
Adoption Leave

Leave Entitlement

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Overview

This section describes the statutory and British Council contractual entitlements to adoption leave.

Audience

This section is for all UK-appointed staff only. Country-appointed and English and Exams/OAS staff should refer to country/ territory TACOS and/ or contracts.

Responsibilities

These guidelines are to be read by all UK-appointed staff and line managers. The procedure is carried out by adoptive parents who want to apply for adoption leave.

Policy

Primary carers who adopt a child under 18 years of age from 6 April 2003 onwards are entitled to paid adoption leave provided they:

- are newly matched with a child for adoption by an approved adoption agency
- have worked continuously for their employer for 26 weeks ending with the week in which they are notified of being matched with a child for adoption

Adoption leave is not available where adoption is by a step-parent or foster parent already caring for the child. Only one period of leave will be available irrespective of whether more than one child is placed for adoption

As with ordinary maternity leave, employees have the right to benefit from their normal terms and conditions, with the exception of pay, during the course of ordinary and additional adoption leave.

Guidance

Statutory Entitlement

The statutory entitlement is for up to 52 weeks adoption leave, comprising 26 weeks adoption leave followed immediately by up to 26 weeks additional adoption leave. If the placement of a child for adoption is cancelled or subsequently ended, or the child dies, the period of adoption leave ends eight weeks later.

Staff who fulfil more than the statutory requirement are eligible for the British Council contractual adoption pay which is more generous. See British Council Entitlement (Contractual) below.

Statutory Adoption Pay

Statutory Adoption Pay (SAP) is paid for 39 weeks (like Statutory Maternity Pay) at a flat rate of £117.18 per week or 90 per cent of normal weekly earnings (if lower). Those on earnings below £90 a week do not qualify for any pay.

British Council Entitlement (Contractual)

Eligibility

Staff who have one or more year's continuous employment with the British Council during the immediately preceding three year period, are eligible to contractual adoption pay. Contractual adoption pay will be granted provided the employee:

- is the primary carer of the child being matched for adoption

- states their intention to return to work in the British Council for a period of at least six months after the adoption leave period
- agrees to repay any payment made during that period if they fail to return, or return for less than six months. Such repayment will exclude any statutory adoption pay to which they are entitled
- is in paid employment with the British Council at the time their adoption leave begins
- is be employed on a casual basis.

Entitlement

Staff are entitled to a total of 39 weeks paid leave as follows:

- 26 weeks adoption leave on full pay followed by 13 weeks SAP at £117.18 per week

The remaining 13 weeks additional adoption leave is unpaid.

If the placement of a child for adoption is cancelled or subsequently ended, or the child dies, the period of adoption leave ends eight weeks later.

Exclusions

If a member of staff is on a fixed term contract, their entitlements will depend on their eligibility under the statutory requirements and the particulars of their contract.

Notification and Procedure

Notification

Notification arrangements are based on when the adoption agency notifies the adopting parent that the child has been matched for adoption. Staff must therefore notify their line manager and HR Service team of their intention to apply for adoption leave as soon as is reasonably practicable.

Procedure

1. The adopting parents choose which of the couple will take full adoption leave. If you are not the primary carer of the child, you may instead wish to apply for Paternity Leave.
2. Staff must give notice to their line manager and HR Service team of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child.
3. Adoption leave must be claimed within 56 days of the date of placement. Adoption leave can start on any day of the week from the date of the child's placement or from a fixed date up to 14 days before the child is placed with the adoptive parent.

Keeping in Touch Days

Staff may carry out up to 10 days work during adoption leave without losing their right to SAP. Work is defined as activities undertaken as part of the contract of employment and may include training or attendance at meetings for the purposes of keeping in touch with the workplace.

It is not compulsory for staff to work during the course of their adoption leave, nor is there any right for another member of staff to request an individual must do so. Attendance at the workplace for part of a day will count as one KIT day. Staff will be paid their normal rate of adoption leave pay unless the KIT day falls during the unpaid period of adoption leave, in

which case staff will be compensated for a full day's pay.

Arrangements for working during adoption leave must be discussed and agreed between the member of staff and line manager. Notification of the days to be worked should be sent to HR Services in writing, giving 28 days notice.