



Argyll and Bute Council

Adoption Information and Procedures for Teachers and Associated Professionals

(Employee and Manager's Guide)

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1. Purpose	
	Action required
1.1	The purpose of this document is to guide managers and employees in relation to employees' entitlement to adoption leave and pay.

2. Scope		
	Action required	By whom / when
2.1	<p>All employees of the Council (regardless of their length of service) who are newly matched with a child for adoption within Great Britain through an approved adoption agency will be entitled to adoption leave provided they meet the notification requirements. The adoption agency must be recognised in the United Kingdom.</p> <p>Adoption leave is also available to eligible employees who are adopting a child from overseas and who have received official notification from the relevant UK authority that they have been assessed and approved as being suitable adoptive parents.</p> <p>Parents who will become the legal parents of a child under a surrogacy arrangement are entitled to take adoption leave.</p> <p>Local Authority foster parents who are also prospective adopters ("foster to adopt") are entitled to take adoption leave in relation to children matched for adoption on or after 5th April 2015. An employee is not entitled to take ordinary adoption leave in relation to a child in the capacity of his or her adopter if the employee has already taken ordinary adoption leave as a result of that child being placed, or being expected to be placed, with the employee under s.22C (i.e.as a foster parent).</p> <p>Adoption Leave is made up of 26 weeks of ordinary adoption leave which is immediately followed by 26 weeks' of additional adoption leave. The employee's maximum entitlement is therefore to take up to 52 weeks' adoption leave.</p>	
2.2	<p>The right to adoption leave is available to one member only of a couple who have had a child placed with them for adoption. It is up to the adoptive parents to decide which of them takes the adoption leave. The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may, however, be entitled to a period of paid paternity leave.</p> <p>A couple who adopt a child may also be entitled to shared parental leave of up to 50 weeks, to be shared between them during the first year of the adoption, if they meet the eligibility requirements.</p>	

2.3	These procedures apply to teacher's and associated professionals (music instructors, educational psychologists, senior educational psychologists, depute principal educational psychologists, principal educational psychologists, education support officers, quality improvement officers and quality improvement managers) who are governed by Scottish Negotiating Committee for Teachers (SNCT) bargaining arrangements.	
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3. Definitions Used in this document

	Action required	By whom / when
3.1	<p>The following definitions are used in these procedures:</p> <p>"Adopter" means the person with whom the child is, or is expected to be, placed for adoption, or, in a case where two people have been matched jointly, whoever has elected to be the child's adopter for the purposes of adoption leave.</p> <p>"Partner" means the person who is married to, or the civil partner, or the partner of the adopter at the date on which the child is placed for adoption (for adoptions from overseas, at the date on which the child enters Great Britain). This includes someone, of either sex, who lives with the adopter and the child in an enduring family relationship but who is not the adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.</p> <p>"Matched for adoption" means an adoption agency deciding that a person would be a suitable adoptive parent for a child either individually or jointly with another person. A person is notified of having been "matched for adoption" with a child on the date on which the person receives notification of the adoption agency's decision.</p> <p>"Placed for adoption" means placed for adoption under UK adoption laws, including placement with a local authority foster parent who is also a prospective adopter ("foster to adopt").</p> <p>"Official notification" means written notification, issued by or on behalf of the relevant domestic authority, that it is prepared to issue a certificate to the overseas authority concerned with the adoption of a child from overseas, or that it has issued a certificate and sent it to that authority, confirming, in either case, that the adopter is eligible to adopt, and has been assessed and approved as being a suitable adoptive parent. The relevant domestic authority is defined as the Secretary of State, except in the case of an adopter to whom the Intercountry Adoption (Hague Convention) Regulations 2003 apply and who is habitually resident in Wales, in which case it is the National Assembly for Wales, or one to whom the Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003 apply and who is habitually resident in Scotland, in which case it is the Scottish Ministers.</p>	

	“Continuous Service” is all previous service without a break with either a local or public authority to which The Redundancy Payment (Local Government) (Modification) Order 1990 (as amended) applies	
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4. Notifying the Council of the Intention to Take Adoption Leave

	Action required	By whom / when
4.1	To be entitled to take adoption leave and receive statutory adoption pay (See Entitlement to Pay During Adoption Leave for eligibility criteria), the employee is required to give the Council written notification of his/her intention to take adoption leave. There are different notification requirements depending on whether employees are adopting a child within Great Britain, or from overseas, or as part of a surrogacy arrangement.	Employees
4.2	<p>Employees who are adopting children within Great Britain must give the Council written notification of his/her intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency.</p> <p>Notice, which must be in writing, must specify the date the child is expected to be placed with the employee for adoption and the date the employee intends his/her adoption leave to start. Form FAM1(D) which is available on The Hub should be used for this purpose. The employee should also give the matching certificate provided by the adoption agency to their line manager, together with the form.</p>	Employees
4.3	<p>For employees who are adopting a child from overseas, there are 3 stages to the notice which they must give the Council. When they do this depends on how much continuous service employees' have.</p> <p>First Notification Stage: Employees must inform their line manager of: The date on which they received official notification The date on which their child is expected to enter Great Britain Employees who have at least 26 weeks continuous service must notify their line manager within 28 days of receiving official notification. Employees who do not have 26 weeks continuous service must give their line manager notice as soon as they have completed 26 weeks continuous service. Form FAM1(E) should be used for this purpose</p> <p>Second Notification Stage:</p>	Employees

	<p>Employees must give their line manager at least 28 days' notice of the actual date on which they want their Adoption Leave to start. This can be the date on which the child enters Great Britain or a predetermined date no later than 28 days after the date the child enters Great Britain. They can give this notice at the first notification stage if they know the date. If it is not reasonably practicable to give 28 days' notice, the employee must give notice as soon as is reasonably practicable.</p> <p>Form FAM1H : Adoption Leave Request Form – Teachers and Associated Professionals (SNCT Conditions of Service) should be used for this purpose</p> <p>Third Notification Stage:</p> <p>Within 28 days of the child entering Great Britain, the employee must provide the Council with evidence in writing of the actual date of entry e.g. copies of entry clearance documents such as the child's VISA or passport, plane tickets etc.</p> <p>Form FAM1(G) should be used for this purpose, and submitted to the line manager together with evidence of the actual date of entry.</p>	
4.4	<p>Once authorised by their line manager, employees should send the appropriate forms along with any original documentation such as their original matching certificate from the adoption agency (if the child is being adopted within Great Britain) or official notification and evidence of the date of entry (if adopting a child from overseas) to the HR Attendance Team for processing.</p>	Employees
4.5	<p>Employees in surrogacy arrangements must notify their line manager in writing when the baby is due and when they want to start their leave, and this must be provided at least 15 weeks before the baby's due date.</p> <p>The intended parent of a child who is born under a surrogacy arrangement is not entitled to either maternity leave or statutory maternity pay as these benefits are available only to employees who give birth. However, the employee may be entitled to adoption leave and pay and other types of family leave.</p> <p>Adoption leave and pay are available to employees who become the legal parents of a child by applying for a parental order in a surrogacy situation.</p> <p>Employees for whom a surrogate mother has a child may also be entitled to take ordinary parental leave, which is unpaid and depends on the employee having parental responsibility for the child and having gained a minimum of one year's continuous service with the employer. The total entitlement to parental leave is 18 weeks per child, to be taken before the child's 18th birthday. The Council has a separate procedure for Ordinary Parental Leave.</p>	Employees

5. Action to be Taken on Notification		
	Action required	By whom / when
5.1	On receiving notification of adoption from the employee, the line manager should issue him/her with a copy of this document and direct the employee to The Hub which contains (with the exception of the matching certificate/official notification/proof of entry documents), all the necessary documentation which the employee requires. If the employee is unable to access The Hub then the line manager should obtain the relevant documents on behalf of the employee.	Line Manager
5.2	The line manager may arrange a meeting with the employee to discuss the practicalities arising from the employee's adoption leave which could include: <ul style="list-style-type: none"> • How the employee's work will be covered whilst he/she is on adoption leave and any arrangements for a handover • Keeping In Touch days • Contact envisaged during the leave period – what information he/she can expect to receive, how often and by what means the employer will contact him/her • Scheduling of annual leave • How the employee may wish to take his/her adoption leave, including whether he/she may wish to consider Shared Parental Leave 	Line Manager
5.3	The line manager should authorise the form completed by the employee, and return it to the employee for forwarding to the HR Attendance Team for processing, together with the original matching certificate/official notification/proof of entry (as applicable).	Line Manager
5.4	The Council will formally respond in writing to the employee's notification of their leave plans within 28 days, confirming the date on which he/she is expected to return to work if he/she takes their full 52-week entitlement to adoption leave.	HR on receipt of notification from employee

6. Timing of Adoption Leave		
	Action required	By whom / when
6.1	If adopting within Great Britain, the adoption leave period may begin from the date of the child's placement for adoption (whether this is earlier or later than expected), or from a predetermined date which can be up to 14 days before the expected date of placement. In the case of a child adopted from overseas, the adoption leave period may begin on the date the child enters Great Britain or from a predetermined date that is no later than 28 days after this date.	

6.2	Subject to 6.1 above, the employee is permitted to bring forward his/her adoption leave start date, provided that he/she advises the Council in writing at least 28 days before the new start date or, if that is not possible, as soon as is reasonably practicable. The employee may also postpone his/her adoption leave start date, provided that he/she advises the Council in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as is reasonably practicable.	Employee
6.3	To make administration as easy as possible, the employee should discuss the timing of his or her adoption leave with his/her immediate manager as early as possible.	Employee & Line Manager
6.4	The law obliges the adopter, or the parental order parent in a surrogacy, to take at least 2 weeks adoption leave starting from the day on which adoption leave begins.	Employee

7. Time Off For Adoption Appointments		
	Action required	By whom / when
7.1	<p>An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments. The other can elect to take paid time off to attend up to two adoption appointments. In practice this will often mean the primary adopter in a couple will take the more generous right, while his or her partner will take the paid time to accompany the primary adopter to a number of the adoption appointments. However, there is nothing to prevent the primary adopter's partner from taking the greater amount of paid time off, which may be the couple's preferred option if the primary adopter earns less than his or her partner.</p> <p>The purpose of the appointment is to enable the employee (and his/her partner) to have contact with the child (for example, to bond with him/her before the placement) and for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).</p>	
7.2	The appointment must have been arranged by, or at the request of, the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.	
7.3	The employee should endeavour to give their line manager as much notice as possible of adoption appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.	Employee
7.4	The time off is capped at 6½ hours per appointment and could be used to cover travelling time, waiting time and attendance at the appointment although individuals should take only the time that they need to attend the adoption	Employee

	<p>appointment.</p> <p>If extra time is needed, the employee may be able to take annual leave; unpaid leave or, if eligible, flexi leave with the prior permission of their line manager.</p> <p>The Council will ask the employee for proof of the date and time of the appointment and that the appointment has been arranged by, or at the request of, the adoption agency (for example, a letter or email from the adoption agency).</p> <p>In addition, if the employee is adopting jointly, the Council will ask the individual to sign a declaration, to be submitted alongside the documentary evidence, confirming that he/she has elected to exercise his/her right under either s.57ZJ or s.57ZL of the Employment Rights Act 1996 to take time off to attend an adoption appointment. The Council will ask for the declaration on the first occasion on which the individual asks for time off to attend an adoption appointment. Form FAM8C should be used for this purpose.</p>	Line Manager
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8. Entitlement to Pay During Adoption Leave		
	Action required	By whom / when
8.1	<p>Employees who take adoption leave and comply with the notification requirements, will qualify for Council Adoption Allowance provided that they have 26 weeks' continuous service calculated as at the week in which notification of matching was given by the adoption agency if adopting a child within Great Britain. Where the child is being adopted from overseas, the employee must have been continuously employed for a minimum of 26 weeks ending with the week in which he or she is sent official notification from the relevant UK authority that he or she is eligible to adopt a child from overseas, or ending with the week in which the statutory adoption pay period is to begin, whichever is later.</p> <p>Employees may also be entitled to Statutory Adoption Pay (SAP) provided they meet the 26 weeks continuous service requirements outlined above, and their average weekly earnings are not less than the lower earnings limit for national insurance contributions. SAP will be paid at the statutory prescribed rate or 90% of average weekly earnings if this is less than the statutory flat rate.</p> <p>Employees must usually give their line manager 28 days' notice before they want to be paid Statutory Adoption Pay, unless the time between the child being matched and placed is less than that.</p>	Employees

8.2	<p>Entitlement to Pay during Adoption Leave:</p> <table border="1" data-bbox="257 288 1816 628"> <tr> <td data-bbox="257 288 772 443"></td> <td data-bbox="779 288 1189 443">Employees with less than 26 weeks continuous service at matching/official notification week</td> <td data-bbox="1196 288 1816 443">Employees who have at least 26 weeks service as at matching/official notification week</td> </tr> <tr> <td data-bbox="257 448 772 549">Wages are above the lower earnings limit for NI contributions</td> <td data-bbox="779 448 1189 549">No Entitlement to Pay</td> <td data-bbox="1196 448 1816 549">SAP plus Occupational Adoption Allowance</td> </tr> <tr> <td data-bbox="257 553 772 628">Wages are below the lower earnings limit for NI contributions</td> <td data-bbox="779 553 1189 628">No Entitlement to Pay</td> <td data-bbox="1196 553 1816 628">Occupational Adoption Allowance Only</td> </tr> </table>		Employees with less than 26 weeks continuous service at matching/official notification week	Employees who have at least 26 weeks service as at matching/official notification week	Wages are above the lower earnings limit for NI contributions	No Entitlement to Pay	SAP plus Occupational Adoption Allowance	Wages are below the lower earnings limit for NI contributions	No Entitlement to Pay	Occupational Adoption Allowance Only	
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Wages are below the lower earnings limit for NI contributions	No Entitlement to Pay	Occupational Adoption Allowance Only									
8.3	<p>Employees who meet the continuous service requirements will be entitled to receive (a) Occupational Adoption Pay (OAP) and Statutory Adoption Pay (SAP) at the appropriate rate for the first 13 weeks. Taken together, these payments will be equal to the employee's normal salary, and where eligible, (b) SAP for the remaining 26 week period, provided that the employee's average weekly earnings are not less than the lower earnings limit for National Insurance contribution liability.</p> <p>The remaining 13 weeks of Additional Adoption Leave are unpaid. For members of the Scottish Teachers Pension Scheme, when an employee is not receiving pay, that time will be counted as a period of non-contribution and there is no option to repay it.</p> <p>If they wish to pay extra into their pension, members can make an election to pay Additional Pension Contributions (APCs). They can choose to buy extra annual pension, up to a maximum of £6,500 in the 2015 scheme and £6,300 in the Superannuation Scheme, using an (APC). Additional pension must be bought in multiples of £250. Therefore the minimum amount available to purchase is £250. Members would need to contact the pension provider Scottish Public Pension Agency fund for an application form. SPPA then notifies the employer that the APC can proceed, the APC's commencement date and the amount to deduct from payroll.</p> <p>An illustrative Calculator is available on the SPPA website by clicking on the following link: Purchasing Additional Pension</p>										
8.4	<p>Employees who are not entitled to Statutory Adoption Pay (SAP) during their adoption leave should contact Jobcentre Plus to determine what, if any, benefits they may be entitled to. Further information is available on https://www.gov.uk</p>										

9. Terms and Conditions During Adoption Leave		
	Action required	By whom / when
9.1	During the period of Adoption Leave the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for remuneration.	
9.2	<p>Employees with parental responsibility for children aged up to 16 years may save on Tax and National Insurance by using Childcare Vouchers. If their childcare provider is registered with the Scottish Care Commission employees can join the salary sacrifice scheme and, depending upon how much they earn, and when they joined the scheme, receive up to £55 per week in tax and NI exempt Childcare Vouchers.</p> <p>Prior to requesting vouchers it is important that the childcare provider registers with the Council's voucher provider. Otherwise, employees may find they are receiving vouchers that their childcare provider will not accept. For more information please go to the Computershare Voucher Services website - http://www.computersharevoucherservices.com/</p> <p>Employees who are already in receipt of Childcare Vouchers may opt out of the scheme or continue to receive vouchers during their full period of leave depending on their individual circumstances. Entitlement to Statutory Adoption Pay (SAP) and the amount payable during the first six weeks of adoption leave (the higher rate) are calculated in accordance with the employee's average weekly earnings over the eight-week period ending with the week in which the employee is notified of being matched with the child for adoption/receiving official notification. It is the employee's actual earnings during this eight-week calculation period that are used to work out entitlement to SAP, therefore employees who wish to opt out of the scheme must do so prior to that to ensure that any Statutory Adoption Pay they receive is calculated based on their higher NIable salary (without salary sacrifice deductions).</p> <p>Employees must be a parent or have parental responsibility for a child at the time they join the Childcare Voucher Scheme.</p> <p>Employees should note the Government is introducing a new scheme called Tax-Free Childcare (TFC). TFC will be different to childcare vouchers, and will not be offered through employers. You'll be able to open an online account, which you can pay into to cover the cost of childcare with a registered provider. This will be done through the government website, GOV.UK. Parents pay money into an account from their net pay, so it's taken after tax and National Insurance have been deducted. Then for every 80p they pay in, the government adds 20p. Parents will need to pay in £8,000 to reach the maximum government contribution of £2,000 per child per year (or in the case of a disabled</p>	Employees

	<p>child up to £4,000).</p> <p>TFC will be rolled out in 2017, starting on 28 April 2017, in such a way that allows the youngest children to enter the scheme first. You'll be able to apply for all your children at the same time, when your youngest child becomes eligible. All parents will be able to join TFC by the end of 2017. It's also not just the parents who can pay into the account - if grandparents or other family members want to pay in, then they can. The scheme will be available for children up to the age of 12, or up to 17 if your child is disabled. To qualify, parents will have to be in work, and each earning at least £115 a week and not more than £100,000 each per year.</p> <p>The existing childcare voucher scheme will remain open to new entrants until April 2018. Parents already registered by this date will be able to continue using it for as long as their employer offers it. After that date, if a parent chooses to leave the Childcare Voucher Scheme, they can't re-join it later on. It is also important to note that if employees' decide to join TFC, they can keep taking childcare vouchers for three months after they first use TFC, but they must then cancel their voucher order. Once they have joined TFC, they can't then switch back to the Council's childcare voucher scheme at a later date.</p> <p>Some parents will be better off with TFC, and some will save more with childcare vouchers. To help you decide there is an online tool available at http://www.giveyourselfachoice.com/employers/tools</p> <p>More information will also be available on the Government's website (GOV.UK) so that parents making childcare decisions are able to consider all their options.</p>	
9.3	<p>Employees who have a car leased by the Council, should contact Customer Services, Kilmory, Lochgilphead on 01546 604102/4357 as a recalculation of their payments may be required to take account of the leave.</p>	Employees
9.4	<p>Adoption Leave is granted in addition to an employee's normal annual leave entitlement. Employees still accrue annual leave while on Adoption Leave.</p> <p>Teachers and Music Instructors will accrue leave during their period of adoption leave as follows:</p> <p>The annual leave entitlement of a full time teacher or music instructor shall be 40 days. Pro rata arrangements shall apply to part time staff and those employed for any part of the leave year. Public holidays are included in this entitlement. A teacher or music instructor working for an entire school session will accrue a full leave entitlement. The annual leave entitlement is inclusive of statutory leave entitlement (28 days).</p> <p>All teachers and music instructors will accrue paid leave on the basis of 0.2051 of a day for each day worked in the school session and pro rata for each part day. 'Days worked' include any period of maternity leave, adoption leave, paternity leave, days of sickness absence and any other form of paid leave, except for annual leave.</p>	Employee & Line Manager

Within the leave year, the balance of days beyond the working year and the annual leave entitlement, excluding Saturdays and Sundays, shall be days of school closure. The placement of the 40 days annual leave within the school holiday periods shall be determined by the council's LNCT. The LNCT shall allocate the leave days in a broadly proportionate manner across the four main school holiday periods (Autumn, Winter, Spring and Summer).

Where accrued leave arising from maternity leave, adoption leave and paternity leave is directed to be taken during days of school closure an additional payment will be made for each day of leave, in accordance with the SNCT Handbook. The daily rate of pay for teachers and music instructors will be 1/235 of the annual rate of salary. The hourly rate of pay will be calculated on the basis of 1/1645 of the annual rate of salary.

Education support officers, quality improvement officers and educational psychologists will accrue annual leave during the period of their Adoption Leave as follows:

The leave year runs from 1st January to 31st December. For those with less than 5 years continuous service the annual leave entitlement is 35 days (pro-rate for part-time employees). For those with 5 years or more continuous service at the beginning of a leave year, the annual leave entitlement is 40 days (Pro-rata for part-time employees). The leave entitlement for part-year service will be calculated on a pro-rata basis. Public Holidays are included in the leave entitlement.

On return from adoption leave the employee shall take any remaining statutory leave in that leave year. Where it is not practicable to take that leave in full or in part any balance will be carried forward into the next leave year but must be taken as leave. The timing of this leave shall take account of the needs of the service and,

- (a) in the case of teachers and music instructors, should normally be taken in the term in which the return to work takes place, or within the following term; or
- (b) in the case of education support officers, quality improvement officers and educational psychologists, should normally be taken as soon as possible following the return to work.

The balance of annual leave, in excess of statutory leave entitlement (i.e. 28 days), accrued during the period of adoption leave shall be taken following the end of the adoption leave period. The timing of this leave is subject to the overriding needs of the service and,

- (a) in the case of teachers and music instructors, the accrued leave can be directed to be taken during the days of school closure, with payment to be arranged in accordance with the arrangements set out above with any remaining leave to be taken in the term in which the return to work takes place, or within the following term; or
- (b) in the case of education support officers, quality improvement officers and educational psychologists, should normally be taken as soon as possible following the return to work.

	An employee's additional adoption leave period must begin on the day after the period of ordinary adoption leave ends, so that the entire period of adoption leave of up to 52 weeks in total is consecutive. Therefore, it is not possible for an employee to take a period of holiday, whether paid or otherwise, in between ordinary adoption leave and additional adoption leave.	
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10. Maternity and Adoption Support Leave and Pay		
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	Action required	By whom / when
10.1	In accordance with the Scottish Council Agreement, Argyll & Bute Council operates a scheme for Maternity and Adoption Support Leave and Pay for all employee groups, including teachers.	
10.2	Maternity and Adoption Support leave provides for 5 days' absence from work, with pay, for a spouse or partner or nominated carer of an expectant mother or of someone taking adoption leave at or around the time of birth or placement. The nominated carer is the person nominated by the mother, or the person taking adoption leave, to assist in the care of the child and to provide support to her/him.	
10.3	For full details about Maternity and Adoption Support Leave and Pay, please refer to the Ordinary Paternity Leave and Maternity and Adoption Support Leave Procedures .	

11. Contact During Leave		
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	Action required	By whom / when
11.1	<p>The Council reserves the right to maintain reasonable contact with employees during adoption leave. This may be to discuss employees' plans for return to work; to discuss any special arrangements to be made or training to be given to ease their return to work; or to update them on developments at work during their absence. As this does not constitute work, it will not count towards the 10 keeping in touch days. (See Keeping in Touch Days below for further information).</p> <p>It is good practice for line managers to agree with employees beforehand how this contact should take place, and important to be sensitive to an employee's circumstances and preferences.</p>	Employee & Line Manager

12. Keeping In Touch Days		
	Action required	By whom / when
12.1	<p>Employees can agree to work for the Council (or to attend training) for up to 10 days during their adoption leave without that work bringing their adoption leave to an end and without loss of a week's statutory adoption pay. These are known as "keeping-in-touch" days. Keeping in touch days do not have to be consecutive. If an employee works Keeping in Touch Days it will not extend the total duration of the adoption leave period.</p> <p>The 10 keeping-in-touch days are not pro-rated for part-time employees. For example, an employee who normally works only a three-day week is still entitled to 10 keeping-in-touch days.</p>	
12.2	The Council has no right to require employees to carry out any work and employees have no right to undertake any work during their adoption leave.	
12.3	<p>The time and purpose of keeping in touch activities must be agreed between the employee and their line manager in advance. It is also a matter for agreement between the employer and the employee whether the days should be worked as a single block or separately.</p> <p>The days can be used for any activity that would ordinarily be classed as work under the employee's contract. However, they could be particularly useful in enabling the employee to attend conferences, undertake training, attend team meetings or to complete a project or a specific piece of work.</p> <p>The SNCT recommends the following as examples of good practice which may be undertaken in Keeping in Touch Days:</p> <ul style="list-style-type: none"> (i) Attending INSET days, as set out in the school calendar. (ii) Team teaching with the teacher covering the leave, particularly in the weeks preceding the date of return. (iii) Attending CLPL events, including participating in annual review discussions. (iv) Attending team or departmental meetings. (v) Work shadowing a colleague or liaison with a colleague. 	Employee & Line Manager
12.4	A day's work will be the normal hours or shift patterns at the employee's workplace. Any work carried out on a day shall constitute a day's work for these purposes. If an employee on adoption leave comes in for a one-hour training session and does no other work on that day, they will still have used up one of their keeping-in-touch days. KIT days, taken by	

	<p>Council employees, shall be paid at the normal contractual daily rate; such payments will be offset off against any adoption pay that they receive.</p> <p>If the work carried out during a shift straddles midnight it may be counted as one day for the purposes of “keeping-in-touch days”; if the employee's normal working pattern is such that this would fall within a normal working day.</p> <p>Once his or her 10 keeping in touch days have been used, an employee will lose a week's statutory adoption pay for any week in which he or she does any work, even if it is for only one day or less than a day.</p> <p>In order to ensure employees are paid correctly, when an employee works a Keeping In Touch Day their line manager should complete Form FAM3 and return this to the HR Attendance Team for processing.</p>	Line Manager
12.5	<p>Line managers should consider what practical arrangements need to be made to enable an employee to work during the leave period. For example, if the adoption leave is being covered by a temporary employee, another workstation may be required. As it can be quite daunting for an employee returning to work after a long absence, wherever possible he or she should be able to work at his or her usual workstation.</p>	Line Manager

13. Returning to Work After Adoption Leave

13. Returning to Work After Adoption Leave		
	Action required	By whom / when
13.1	<p>Subject to 6.4 above, the employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that he/she gives the appropriate notification. Alternatively, the employee may take their full period of adoption leave entitlement and return to work at the end of this period.</p> <p>If the employee wishes to return before the full period of adoption leave has elapsed, he/she must give at least twenty eight days' notice in writing to the Council of the date on which he/she intends to return. To do this the employee should complete Form FAM2A and forward it to their line manager for approval at least 28 days before the date they wish to return. If the employee wishes to take any annual leave following their adoption leave period they should note this on the Form FAM2A and submit the form 28 days prior to the commencement of their period of requested annual leave. Employees are advised to contact their line manager to discuss their return to work before submitting this form.</p> <p>If an employee attempts to return early without giving the required notice, the Council can postpone his or her return to a date that secures at least twenty eight days' notice, but cannot postpone the return to a date that is after the original return date.</p>	Employee

13.2	<p>The employee has the right to resume working in the same job if returning to work from ordinary adoption leave. If the employee returns to work after a period of additional adoption leave, he/she is entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.</p> <p>“Job” for this purpose means the nature of the work which he/she is employed to do and the capacity and the place in which he/she is so employed.</p> <p>However, where it is not practicable by reason of redundancy for the Council to permit the employee to return to work in their job as outlined above, the employee is entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in the post is suitable and appropriate to the circumstances, and that the capacity and place of employment and the terms and conditions of employment are not substantially less favourable than if the employee had been able to return to the job in which he/she was employed prior to their absence.</p> <p>However, suitable alternative employment may also be offered in exceptional circumstances other than redundancy (e.g. a general reorganisation) which would have occurred if the employee had not been absent, and necessitate a change in the job in which he/she was employed prior to his/her absence.</p>	
13.3	<p>Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the employee is unable to return to work on the expected date due to sickness in which case the normal notification and certification provisions of the Council’s sickness scheme will apply.</p>	Employee
13.4	<p>If the employee decides during adoption leave that he/she does not wish to return to work, he/she should give written notice of resignation to the Council as soon as possible and in accordance with the terms of his/her contract of employment.</p>	Employee
13.5	<p>If the adoption is disrupted for some reason (for example the child is returned to the adoption agency or, in the case of adoption from overseas, ceases to live with the adopter), the employee must notify the Council. In this event, where the adoption placement ends within the first 26 weeks of Adoption Leave the employee will be entitled to remain absent from work until the end of the 26 week period. Where the adoption placement ends after the 26th week of Adoption Leave the employee will be entitled to remain absent on Adoption Leave for up to 8 weeks after the end of the placement or until the end of the Adoption Leave period, whichever is sooner. In both cases, Statutory Adoption Pay will end eight weeks after the end of the week in which the adoption is disrupted. A week for these purposes is a period of seven days beginning with a Sunday.</p>	

14. Transfer of Adoption Leave		
	Action required	By whom / when
14.1	Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date. Shared Parental leave is a type of leave that is available to parents in relation to children placed for adoption on or after 5th April 2015, and should not be confused with Ordinary Parental Leave which is unaffected by Shared Parental Leave. Ordinary Parental Leave is the entitlement to up to 18 weeks' unpaid leave. The Council has a separate policy on Ordinary Parental Leave .	
14.2	The employee can request to take shared parental leave in one continuous block (in which case the Council is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of separate blocks of leave (in which case the employee needs the Council's agreement).	
14.3	To be able to take shared parental leave, an employee and his/her partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the adopter curtailing his or her adoption leave.	
14.4	Employees should refer to the Council's Shared Parental Leave Procedures where they will find full details of the eligibility requirements, as well as instructions as to how the adopter's adoption leave can be curtailed. The Council's procedure on shared parental leave sets out the notice periods with which employees must comply and what evidence they must provide to the Council.	Employee
14.5	The adopter and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.	Employee

15. Flexible Working		
	Action required	By whom / when
15.1	Employees of the Council have the right to request flexible working. This could include asking to change the hours or days that they work. The Council is keen to encourage a healthy work life balance for all employees and welcomes these requests. However it is important that the needs of the Service are taken into account when considering them. Please note the right is for employees to request a change to their current working pattern. The Council is not obliged to	

	grant such a request and reserves the right to refuse it on relevant business grounds. For further information please refer to the Alternative Ways of Working Policy and Alternative Ways of Working Procedure ; both of which are available on The Hub.	
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16. Special Circumstances		
	Action required	By whom / when
16.1	<p>Where more than one child is placed with an employee as part of the same placement (e.g. twins or siblings of different ages) the employee will be entitled to only one period of adoption leave.</p> <p>However, if another child is placed with the employee soon after the placement of the first child (i.e. a new placement under a separate matching certificate), provided that the employee satisfies the qualifying conditions, he or she will be entitled to another period of adoption leave. In these circumstances, the adoption leave relating to the second child will supercede the first period of leave. For example, if the second period of leave begins one month after the first period, the first period will come to an end after one month and the employee will be entitled to a further 52 weeks' adoption leave from that point.</p> <p>If the employee qualifies for statutory adoption pay in relation to both children, the adoption pay relating to the first child is not brought to an end by entitlement to adoption pay relating to the second child. The employee will be entitled to two payments during any weeks where the two periods of adoption pay entitlement overlap.</p>	
16.2	Statutory adoption leave is available only where a child has been newly matched with an adoptive parent by an adoption agency therefore a step parent who adopts his or her partner's child will not qualify for it.	
16.3	If the employee works for another employer during the statutory adoption pay period, the employer will need to check whether or not the employee worked for the other employer during the week in which he or she was notified of the match for adoption. If the employee did, statutory adoption pay should be paid as usual. If the employee did not, the employer must stop paying statutory adoption pay from the start of the week that the employee works for the other employer. It is up to the employee to inform the employer about working for someone else during the statutory adoption pay period.	Employee & HR
16.4	Where the adoption placement ends, for any reason, during the adoption leave period, the employee will notify the council. For further information please see Section 13 above.	Employee

16.5	In the event that the child is stillborn or dies during the period of Adoption Leave, employees may be entitled to 2 weeks statutory Parental Bereavement Leave. Please see separate guidance for Parental Bereavement Leave on the HUB.	Employee
16.6	<p>To qualify for statutory adoption pay an employee who is adopting a child from within the UK must have been continuously employed for at least 26 weeks ending with the week in which he or she is notified of having been matched with the child. He or she must be in employment with the employer at the beginning of that week. As long as the employee meets this and the other eligibility requirements, he or she will remain entitled to statutory adoption pay if he or she leaves the employment before the leave is due to start.</p> <p>If the employment terminates, for any reason, before the start of the statutory adoption pay period chosen by the employee, the pay period will begin 14 days before the expected date of placement or, if the termination occurs less than 14 days before that date, on the day immediately following the last day of the employment. In such cases the notification requirements for taking statutory adoption pay do not apply.</p> <p>The employee's contract of employment will terminate at the end of the notice period, at which point the employee's entitlements to all other benefits, including accrual of holiday, will cease.</p>	

17. Further Information		
	Action required	By whom / when
17.1	<p>The Council recognises that, from time to time, employees may have questions or concerns relating to their adoption leave. It is the Council's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Further information and support on any of the issues contained within this procedure is available to employees and line managers from the HUB and from the HR Advice Line at HRadviceenquiries@argyll-bute.gov.uk or telephone 01546 605513 (press 2).</p>	