



“An Excellent Authority”

Service Instruction
<<Adoption>>

<<POD.>>

Document Control

Description and Purpose

This document is intended to give guidance to managers and adopters regarding the benefits provided but he Authority

Active date	Review date	Author	Editor	Publisher
June 2010	June 2011	A Cross	N Mernock	Magda Jordan
Permanent	<input checked="" type="checkbox"/>	Temporary	If temporary, review date must be 3 months or less.	

Amendment History

Version	Date	Reasons for Change	Amended by
Old WLB booklet	unknown	Updated in line with Equality legislation	A Cross

Equalities Impact Assessment

Initial	Full	Date	Reviewed by	Document location
	<input checked="" type="checkbox"/>	June 10	DAG	Public Folders

Civil Contingencies Impact Assessment (if applicable)

Date	Assessed by	Document location

Related Documents

Doc. Type	Ref. No.	Title	Document location
Policy		Work Life Balance	Committee services
SSI		Maternity Paternity	Committee services Committee services
		Parental	Committee services

Contact

Department	Email	Telephone ext.
POD	amandacross@merseyfire.gov.uk	4358

Target audience

All MFS	<input checked="" type="checkbox"/>	Ops Crews	<input type="checkbox"/>	Fire safety	<input type="checkbox"/>	Community FS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principal officers		Senior officers		Non uniformed					

Relevant legislation (if any)

Equality Act 2010

Adoption Introduction

Merseyside Fire and Rescue Authority offer comprehensive benefits for employees going through the adoption process. This Service instruction sets out the entitlements for the adopting employee in terms of adoption leave, pay and other conditions. It also provides guidance on the options for returning to work.

An adopter means a person who has been considered by an adoption agency to be a suitable parent for a child for adoption or, in a case where two people have been matched jointly, whichever of them has elected to be the child's adopter for the purpose of leave and pay.

This document applies to all employees, whether permanent or fixed term, an operational employee or a member of support staff and regardless of the number of hours worked per week. Nothing contained within the policy shall be construed as providing rights less favourable than statutory rights.

Notification

The Authority would prefer to have as much notice as possible of an adoption however the employee shall notify the Fire and Rescue Authority of his or her intention to take adoption leave within seven days of being notified by the adoption agency that he or she has been matched with a child for adoption, unless that is not reasonably practicable. The notification must state when the child is expected to be placed with the employee and when the employee wants the adoption leave to start.

There are different notification time scales dependent on whether the child is being adopted from within the UK or overseas.

Adoption Leave

○ UK Adoptions

An employee who has adopted a child from the UK can choose to start their Statutory Adoption Leave on one of the following:

- The date on which the child is placed with the adopter, even if this is earlier or later than the expected date of placement
- A predetermined date after the expected date of placement.
- A date falling a specified number of days after the expected date of placement.
- Leave must be taken within 56 days of the date that the child is placed with the parent.
- up to 14 days before the date you expect the child to start living with you.

○ Overseas Adoptions

An employee who has adopted a child from overseas can choose to start their leave on one of the following:

- From the date the child enters the UK
- From a fixed date which is later than the date the child enters the UK
- Leave must be taken within 56 days of the date the child enters the UK.

This information will be supplied by the Adoption agency to the employee on a Matching Certificate, a copy of which should be provided to the Authority
An employee may change the start date of their leave, please see the section below on changing the adoption leave date.

The Authority will write to the employee within 28 days confirming the employees date for commencement of adoption leave.

The employee will be notified of the date on which they are expected to return to work if the full entitlement to adoption leave is taken, this is normally 52 weeks from the intended start date of their adoption leave.

Statutory Adoption leave (SAL) essentially mirrors maternity leave in that it is split into two kinds of leave:

26 weeks Ordinary Adoption leave (OAL) immediately followed by
26 weeks additional adoption leave (AAL) making a total of 52 weeks.

SAL can start on any day of the week. Only one period of leave will be available if more than one child is placed for adoption at the same time.

Adoption leave and pay is not available when a child is not newly matched for adoption (for example when a stepparent adopts a partner's child). In the case of foster parents who go onto adopt their foster child; the policy only applies where the individuals have been matched with the child for adoption by a UK adoption agency.

Adoption leave is not eligible to be taken by both parents. The couple may decide which partner will take the paid adoption leave period and adoption leave pay arrangements.

The other partner may be entitled to paternity leave regardless of gender. This must be taken within 56 days, beginning on the date in which the child is placed with the adopter, or at a later date if agreed, as long as it is taken within 56 days of the placement date. Further information regarding paternity pay is included in the relevant service instruction.

Single employees adopting may nominate a carer who may apply for the support leave during adoption.

Changing the start date for Adoption leave

The employee can change their intended start date if they notify the Authority of the new start date. They must do this in writing and it must be done by whichever is the earlier of the following:

- 28 days before their adoption start date
- 28 days before their new adoption start date

There may be situations where this is not always possible and the Authority requests that as much notification is provided as the employee is able to provide.

Time off for matching sessions

Employees may chose to spend time attending meetings with the adoption agency and to attend parent craft meetings. Time and Resource Management will provide advice to the employee regarding this leave. All leave is subject to exigencies of the Authority.

Annual and PH Leave prior to going on Statutory Adoption Leave

Where possible the Authority encourages adopters to plan to use their leave time prior to commencing adoption leave. It is advisable that the employee contacts the T&RM team to ensure that the correct leave entitlements are clarified.

Adoption Pay

Statutory Adoption Pay (SAP)

In order to qualify for SAP an employee should have:

- At least 26 weeks' continuous employment with the Authority
- Average weekly earnings at or above the lower earnings limit for NI contributions that applies at the end of the qualifying week.

SAP is made up of

- During the first week of ordinary adoption leave the employee will be entitled to full pay, offset by Statutory Adoption Pay (SAP). For the remainder of the ordinary adoption leave period the employee will be entitled to SAP if eligible. Additional adoption leave will be unpaid.
- Statutory Adoption Pay will be paid for up to 39 weeks which breaks down to :
 - 6 weeks at the higher rate (90% of salary), followed by
 - 33 weeks SAP at the lower rate, followed by
 - 13 weeks unpaid leave

The lower rate of SAP changes annually and is governed by DWP, Details regarding the current lower earnings limit and current SAP rate can be obtained from Pay and Pensions Team.

Occupational Adoption Pay

In addition, employees with 1 year or more of continuous service with the Authority are entitled to half their pay from week 7 to week 39 of their adoption leave. This means that they receive:

- 6 weeks SAP at the higher rate (90% of earnings)
- 33 weeks SAP at the lower rate **PLUS** 50% of Salary
- 13 unpaid leave

Contact with employees on Adoption leave

The Authority may make contact with the employee from time to time during the adoption leave period (for example to discuss their return to work)

Whilst employees are absent on adoption leave, the Authority will send them copies of any relevant literature concerning job advertisements and information circulars etc. They will also be entitled to apply for promotion opportunities that may arise during this time

Keep In Touch Days

An employee on adoption leave may carry out up to and including 10 days work for the Authority during their statutory adoption leave period without bringing the leave to an end and without any loss to adoption pay. This may be worked as single days or consecutive days at any time during adoption leave, regardless of the length of adoption leave taken. Any days worked will not extend the total duration of the statutory adoption leave period.

There is no right or any requirement for the employee to work during their adoption leave. Any work undertaken will be agreed in advance between the employee and their line manager. "Work" may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Any work done on a KIT day counts as one KIT day. Therefore, if an employee comes in for a one-hour training session and does no other work that day, he/she will have used up one of their KIT days.

Payment is at the employee's normal daily rate of pay. Following completion of a KIT Day, a KIT Day Claim Form should be forwarded to the Pay and Pensions Team in order for the day's work to be included in the monthly pay.

Benefits during Adoption Leave

Annual Leave

Whilst absent on Ordinary Adoption and Additional Leave, adopters will accrue annual leave. It is likely that during an employee's absence on adoption leave, one annual leave year will end and a new one will commence.

For employees whose leave is scheduled to be taken at fixed points during the year and where this leave is scheduled to take place when the employee is absent on adoption leave, it may be carried into the following leave year, where it must be taken upon their return to work. This will normally be taken as an extension to the employee's period of adoption/additional leave

For employees whose annual leave entitlement is not scheduled to be taken at fixed points, normal carry over rules will apply. The employee can also opt to take any annual leave accrued for the new leave year immediately on their return to work. (Annual leave scheduled for later in that year can be brought forward for this purpose).

Returning from Adoption Leave

Unless previously notified by the employee, the date on which an employee will return to work will normally be the first working day 52 weeks after the adoption leave began.

The Authority recognises that circumstances change and is prepared to waive the legal requirement to alter a return date from an 8 week notification period. However employees wish

to return to work before or after the originally agreed date **MUST** provide the Authority with at least **21** days notice.

If an employee gives notice that they intends to return to work but:

- subsequently fails to do so, the Authority will be entitled to operate its normal procedures for unauthorised absence or sickness absence as appropriate, or
- Subsequently decides to resign, they will have no right to return to work.

Employees who do not wish to return to work after adoption leave must give the Authority notice as required by their contract of employment.

The current notice periods required are as follows:

Grey Book Employees

Operational Fire fighters and Control room employees 28 days

Green book Employees

Grade 1 to Grade 9 (Scale 1 to SO2)	1 month
Grade 10 to Grade 13 (PO1 to PO3)	2 mths
Grade 13 and above (PO4 and above)	3 mths

Red Book Employees

All employees working under the Red book their notice period that they are required to provide the Authority is 1 month

What if the placement ends?

Unfortunately there may be situation where an employee commences adoption leave but there is a change in circumstances, this may include,

- The adoption agency informing the employee that the placement will not be made after they have commenced their leave
- during the adoption leave the child unfortunately dies or
- The child is returned to the adoption agency,

Please speak to a member of the People and Organisational Development department as soon as possible if this situation arises as employees may remain on adoption leave for up to eight weeks after the week the change in circumstances took place.

Fit to Ride

Once notified of the return to operational duties, the Station Manager with operational responsibility for the employee should, with the employee, consider any particular training needs arising. This may depend on the length of absence.

Flexible Working

The Authority will consider flexible working requests and will endeavour to facilitate these where it is practicable and meets the exigencies of the Authority. An employee may make a request to work flexibly prior to returning from Adoption Leave. Further information about requesting flexible working are set out in the Flexible Working Service Instruction.

Parental Leave

Parents of children under the age of eight are entitled to 13 weeks unpaid Parental leave.

An employee who is the adoptive parent of a child who is disabled is entitled up to 18 weeks' unpaid parental leave, which can be taken up to the child's 18th birthday. Please see the relevant Service Instruction for additional information.

DRAFT