

CITIZENS ADVICE REIGATE AND BANSTEAD ADOPTION LEAVE POLICY AND PROCEDURE

1. Introduction

The purpose of this policy is to provide consistent and up to date advice to all Citizens Advice Reigate and Banstead employees who are thinking of or are in the process of adopting a child.

2. Responsibilities

You have a responsibility to:

- ensure you follow the correct procedure for each area of leave
- maintain contact with your manager during periods of leave and ensure that you return to work as expected
- ensure that Citizens Advice Reigate and Banstead managers are kept informed as to potential leave requirements
- provide the appropriate certificated proof in support of the applicable leave
- ensure you have completed the required form for the type of leave applied for
- provide any proof of evidence if required for application approval

Your Manager has a responsibility to:

- ensure you are made aware of your rights under the leave policy
- provide advice to you as appropriate
- maintain a full and up-to-date record of leave taken

3. Adoption Leave Summary

Description	If you are planning to adopt a child / children
Who?	Adopting parents or partners (and some surrogacy and “foster to adopt” situations)
Eligible?	From your very first day at Citizens Advice Reigate and Banstead
When?	After Adoption
How Long?	Up to 52 weeks
Paid?	Yes – up to 39 weeks - depending on length of service and eligibility

You may be eligible to take time off work to adopt a child or have a child through a surrogacy arrangement. This is made up of 52 weeks as follows:

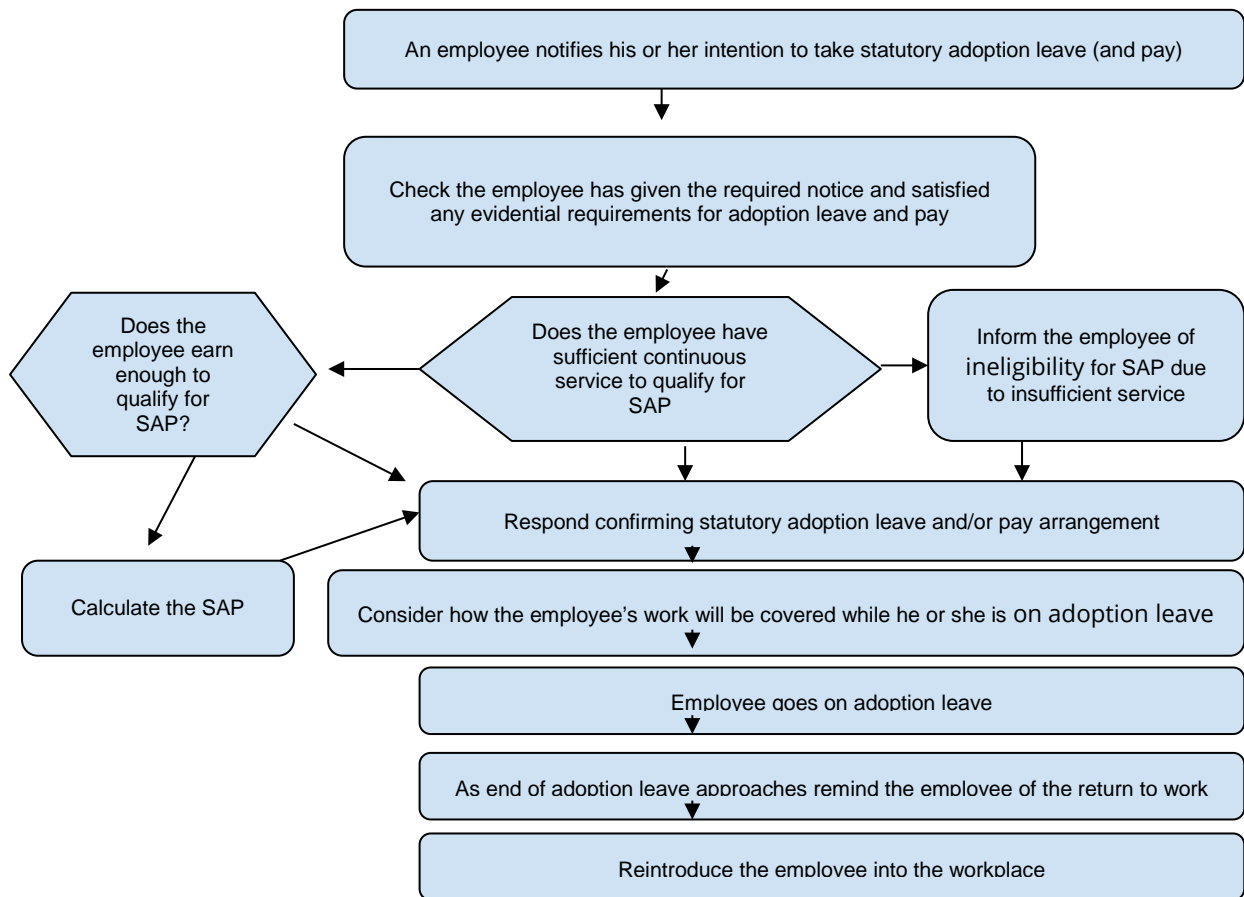
- 26 weeks of Ordinary Adoption Leave
- 26 weeks of Additional Adoption Leave

Only 1 person in a couple can take adoption leave. The other partner could get [paternity leave](#) instead. You may also be eligible to take [Shared Parental Leave](#) and Pay.

If you get adoption leave, you can also get paid time off work to attend 5 adoption appointments after you've been matched with a child.

Use the [planner](#) to work out the dates for your adoption leave on GOV.uk.

5. The process



6. Adoption Leave qualification

To be eligible for adoption leave an employee must:

- have worked for Citizens Advice Reigate and Banstead continuously for at least 26 weeks by the week they were matched with the child.
- be newly matched with a child for adoption by an adoption agency and have agreed to the placement
- be the child's primary adopter
- have notified the adoption agency that he or she agrees to the placement and the date of placement; and
- have complied with the notice requirements (set out below).

7. Employment rights when on leave

7.1 Your [employment rights](#) are protected while on Statutory Adoption Leave. This includes your right to:

- pay rises
- build up (accrue) holiday
- return to work

7.2 Shared Parental Leave

If your child was placed for adoption on or after 5 April 2015 your partner could get extra paid leave to look after the child if you return to work - known as [Shared Parental Leave](#).

7.3. Start date

Adoption leave can start:

- up to 14 days before the date the child starts living with you (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (if you've used a surrogate to have a child)

Adopters are required to give written notice of their intention to take adoption leave no more than seven days after being advised by the adoption agency that they have been matched with a child for adoption (unless this is not reasonably practicable).

The employee must specify:-

- the date on which the child is expected to be placed with them for adoption; and
- the day on which they want their adoption leave to start.

7.4 Amendment of dates

Should you wish to change your dates of Adoption Leave, you must inform Citizens Advice Reigate and Banstead within 28 days of the date of placement (or UK arrival date for overseas adoptions) changes.

An employee may vary the requested commencement date providing he or she gives Citizens Advice Reigate and Banstead at least 28 days' notice before the date of the placement, if he or she intended to start his or her leave on that date, or before the date that was agreed if he or she intended to start his or her leave within 14 days prior to the placement. (If it is not reasonably practicable to give 28 days' notice, then the employee must give notice as soon as is reasonably practicable).

You must give Citizens Advice Reigate and Banstead at least 8 weeks' notice if you want to change your return to work date.

7.5 Statutory Adoption Pay (SAP)

If an employee wishes to receive SAP the employee must give at least 28 days' notice stating:

- the date they want SAP to start;
- the expected date of placement;
- the name and address of the adoption agency;
- the date on which they were notified of the match;
- that they are electing to receive SAP and not Statutory Paternity Pay.

7.6 Proof of adoption

You must give Citizens Advice Reigate and Banstead proof of adoption to qualify for SAP. Proof is not needed for Statutory Adoption Leave unless they request it.

The proof must show:

- your name and address and that of the agency
- the match date - eg the matching certificate
- the date of placement - eg a letter from the agency
- the relevant UK authority's 'official notification' confirming you're allowed to adopt (overseas adoptions only)
- the date the child arrived in the UK - eg plane ticket (overseas adoptions only)

SAP cannot be paid without evidence of entitlement and Citizens Advice Reigate and Banstead are required to keep records for at least three years after the end of the tax year in which the SAP was paid.

SAP starts when you take your adoption leave. SAP is paid for up to 39 weeks. The weekly amount is:

- 90% of your average weekly earnings for the first 6 weeks
- Statutory rate or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks

If your pay started before 5 April 2015, you'll get the statutory amount for the first 6 weeks. It's paid in the same way as your wages (eg monthly or weekly). Tax and National Insurance will be deducted.

7.7 Overseas adoptions

You must tell Citizens Advice Reigate and Banstead:

- the date of your 'official notification'
- the estimated date the child arrives in the UK - within 28 days of getting the notification
- the actual date the child arrives in the UK - within 28 days of this date
- how much leave you want and your start date - giving {organisation name} 28 days notice

7.8 Fostering for adoption

You're entitled to adoption pay and leave from when the child comes to live with you.

7.9 Surrogacy arrangements

If you use a surrogate to have a baby, tell Citizens Advice Reigate and Banstead the due date and when you want to start your leave at least 15 weeks before the expected week of birth. They may ask for this in writing.

Citizens Advice Reigate and Banstead may also ask for a written statement ('statutory declaration') to confirm you've applied or will apply for a [parental order](#) in the 6 months after the child's birth. You must sign this in the presence of a legal professional.

7.8 Keeping-in-touch days (KIT)

Employees may carry out a maximum of 10 days' work and there is no provision for these days to be paid. Any work carried out on a day constitutes one day's work. These KIT days may be used for any activity that would be classed as work under the contract of employment and may be particularly useful to enable an employee to come into work for training, conferences or team meetings. However, an employee on additional leave is not obliged to agree to 'keeping-in-touch' days, nor is Citizens Advice Reigate and Banstead obliged to provide them.

7.9. Return to work

The employee is entitled to return to the same job on the same terms and conditions after Ordinary Adoption Leave. If, after Additional Adoption Leave, it is not reasonably practicable for Citizens Advice Reigate and Banstead to return to the same job, they are entitled to be offered a suitable alternative job on no less favourable terms and conditions.

7.10 Protection from detriment and dismissal

Employees are protected from suffering unfair treatment or dismissal for taking, or seeking to take, paternity leave (both ordinary and additional). Employees who believe they have been treated unfairly can complain to an employment tribunal.

6. Further information

You should contact your line manager at Citizens Advice Reigate and Banstead. Your managers should consult the relevant section of BMIS for more guidance and support. The SAP rates can be found on www.gov.uk website.