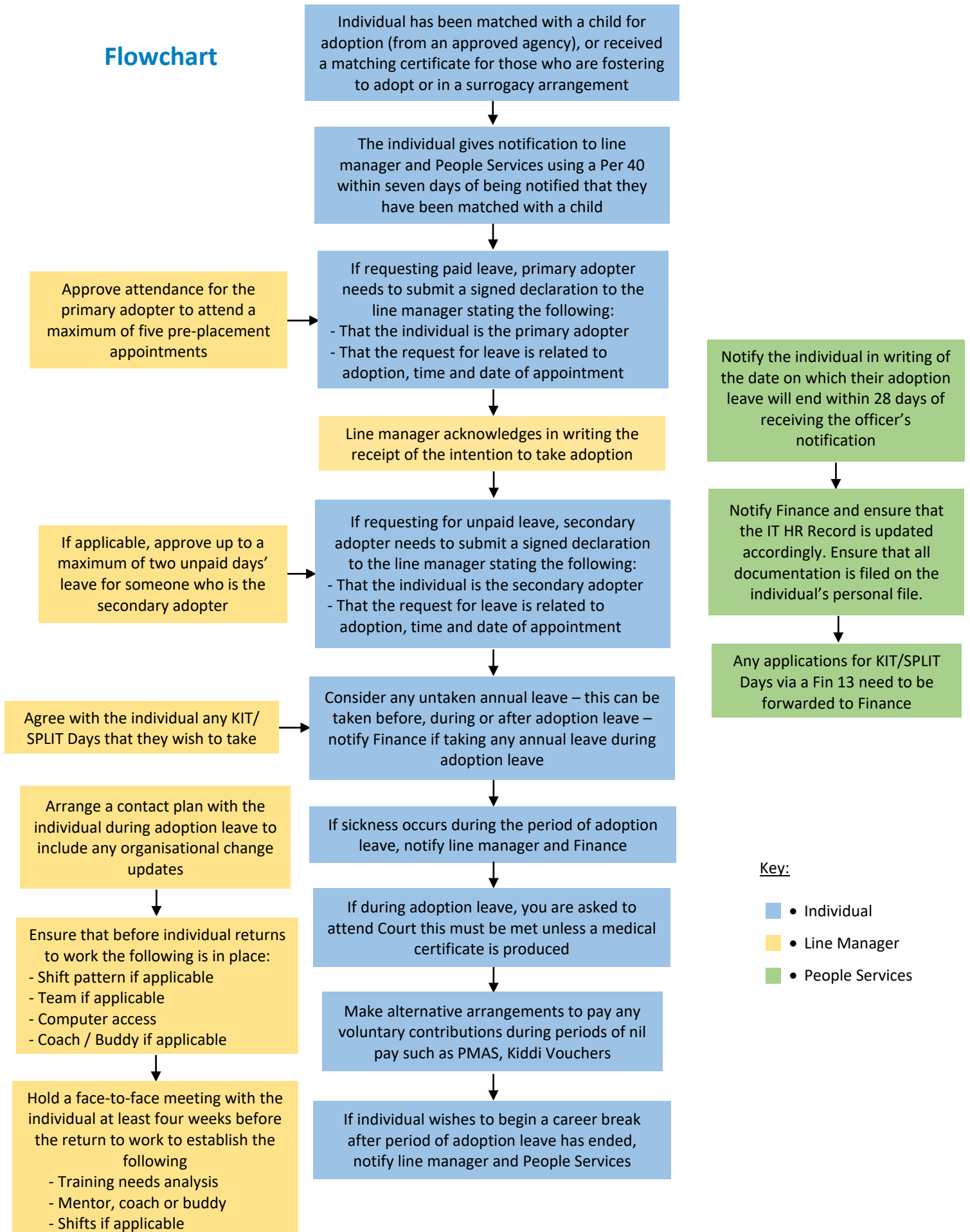
Adoption Leave and Pay

Contents

Flowchart	2
Policy Statement	3
Principles.....	3
Adoption Pay.....	5
Responsibilities	7
Individuals	7
Line Managers	8
People Services	8
Pension Contributions.....	8
Allowance and Benefits.....	9
Additional Information.....	11

Flowchart

OFFICIAL



Policy Statement

Summary	West Yorkshire Police (WYP) supports police officers and police staff who take adoption leave. This policy outlines the entitlement of individuals to adoption pay and leave. It also details the support that will be provided during adoption leave and on return to work following a period of adoption leave.
Scope	This policy applies to all officers and police staff but does not apply in step-parent adoption or adopting a family member. It does apply to parents who, following a period of fostering, receive a matching certificate for the adoption of the child or are in a surrogacy arrangement.

Principles

General	<ul style="list-style-type: none"> • Individuals have a right under the Police Regulations 2003 (Annex S) and the Employment Act 2002 to adoption leave and pay around the time of placement of a child. • All individuals having a child through surrogacy have a right under the Employment Act 2022 to adoption leave and pay. This can start from the day the child is born or the day after. • All individuals of the organisation who choose to adopt and/or take adoption leave must be treated with sensitivity, integrity, fairness and respect and in accordance with force policy. • This section applies to adoptive parents, including same sex couples, whose adoptive child(ren) is being placed through an adoption agency including foster to adopt schemes and parents who are in a surrogacy arrangement. • Individuals are only entitled to one period of leave even if more than one child is being adopted. • Where a couple are adopting a child or are in a surrogacy arrangement only one person (the primary adopter) can take adoption leave. The other person (the secondary adopter) may be able to claim adoption support leave and pay for police officers or statutory paternity leave and pay for police staff. • The primary adopter can choose to end their adoption leave early and transfer any remaining entitlement to shared parental leave. Shared parental leave can be taken by either or both parents providing that they meet the eligibility criteria. • Eligible individuals who are the primary adopter can take up to 52 weeks' adoption leave. This leave can be taken either from the date of the child's placement or up to 14 days before the child is placed.
----------------	---

- If the child is adopted from overseas, leave can start on the date the child enters the UK or from a fixed date no later than 28 days after the child arrives in the UK.
- While on adoption leave an individual is allowed to work up to ten Keeping in Touch (KIT) days. These dates must be mutually agreed between the individual and the line manager.
- An individual is entitled to return to the post in which they were employed before the period of adoption leave. If this is not reasonably practicable due to organisational change, then an individual will be dealt with in accordance with the Organisational Change policy.
- In cases where the child is not placed or, during adoption leave, the child dies or returns to the adoption agency, the individual will be able to continue adoption leave and pay for a further eight weeks after the end of that particular week.
- Paid adoption leave will be pensionable and is reckonable for incremental pay purposes. Periods of unpaid leave do not qualify for pensionable service.

Eligibility criteria

- Statutory adoption leave and pay is available to all eligible police officers and police staff including same sex couples where:
 - An adoption agency notifies them of a match with a child;
 - Following a period of fostering as part of a foster to adopt scheme they receive a matching certificate;
 - They receive official notification when they are adopting a child from overseas; or
 - They are in a surrogacy arrangement.
- In the case of joint adoptions and surrogacy, only one parent is entitled to the leave. The other parent will be entitled to statutory adoption support leave and pay for police officers and statutory paternity leave and pay for police staff if they meet the criteria. Alternatively, both parents may be eligible for shared parental leave and pay.
- Individuals must be newly matched with a child for adoption by an approved agency and have, or expect to have, the parental responsibility for the upbringing of the child.
- Individuals must be able to produce a matching certificate or letter from the relevant adoption agency as documentary evidence of the right to adoption leave and pay. This must include the name and address of the agency, name and date of birth of the child, date of the notified match and the date of the expected placement.
- In the case of fostering to adopt scheme, the adoptive parent can choose to start adoption pay and leave at the time of the placement or when they are issued with a matching certificate.
- If the adoptive parent does not want to start adoption leave at the fostering stage, then they will go onto unpaid leave, however this may affect their adoption pay.

- In the case of an overseas adoption the individual must have official notification that the relevant UK authority are prepared to issue a certificate to the relevant authority overseas. Individuals must be able to confirm the date the child arrived in the UK, for example a plane ticket.
- The primary adopter is entitled to paid time off to attend up to five pre-placement appointments where the appointment is requested by the adoption agency.
- The secondary adopter is entitled to unpaid time off to attend up to two pre-placement appointments where this has been requested by the adoption agency.

Annual leave, public holidays & career breaks

- Annual leave will continue to accrue during periods of adoption leave as service remains continuous.
 - Any untaken annual leave may be carried over subject to the usual restrictions applied to police officers and police staff.
 - Constables and sergeants intending to take adoption leave can substitute bank holidays in accordance with the Leave and Hours of Duty policy.
 - For police staff, public holidays will be accrued while an individual is on adoption leave in the same way that they do for those on maternity leave. An individual will be given a lieu day for every bank holiday that falls during the adoption leave. These lieu days can be taken at the end of the adoption leave or may be carried over into the next leave year.
 - An individual may decide before they start adoption leave that they wish to start a career break as soon as the adoption leave ends. In these cases, the individual will receive the minimum adoption pay to which they are entitled, and the career break will start as soon as the adoption leave ends.
 - Further information is available in the Career Break Scheme policy for police officers and Terms and Conditions Section 6.4 for police staff.
-

Adoption Pay

Police officers

- An officer who has less than 26 weeks' service is entitled to one week's full pay.
 - An officer who has less than 26 weeks' service is not entitled to statutory adoption pay and should talk to the adoption agency about financial support available.
 - An officer with 26 weeks' service or more can choose to receive:
 - 26 weeks at full pay followed by 13 weeks of lower rate statutory adoption pay (SAP) if they have qualifying earnings; or
 - 21 weeks at full pay followed by 10 weeks at half pay and lower rate SAP, followed by a further eight weeks at SAP only, if they have qualifying earnings.
-

Police staff

- An individual who has less than 26 weeks' service or whose earnings are below the National Insurance Lower Earnings Limit are not entitled to statutory adoption pay. In this instance the individual should talk to the adoption agency about financial support available.
 - An individual who has less than one year's service is entitled to SAP only, provided they meet the qualifying earnings.
 - Higher rate SAP is six weeks at nine tenths of the individual's salary rate, followed by 33 weeks at the lower rate. Please be aware that if the pay calculated as nine tenths of the individual's normal pay is less than the lower rate, the organisation is only able to pay the lower of the two amounts for this period.
 - An individual who has one year's continuous service or more can choose to receive:
 - 26 weeks at full pay followed by 13 weeks of lower rate SAP if they have qualifying earnings; or
 - 21 weeks at full pay followed by 10 weeks at half pay and lower rate SAP, followed by a further eight weeks at SAP only if they have qualifying earnings.
-

Police officers and police staff

- Unless an individual returns for a minimum period of one calendar month following adoption leave, they will be required to repay all of the occupational adoption pay. In these circumstances, the pay will be recovered from any monies due, or an account will be raised by Finance and the individual will receive a letter informing them of what they will need to repay.
 - If an individual is unsure whether or not they intend to return to work, they may defer receiving the payment of the occupational adoption pay until they return. In this situation, should they return to work, the occupational adoption pay would be received as a lump sum on their return to work.
 - Individuals who are the secondary adopter and have less than 26 weeks' continuous service are entitled to one week's paid and one week's unpaid leave.
 - Individuals who are the secondary adopter and have 26 weeks or more continuous service are entitled to one week's paid leave and one week's statutory adoption pay.
 - Adoption support leave can only be taken as complete weeks and where both weeks' leave are being taken, these must be consecutive weeks.
-

Responsibilities

Individuals

- Responsibilities** Individuals are responsible for:
- Notifying People Services using a Per 40 form of their intention to take adoption leave within seven days of being notified that they have been matched with a child or, in the case of foster to adopt schemes or a surrogacy arrangement, within seven days of receiving the matching certificate;
 - Notifying People Services of the date that the child is expected to be placed and when the adoption leave is required to start;
 - Providing documentary evidence of the placement for adoption in the form of a letter or matching certificate if requested;
 - For police officers, contacting Pensions if they wish to repay pension contributions. Pension contributions must be paid within one month of the return to work date;
 - For police staff, contacting Pensions if they wish to repay pension contributions. If contact is made within 30 days of their return to elect to repay pension contributions, police staff will only pay the employee contribution. Should a staff member elect to repay pension contributions out of the 30 days they will pay both the employee and employer contributions. Once elected there is no set time limit in which pension contributions must be paid;
 - Making alternative arrangements to pay any voluntary deductions during any period of nil pay;
 - For police officers, contacting the Federation, on return to work, to resume subscriptions;
 - Agreeing with their line manager the dates of any KIT days that are to be taken;
 - Notifying People Services of any change to the proposed start date of adoption leave giving at least 28 days' notice;
 - Notifying their line manager and People Services in the event of an early return to work. At least 28 days' notice must be given;
 - For the primary adopter, submitting a signed declaration to their line manager if they intend to take paid leave for pre-placement appointments following being matched with a child (maximum five days). This information needs to include a statement that the individual is the primary adopter and that the request for leave relates to the adoption and the date and time of the appointment; and
 - For the secondary adopter, submitting a signed declaration to their line manager if they intend to take a maximum of two days' unpaid leave to attend pre-placement appointments. This information needs to include a statement that the individual is the secondary adopter and the request for leave relates to the adoption and the date and time of the appointment.

Line Managers

- Responsibilities** Line managers are responsible for:
- Acknowledging in writing receipt of the notification of intention to take adoption leave;
 - Holding a meeting with the individual before the start of the adoption leave to agree contact arrangements during the period of leave;
 - Completing a contact agreement recording who is responsible for contact during the leave, when and how this will take place;
 - Approving up to a maximum of five paid days' leave for an individual who is the primary adopter, or a maximum of two unpaid days' leave for an individual who is the secondary adopter, to attend pre-placement appointments. (This is regardless of how many children are being placed as part of one adoption. These appointments must be at the request of the adoption agency);
 - Agreeing with the individual the dates of any KIT days that are to be taken;
 - Consulting with the individual if organisational change occurs during the period of adoption leave. This must include providing periodic updates of change programmes; and
 - Holding a meeting at least four weeks before the return to work date to determine whether there are any training needs and to determine whether the individual would like to be paired with a mentor, coach or buddy on their return to work.
-

People Services

- Responsibilities** People Services are responsible for:
- Notifying the individual in writing of the date on which their adoption leave will end. This must be within 28 days' of receiving the individual's notification;
 - Ensuring the relevant forms are forwarded to pay section; and
 - Updating the individual's IT HR record and ensuring all appropriate documentation is filed on the individual's file.
-

Pension Contributions

- Principles**
- Pension contributions will be paid at the appropriate (normal) percentage on the pay an individual receives whilst on adoption leave. Pay includes SAP or equivalent.

- When the SAP has ended and the individual continues to take leave for which they receive no pay, they will stop accruing pension.
 - Individuals do, however, have the option to pay pension contributions for the unpaid part of their adoption leave.
 - It is important that individuals are aware that it is **their** responsibility on returning to duty to contact the Pensions Department immediately if it is their intention to pay contributions. They will be supplied with the information required before they commit to making the contributions.
 - Individuals' pension records will be updated to show that they have a period of unpaid leave after the timescale above.
-

Police officers

- Police officers have 30 days from the date they return to duty to repay pension contributions, or to start repayment for it, to count towards pensionable service. By responding in this timeframe, individuals will only have to pay employee contributions. The employer will also make contributions.
 - This is a one-time opportunity to make contributions. Retrospective requests cannot be made.
-

Police staff

- Police staff have 30 days from the date they return to duty to repay pension contributions, or to start repayment for it, to count towards pensionable service.
 - If they apply to repay pensions within 30 days of returning from unpaid leave, they will only have to pay employee contributions. The employer will also make contributions.
 - After 30 days, individuals will pay the whole cost of making the pension contributions i.e., both employee and employer contributions.
-

Allowance and Benefits

Principles

- Once an individual falls onto nil pay, voluntary deductions cannot be deducted. During the unpaid period, individuals must make their own arrangements to pay these.
- However, in line with the individual's original arrangements, any payments to the following will be reinstated by Pay Section when pay resumes. This will be on the next available month where there are sufficient funds:
 - GAYE Police Care UK (Dependants Trust)
 - GAYE Police Treatment Centre (Convalescent Home)
 - GAYE Police Children's Charity
- Subscribing members of the Police Federation will continue to be members on maternity if they fall to nil pay. Subscriptions will not automatically resume on return from maternity leave and it is the officer's responsibility

to contact the Federation to arrange for subscriptions to resume on their return to work.

Salary Sacrifice Schemes

- For membership of the Kiddivouchers scheme, staff are responsible for the cancelling of their vouchers. To return to the scheme, officers must contact the scheme provider to make the necessary arrangements.
 - Members of the car lease scheme will have the lease period extended to cover any missed payments. The same also applies to members of the Cycle to Work Scheme.
-

Additional Information

Compliance

This policy complies with the following legislation, policy and guidance:

- Police Regulations 2003 Annex S
 - Home Office Circular 01/2007 – Adoption Leave for Police Officers
 - PNB Agreement 06/5 – Adoption Leave Police for Police Officers
 - Employment Act 2002
 - Children and Families Bill 2014
 - Data Protection Act 2018
 - Organisational Change policy
 - Leave and Hours of Duty policy
 - Career Break Scheme policy
 - Terms and Conditions
-