

Adoption & Surrogacy Information Pack

July 2021

carmarthenshire.gov.uk

Cyngor **Sir Gâr**
Carmarthenshire
County Council



Dear Colleague,

Congratulations on your good news in what must be a busy and exciting time. To help you prepare we have produced an information pack which we hope you will find useful. Your pack contains:

- Adoption/Surrogacy Policy
- Adoption/Surrogacy application form
- Adoption/Surrogacy explanatory notes
- FAQ (frequently asked questions)
- Useful contacts

For any queries that you may have during this period, please contact the HR Absence Team in People Management on 01267 246169/246156 or email HRAbsenceTeam@cararthenshire.gov.uk.

We hope that you find this information useful.

Yours sincerely,

Paul R Thomas
Assistant Chief Executive (People Management)

ADOPTION/ SURROGACY LEAVE POLICY

INTRODUCTION

This policy provides a brief guide to the regulations relating to adoption/surrogacy leave and pay for employees of Carmarthenshire County Council where a child/children is/are matched and placed with them for adoption or in the case of surrogacy where the intended parents have applied for a parental order on or after 6th April 2021.

Where adoption pay and entitlements are referred to these will also apply in the case of surrogacy situations

For explanations of the technical terms used in this document please refer to Appendix 1 - Definitions.

For a detailed explanation of Statutory Adoption Pay (SAP) please refer to Appendix 2 - Statutory Adoption Pay.

For information on how to reinstate lost pension please refer to Appendix 3 - Re-instating lost pension as a result of unpaid adoption leave.

Details of organisations which offer support to adoptive/intended parents and their families are contained in Appendix 4.

The rights to adoption leave and pay entitle eligible employees to take paid leave when a child is newly placed for adoption and employees who become legal parents of a child by applying for a parental order in a surrogacy situation.

Where a couple adopt or enter into a surrogacy arrangement jointly, the couple must decide which partner takes adoption leave. The other partner may be entitled to maternity support leave and paternity leave subject to meeting the eligibility criteria outlined in the [Paternity Leave policy](#).

SCOPE

This Policy covers all employees including centrally employed teachers but excluding staff on the complement of locally managed schools for which a separate policy applies. (reference to adoptive parent or partner includes all parents or partners regardless of their gender identity and sexual orientation)

ELIGIBILITY

To qualify for adoption leave, an employee must:

- Be *newly matched with a child for adoption by an approved adoption agency
- Become the legal parents of a child by applying for a parental order in a surrogacy situation.

**Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's children.*

Only one period of leave will be available irrespective of whether more than one child is placed for adoption/surrogacy as part of the same arrangement.

If the child's placement ends during the adoption leave period, the employee will be able to continue adoption leave for up to eight weeks after the end of the placement.

ADOPTION LEAVE AND PAY

When an employee takes time off to adopt a child or have a child through a surrogacy arrangement, they might be eligible for statutory adoption leave and pay.

Option 1- Employees with less than 1 years' service

An employee with less than 1 years' service leading into the week in which they are notified of being matched with a child for adoption or in the case of surrogacy have applied for a parental order. On or after 6th April 2021 will be entitled to take adoption leave and pay as detailed below.

- Shall have an entitlement to remain absent for up to **26 weeks (Ordinary Adoption Leave – OAL)** and **26 weeks (Additional Adoption Leave – AAL)**

Option 1 a – For those who do qualify for SAP – See Appendix 2 for more SAP information

- for those employees who qualify for SAP their entitlement will be **6 weeks at 9/10^{ths} of average weekly pay followed by 33 weeks adoption leave at £151.97 SAP** per week (or 9/10ths of average weekly earnings if this is less)
- a further **13 weeks unpaid** additional adoption leave (AAL)*

Option 1b – For those who do not qualify for SAP – See Appendix 2 for more SAP information

- for those employees who do not qualify for SAP their entitlement will be **26 weeks unpaid leave (OAL)** and
- a further **26 weeks unpaid leave (AAL)***

- An SAP1 Form will be provided by the HR Absence Team so that a claim can be made to the Job Centre Plus or Department of Work and Pensions.

Option 2 - Employees With At Least One Year's Service Electing to Return to Work Following Adoption Leave

An employee with more than 1 years' service leading into the week in which they are notified of being matched with a child for adoption or in the case of surrogacy have applied for a parental order on or after 6th April 2021 will be entitled to take adoption leave and pay as detailed below:

- Shall have an entitlement to remain absent for up to **26 weeks (Ordinary Adoption Leave) and 26 weeks (Additional Adoption Leave)**

Option 2a - For those who do qualify for SAP – See Appendix 2 for more SAP information

- For those employees who qualify for SAP their entitlement will be **6 weeks at 9/10^{ths} of average weekly pay followed by 12 weeks at half pay plus £151.97 SAP** per week (or 9/10ths of average weekly earnings if this is less with SAP offset), this will not apply if the half normal pay plus SAP (or any dependent's allowances if the employee is not eligible for SAP) exceeds full pay. This is followed by a further **21 weeks at £151.97 SAP** per week (or 9/10ths of average weekly earnings if this is less with SAP offset).
- A further **13 weeks unpaid** additional adoption leave (AAL)*

Option 2b - for those who do not qualify for SAP – See Appendix 2 for more SAP information

- For those employees who do not qualify for SAP their entitlement will be **6 weeks at 9/10ths of average weekly pay** followed by **12 weeks at half pay** and **8 weeks ordinary unpaid leave** and a further **26 weeks additional unpaid leave (AAL)**
- An SAP1 Form will be provided by the HR Absence Team so that a claim can be made to the Job Centre Plus or Department of Work and Pensions

Option 3 – Employees With At Least One Year's Service Where No Declaration of Intention to Return to Work Following Their Adoption Leave Has Been Made (This Will Not Apply Where A Resignation Has Been Submitted)

- Shall have an entitlement to remain absent for up to **39 weeks (OAL) and 13 weeks (AAL).**

Option 3 a - For those who qualify for SAP – (See Appendix 2 for more information)

- For those employees who qualify for SAP their entitlement will be **6 weeks at 9/10ths** of a week's pay followed by **33 weeks at £151.97 SAP** per week (or 9/10ths of average weekly earnings if this is less).
- Shall be entitled to a further **13 weeks unpaid additional adoption/ leave (AAL)**.

Option 3 b – For those who do not qualify for SAP – (See Appendix 2 for more SA/SP information)

- For those who do not qualify for SAP their entitlement will be **6 weeks at 9/10ths of week's pay** followed by **33 weeks unpaid leave (OAL)**
- Shall be entitled to a further **13 weeks unpaid leave (AAL)**
- An SAP1 Form will be provided so that a claim for adoption allowance and/or other benefits can be made to the Job Centre Plus or Department of Work and Pensions.

If following a period of adoption leave, the employee declares their intention to resume duties*, then arrangements will be made to pay their 12 weeks at half pay in the next available pay period.

**Please refer to section titled 'Exercise of the right to return to work for further details.*

NOTE: Adoption leave shall commence no earlier than 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.

Employee Election - Alternative Pay Arrangements during half pay period

The occupational adoption pay scheme provides 12 weeks at half pay in addition to SAP for those employees who are returning to work, if the two combined do not exceed full pay. The alternative pay arrangements provide that the same sum may be spread over any other mutually agreed distribution within the paid leave period i.e. up to a maximum of 33 weeks. The distribution of the payment will be agreed between the employee and the HR Absence Team. The requirement that earnings including SAP during the additional pay period are restricted to full pay remains in place under the new arrangement.

If after confirming their intention to return to work an employee does not return to local authority employment for at least 13 weeks they will be asked to refund the half pay or such part thereof, if any, as the Authority may decide. Payments made to the employee by way of SAP are not refundable.

Employees who do not wish to return to work after adoption leave

An employee who does not wish to return to work after adoption leave must give the Authority the notice of termination required by the contract of employment. However, it will usually help the Authority if they can give as much notice as possible. As long as they specify the date on which they wish to terminate their contract (this could be the first day they were due back at work after adoption leave) this will not of itself, mean that they are no longer entitled to adoption leave or pay for the rest of the adoption leave period.

Termination Date – All employees have the right to return to duty following their adoption leave. However, an employee also has the right to terminate their employment under any of the above options. If the employee decides to terminate their duties the termination date will normally be the last day of the paid adoption leave, this would be different where unpaid leave applies.

NOTIFICATION OF ADOPTION LEAVE

An employee will be required to notify the HR Absence Team in writing (a copy of which should also be sent to their Line Manager) and by completing the attached adoption leave form of their intention to take adoption leave 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) or in the case of surrogacy where the employee intends to apply for a parental order under a surrogacy arrangement. The information required is as follows:

- The expected date that the child is to be placed and submit a Matching Certificate from the adoption agency confirming that the employee has been matched with a child for adoption.
- Or in the case of surrogacy a declaration from the employee that they intend applying for a parental order and that they provide a copy of the adoption certificate within 6 months of the birth of the child.
- The date the employee wants the ordinary adoption leave to start. Adoption leave shall commence on the date of the child's placement (whether this is earlier or later than expected) or on a fixed date which can be up to 14 days before the expected date of placement.

It will be possible to change the date the leave commences provided the employee gives 28 days' written notice or if that is not possible as soon as reasonably practicable (a copy of which should also be sent to their Line Manager and a copy to HR Absence Team)

The HR Absence Team will write to the employee within 28 days of receiving the adoption leave application (a copy of which will be sent to the Line Manager) and will confirm the eligibility of adoption entitlements and the expected date of return from adoption leave. Please also refer to Appendix 2 for further details.

TIME OFF AND KEEPING IN TOUCH

Time Off for Adoption Appointments

From 6th April 2021 the main adopter will be able to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments. Adoption appointments are appointments made by an adoption agency relating to a child being placed for adoption or for fostering for adoption placement.

Time off for antenatal appointments

From 6th April 2021, employees and agency workers who have a qualifying relationship with a pregnant employee or an expected child are entitled to take unpaid time off work to accompany that pregnant employee at up to two antenatal appointments.

Employees will have the right from day one of their employment. Agency workers will qualify after 12 weeks in the same assignment. The right to time off is capped at a maximum of six-and-a-half hours on each occasion, which can include travelling time, waiting time and attendance. Please also refer to Appendix 1 for further clarification.

Reasonable contact

During the adoption leave period it is advisable that both the employee and line manager maintain reasonable contact with each other. This may be by means of telephone, Teams/Skype call, email, letter or by arranging a work or home visit. This may be for a number of reasons:

- new changes at the workplace that might affect the employee on their return;
- keeping the employee informed of promotion or development opportunities;
- Other information that they would normally be made aware of if they were working.

Keeping in Touch (KIT) Days

Up to ten days' work (Keeping in Touch (KIT) Days) under the employee's contract of employment may be undertaken at any stage during the adoption leave period, by mutual agreement with the line manager. There is no compulsion for an employee to work KIT days or for a line manager to agree to them.

KIT days can be taken as part days, whole days or in blocks.

The benefits of KIT Days

- Helps employers plan for their return to work
- Help employees receive updates on new developments within the workplace i.e. new initiatives, training, re-validation of knowledge and experience
- Contribution to current team projects

KIT days will allow the employee to do a limited amount of work under their contract without the loss of their statutory adoption pay. Any work done under their contract on any day will be recorded as one KIT day, e.g. if the employee attends work for a 1-hour training session they will have used 1 of their KIT days. The employee will be paid their contractual rate of pay for the hours of work and this will be offset against SAP (where applicable)

Managers are responsible for notifying the HR Absence Team of KIT days worked.

RETURN TO WORK

Exercise Of The Right To Return To Work

All employees will be entitled to remain absent for the full 52 weeks adoption leave. Employees must notify their line manager and the HR Absence Team of their intention to return to work. Employees will need to give at least 8 weeks' notice in writing of their intention to return to work. This notice requirement applies during both ordinary adoption leave and additional adoption leave.

If you wish to return to work earlier than the end of your adoption leave without giving 8 weeks' notice, we may postpone your return until the full 8 weeks' notice has been given. However, we will not postpone your return to a date later than the end of your adoption leave period.

Returning to work earlier or later than previously notified

An employee who has notified their line manager that they wish to return to work before the end of the adoption leave, is entitled to change their mind. However, in these circumstances they should give notice in writing of this new, earlier, date of return at least 8 weeks before the earlier date.

An employee who wishes to delay their return to work to a date after the end of the full adoption leave (52 weeks) needs to apply either for unpaid leave, parental leave or a career break in line with the Authority's policies and procedures. All applications should be made at least 8 weeks before the expected date of return and are subject to the eligibility criteria within the policies and procedures.

An employee is entitled to:

- Return to the job in which the employee was employed under their original contract of employment and on terms and conditions not less favourable than those which would have been applicable to the employee if they had not been absent. “Job” for this purpose, means the nature of the work which they are employed to do and the capacity and place in which they are so employed.
- Where it is not practicable by reason of redundancy for the Authority to permit the employee to return to work to the job in which they were employed, the employee shall be entitled to be offered a Suitable Alternative Employment (SAE where one exists, provided that the work to be done in that post is suitable to the employee and appropriate to the circumstances, and that the capacity and place in which they are to be employed and the terms of conditions of employment are not substantially less favourably to them than if the employee had been able to return to the job in which they were originally employed.
- SAE may also be offered in exceptional circumstances other than redundancy (e.g. a general re-organisation), which would have occurred if the employee had not been absent, necessitate a change in the job in which they were employed prior to their absence. The work to be done should be suitable to the employee and appropriate to the circumstances and the capacity and place in which they are to be employed and the terms and conditions of employment should not be less favourable to them than in if the employee had been able to return to the job in which they were originally employed.

Where an employee wishes to return to work on different hours or on a job share basis, the Authority should consider such requests. For further details please refer to the Authority’s [Flexible Working Policy and Procedure](#) and/or [Job Share Policy and Procedure](#). If you wish to apply for any of the above, you will need to apply no later than 8 weeks before your expected date of return.

RELATIONSHIP WITH SICKNESS AND ANNUAL LEAVE

Adoption leave shall be regarded as continuous service for the purpose of the National Joint Council’s sickness scheme and annual leave.

Adoption leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sickness pay.

Where an employee is unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way. A medical certificate will be required from the first day of the sickness absence. This is a statutory requirement.

Where there is an interruption of work, e.g. industrial action and it is unreasonable to expect a return to work on the due date, the employee may instead return when work resumes, or as soon as reasonably practicable thereafter.

Annual leave and Bank Holiday entitlement will continue to accrue during the full adoption leave period.

Employees are encouraged to take any outstanding annual leave due wherever possible before the commencement of ordinary adoption leave. Employees are reminded that wherever possible annual leave must be taken in the year that it is earned and therefore if the annual leave year is due to end during the adoption leave, the employee should endeavour to take the majority of their full year's entitlement before starting adoption leave.

Term Time Employees

Your leave entitlement will continue to be accrued during your adoption leave and any adjustments required will be made at the end of your period of adoption leave.

Employees who do not return to work will have their last day of the paid/unpaid adoption leave period treated as their leaving date and annual leave entitlement will be calculated as at that date and any excess days taken will be reclaimed accordingly.

SHARED PARENTAL LEAVE

Shared Parental Leave (SPL) enables the primary carer to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay with their partner, or return to work early from adoption leave and opt in to shared parental leave at a later date.

Please see the [Shared Parental Leave Policy](#) for further information. The Policy sets out the rights of employees to shared parental leave (SPL) and shared parental pay (SHPP) available to parents with babies due on or after 6th April 2021.

Please also see the [Paternity Leave Policy](#) .

ADDITIONAL PAYMENTS

Car Loan Repayments

An employee who has a Car Loan or who leases a car from the Authority, and intends to return to work, will be required to maintain the contracted monthly repayments whilst on adoption leave, whether by deduction from pay or any other means. Employees are

strongly advised to contact the Corporate Services department regarding appropriate repayment arrangements.

EFFECT ON PENSION CONTRIBUTIONS

A member of the Local Government Pension Scheme who takes adoption leave will pay pension contributions on the whole period of paid adoption leave. The contributions will be paid on pay received and will count as reckonable and qualifying service. If an employee elects to take unpaid leave in addition, the opportunity remains to pay contributions in respect of unpaid leave please follow the guidance note at appendix 3.

Individual employees who have chosen to take out a Personal Pension Plan are advised to check the implications of adoption/surrogacy leave and adoption pay on that pension with the pension provider.

DEFINITIONS

There are a number of technical terms and abbreviations used in relation to adoption/surrogacy rights that are explained below:

Matching Certificate – this form is a certificate completed by the appropriate adoption agency and confirms that the adopter has been matched with a child for adoption. This form will include the following information:

- Name and address of the adoption agency and of the employee concerned.
- Date the child is expected to be placed for adoption, or the date the child was placed for adoption.
- Date the employee was told by the adoption agency that they have been matched with a child.

Matched/matching – this means the adoption agency has decided that the person is suitable to adopt a particular child.

Placed – this means the child starts living with the person permanently with a view to being formally adopted in the future. They may have stayed with them before this date.

Adopter – this means the person or persons who are going to adopt the child. They may be going to adopt the child on their own, or they may be going to adopt the child with their partner.

Statutory Adoption Pay (SAP) – is paid by the Authority to an employee who is adopting a child on their own, or one member of a couple who adopt a child together. SAP is taxable and subject to National Insurance contributions (see Appendix 2 for further clarification).

Occupational Adoption Pay (OAP) – adoption pay paid by the Authority, in accordance with the Authority's Local Agreement.

Ordinary Adoption Leave (OAL) – provided all notification procedures have been complied with, all employees (regardless of service) will be entitled to 26 weeks' Ordinary Adoption Leave.

Additional Adoption Leave (AAL) – provided all notification procedures have been complied with, all employees (regardless of service) will be entitled to a further 26 weeks' additional adoption leave which will start at the end of the Ordinary Adoption Leave period.

Additional Paternity leave and pay – The government introduced a new law, the Additional Paternity Leave Regulations 2010, allowing the primary adopter to transfer up

to six months of their adoption leave to their spouse. This gives parents a greater choice over childcare responsibilities.

Time off for antenatal appointments eligibility - The leave is designed for a person who has a relationship with the pregnant employee or the unborn child. Employees and qualifying agency workers are entitled to time off to accompany an expectant employee to the ante-natal appointments if they are:

- a) The baby's other parent;
- b) The spouse of the expectant employees ((regardless of their gender identity and sexual orientation) in an enduring relationship; or
- c) Intended parents of a child in a surrogacy arrangement if they expect to be entitled to and intend to apply for a parental order in respect of that child.

Qualifying week – The week (beginning with the Sunday) in which the employee has been notified of being matched with a child for adoption or in the case of surrogacy, have applied for a parental order. The week ends on the following Saturday.

Exclusions to the Scheme

Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's children or foster parents who are adopting a child.

STATUTORY ADOPTION PAY (SAP)

An employee can choose when they want to take their leave within seven days of the date, they are told they have been matched with the child. Where possible they should give 28 days' notice before getting SAP, and they must start their leave no later than the date the child is placed.

Qualification Requirements

To qualify for SAP employees must:

- have been notified of being matched with a child who will be placed with them by a UK adoption agency
- have 26 weeks continuous service ending with the qualifying week. The qualifying week is the week beginning with the Sunday that the adopter received notification of having been matched with the child and ends on the following Saturday.
- have average weekly earnings in the 8 weeks at the end of the qualifying week equal to the lower earnings limit (LEL), i.e. LEL which is £120 per week for 2021.
- Become the legal parents of a child by applying for a parental order in a surrogacy situation.

Employees who do not qualify for SAP may be entitled to other benefits from the Department of Work and Pensions.

The HR Absence Team will issue you with an SAP1 Form if you do not qualify. This form should be submitted to the local Job Centre Plus or Department of Work & Pensions.

Employees responsibilities during payment of SAP

Once payment of SAP has begun, the employee is responsible for telling the Authority if any of the following apply:

- Starts working for a new employer after the child is placed with them but before the end of the Qualifying Week (QW)
- If the placement was disrupted
- Goes abroad
- Has been taken into legal custody

In these cases, payment of Statutory Adoption Pay and Occupational Adoption Pay will stop.

What happens if an employee leaves employment?

If an employee leaves employment before the qualifying week and receives notification of having been matched with the child, the employee cannot qualify for SAP.

Anything else to know?

If an employee has more than one employer, they may be able to get SAP from each employer.

An employee does not have to intend to return to work to get SAP from the Authority.

Entitlement to SAP does not affect the employee's right to other adoption payments provided by the Authority.

The Authority cannot pay SAP for any week in which the employee works.

39-week Adoption Pay Period starts on or after 1st April 2020.

First six weeks of payment: 90% of primary adopter's/surrogate's average weekly earnings.

Remaining weeks: £151.97 a week or 90% of her average weekly earnings if that sum is less than £151.97 a week.

Re-instating lost pension as a result of unpaid adoption/surrogacy leave

As a member of the LGPS, you are able to reinstate any 'lost pension' arising from a period of unpaid adoption/surrogacy leave by paying additional contributions under an Additional Pension Contribution (APC) arrangement on your return to work. In order to do so, you will need to make an election to re-instate your lost pension within 30 days of returning to work. Provided you make your election within this period, and the reason for the period of absence is authorised unpaid leave the cost will be shared with the Authority (1/3rd to the member and 2/3rds to the Authority).

However, if your election is made after 30 days of the date on the payslip in which the deduction of unpaid leave is taken, the entire cost will fall with you, as the member.

If you wish to reinstate the lost pension during your period of unpaid leave, you will need to complete an online form via the Dyfed Pension Fund website. The link to the website is as follows: <https://mypensiononline.dyfedpensionfund.org.uk/> before accessing the online modeller, you will need to have to hand, the lost pensionable pay for your period of unpaid leave (you will be able to request for this information from the HR Absence Team) and the date you returned to work.

Please note that you will need to complete all of the following details on the online calculator:

Personal Details section – complete all fields 1 – 7 – (information you must have at hand to complete this section are your NI Number and payroll number)

Details for Quote: - complete fields 8, 9, 10, 11 & 12

Field 8 – insert the lost pensionable pay – this will be the amount shown in your payslip for the deduction of the unpaid leave or industrial action taken

Field 9 – insert the reason of absence –click on 'authorised unpaid leave' from drop down menu

Field 10 – section during absence – click on 'main section' from down menu (unless you have made an election to contribute under the 50/50 Section of the Scheme)

Field 11 - Last day of absence – insert the last date of unpaid leave taken during the applicable month. If the reason for absence is "authorised unpaid leave", and you are making the application within 30 days of the date on the payslip in which the deduction of unpaid leave is taken, please click on the box "30 day override" (employer confirmation must be provided).

Field 12 – Method of payment – click on 'lump sum deduction' from drop down menu

Finally click on 'Get Quote' to calculate the cost of purchasing lost pension – this will show on the results section on the right hand side of the page see below:.

Lump sum Cost to member before tax relief

£ xxx.xx

Please note that you can also choose to buy the lost pension by spreading payment of the additional pension contributions over a number of complete years, however, for this option you will be required to arrange a medical examination (by a Registered Medical Practitioner) to obtain a certificate at your own expense to certify that you are in 'reasonably good health' before your application is accepted.

Having completed the above, if you then wish to proceed with the purchase of your lost pension, please follow the following steps:

Step 1 - you will need to download the online form by ticking the 'Application' box, which confirms that the information entered is correct and that you have read and understood the '[Terms and Conditions](#)' for your additional pension applications;

Step 2 - click on the 'submit' button on the bottom right hand side of the page. This will transfer the details that you have entered onto a pdf document;

Step 3 - please sign the declaration on this form and email or post it directly to:

, Employee Services Absence team
HRAbsenceTeam@carmarthenshire.gov.uk Building 4, St David's Park,
Carmarthen. SA31 3HB; and

CR Pensions (crpensions@carmarthenshire.gov.uk) mailbox or post to
Dyfed Pension Fund, County Hall, Carmarthen. SA31 1JP

If you do not elect to reinstate your 'lost pension', the pension benefits that you have built up within the Scheme Year (1 April to 31 March), in which your period of unpaid leave falls, will be proportionately less as a result. For further information, please refer to the Dyfed Pension Fund website: www.dyfedpensionfund.org.uk

SUPPORT GROUPS

Carmarthenshire County Council has no links to any of the organisations listed below and can take no responsibility for the accuracy of the information or quality of the services provided. This list is not exhaustive.

Post Adoption Centre – provides independent advice, counselling and support to anyone affected by or dealing with the challenges and opportunities of adoption. Contact details 020 7284 5879 or web address www.pac.org.uk

After Adoption – provides information, support, family work and counselling. Contact details: ACTIONline on 0808 0 568 578 or TALKadoption on 0808 808 1234 (specialist helpline for young people who have been adopted)
www.afteradoption.org.uk email: Information@afteradoption.org.uk

CRY-SIS – Provides support for families with excessive crying, sleepless and demanding babies and young children. Contact details: 020 7404 5011 (7 days a week 8.00 am – 11.00 pm)

NHS Direct Online – The official NHS gateway to quality health information for patients and the public. Helpline: 0845 4647 <http://www.nhsdirect.wales.nhs.uk>

Family Lives - confidential freephone helpline run by Family Lives providing support to families. Tel 0808 800 2222 or www.familylives.org.uk.

Frequently asked questions

What am I entitled to?

For details of what type of payment you may be entitled to please see the policy enclosed.

When can I begin my Adoption Leave?

The earliest you can start your Adoption Leave is no earlier than 14 days before the placement date

What is the latest date I can begin my adoption leave?

Adoption/surrogacy leave can commence no later than the day of the expected date of placement.

How much notice do I need to give of my intention to take adoption leave?

You must provide your line manager with written notice within 7 days of being notified by the adoption agency that you have been matched with a child for adoption or in the case of surrogacy where the employee applies for a parental order under a surrogacy arrangement. It is possible to change the date the leave commences provided that you give 28 days' written notice or if that is not possible as soon as reasonably practicable.

What happens to my holiday entitlement during adoption leave?

Holiday entitlements continue to accrue during your adoption leave. To avoid unnecessary service difficulties, you should try to take any holiday leave already owing to you **before** beginning your adoption leave. In cases where this is not possible your remaining annual leave days will be carried over to your new leave year. *The Authority may require an employee to take all or part of the holidays carried into a new leave year on particular days as determined by the line manager and service requirements.*

Term Time Employees

Your leave entitlement will continue to be accrued during your adoption leave and any adjustments required will be made at the end of your period of adoption leave.

What if I am off sick?

If you are absent through sickness while you are still working, you will be paid sick pay in the usual way. However, you will not receive sick pay while you are on adoption leave but will continue to receive adoption pay for the entitlement period.

What notice am I required to give of my intended return to work?

It is assumed that employees will return at the end of the Adoption Leave Period. If you wish to return to work earlier than this then you must provide your line manager and the

Employee Services absence team HRAbsenceTeam@carmarthenshire.gov.uk with at least 8 weeks' notice of an early return to work, this will apply during OAL and AAL.

Can I return to work on a part time basis on my return to work?

The Authority is actively committed to supporting a family friendly environment and policies have been developed in support of this. These include the [Flexi time scheme](#) which operates a system of flexible working hours. Other options that you may wish to consider may be available to you include, making an application for flexible working, job-sharing or part-time working. Please see the council's [Flexible Working Policy and Procedure](#) for further information.

Can I take parental leave when I return to work?

Parental Leave is the right to take 18 weeks **unpaid** leave for the purpose of caring for a child. Effective from 2nd April 2017 legislation has been amended for this entitlement to include any child who is under the age of 18. The 18 weeks unpaid period is the total amount of parental leave that can be taken for a child up until that child is 18. No minimum service is required for eligibility. Please refer to [Parental Leave Policy](#) for more information.

What about Time Off for Dependant's Leave when I return to work?

This provides time off for carers of young children or other dependants. It is designed to cover emergencies such as break down in childcare arrangements and is unpaid. For further information please consult the [Time off for Dependents Policy](#)

What is my entitlement should I decide not to return to work?

If after confirming your intention you do not return to work for at least 13 weeks you will be asked to refund the half pay or such part thereof.

ADOPTION/ SURROGACY LEAVE APPLICATION

FULL NAME:			
ADDRESS:			
HOME TEL NO:		WORK TEL. NO:	
EMPLOYEE NO:			
DATE COMMENCED WITH AUTHORITY:			
DEPARTMENT:			
DESIGNATION:			
IN THE CASE OF ADOPTION COMPLETE A, B AND C			
A. DATE CHILD/CHILDREN WERE MATCHED			
B. NAME AND ADDRESS OF AGENCY:			
C. EXPECTED DATE THE CHILD/CHILDREN WILL BE PLACED WITH YOU:			
IN THE CASE OF SURROGACY COMPLETE D & E			
E. I CONFIRM THAT I INTEND APPLYING FOR A PARENTAL ORDER			
D. DATE OF BIRTH OF CHILD THAT YOU ARE INTENDING ON APPLYING FOR A PARENTAL ORDER FOR			
DATE ADOPTION LEAVE TO COMMENCE:			

I WISH TO APPLY FOR ADOPTION/SURROGACY LEAVE AS FOLLOWS: (Tick appropriate box)

SCENARIO (Less than 1 years' service)

1

An employee with less than 1 years' service leading into the week in which they are notified of being matched with a child for adoption or in the case of surrogacy will be applying for a parental order will be entitled to take adoption leave and pay as detailed below.

Up to 52 weeks adoption leave with the right to return at the end of that period to include:

26 weeks ordinary adoption leave which will be paid at:

- 26 weeks unpaid leave plus SAP (dependent upon entitlement)

And a further 26 weeks Additional Adoption Leave unpaid leave to include 13 weeks SAP (dependent upon entitlement)

SCENARIO *An employee with more than 1 years' service leading into the week you are notified of being matched with a child for adoption or in the case of surrogacy intend applying for a parental order who is declaring their intention to return to work will be entitled to:*

2 (i)

Up to 52 weeks adoption leave with the right to return at the end of that period to include:

26 weeks ordinary adoption leave which will be paid at:

- 6 weeks at 9/10^{ths} of average weekly pay
- 12 weeks half pay plus SAP (dependent upon entitlement)
- 21 weeks unpaid plus SAP (dependent upon entitlement)

And *I wish to elect to spread the 12 weeks half pay over a longer period i.e. up to a maximum of 33 weeks (please tick this box if this is your choice)*

Plus 13 weeks unpaid Additional Adoption Leave

Failure to resume duties for at least 13 weeks under this option will necessitate the refund of 12 weeks at half pay.

SCENARIO *An employee with more than 1 years' service leading into the week you are notified of being matched with a child for adoption or in the case of surrogacy intend applying for a parental order who is not declaring their intention to return to work will be entitled to:*

2 (ii)

Up to 52 weeks adoption leave with the right to return at the end of that period to include:

26 weeks ordinary adoption leave which will be paid at:

- 6 weeks at 9/10^{ths} of average weekly pay

- 33 weeks unpaid plus SAP (dependent upon entitlement)

Plus 13 weeks unpaid Additional Adoption Leave

If following adoption leave I declare my intention to resume duties, and then arrangements will be made to pay me the 12 weeks at half pay.

N.B. All employees have the right to return to duty following their adoption leave. However, an employee also has the right to terminate their employment under any of the above options. If the employee decides to terminate their duties the termination date will normally be the last day of the paid adoption leave, this would be different where unpaid leave applies. If it is an employee's intention to terminate duties the date of termination if known can be included below:

* I intend to terminate my employment on

SIGNED: _____ DATE : _____

**TO: Assistant Chief Executive (People Management)
Building 4, St. David's Park, Job's Well Road, Carmarthen. SA31 3HB**