

 West Mercia POLICE		POLICY
Security Classification	OFFICIAL	
Disclosable under Freedom of Information Act 2000	Yes	

POLICY TITLE	Adoption & Surrogacy Leave (Police staff & Police officers)
POLICY REFERENCE NUMBER	WMP067
Version	1.1

POLICY OWNERSHIP	
DIRECTORATE	BUSINESS SERVICES
BUSINESS AREA	PEOPLE & ORGANISATIONAL DEVELOPMENT

INITIAL IMPLEMENTATION DATE	May 2020
NEXT REVIEW DATE:	March 2024
RISK RATING	LOW
EQUALITY ANALYSIS	LOW

West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy.
Please e-mail contactus@westmercia.pnn.police.uk

1.0 POLICY OUTLINE

It is recognised that the needs of adoptive and surrogate parents are as great as those of birth parents in establishing a relationship between parent and child.

This Policy sets out the West Mercia Police and the Offices of the Police & Crime Commissioner (OPCC) arrangements for adoption and surrogacy leave and pay in relation to:

- the adoption of a child through an approved adoption agency (not a private adoption)
- the intended parents of a child born through a formal surrogacy agreement, usually a Parental Order (known as Parental Order Parents or POP)
- parents who are fostering a child under the “Fostering to Adopt” scheme (Individuals who are approved as local authority adopters, and have also been approved as suitable to adopt a child (prospective adopter) may have a child placed with them who it is probable will, ultimately, be adopted by them)

The policy does not apply where the child is already known to the adopters, i.e. a step family adoption, an adoption by their existing foster carers, or the adoption of a family member.

The policy applies to police officers, police staff, and staff of the Offices of the Police & Crime Commissioner (OPCC) but does not cover contractors, casual workers, members of the special constabulary, police staff volunteers, or workers employed by an agency.

Adoption and Surrogacy Leave is to assist and support parents after the placement of their adopted child through the arrangements outlined above. Placement is when a child arrives to live permanently with the adoptive parent(s). A child is defined as a person under the age of 18.

2.0 PRINCIPLES OF THE POLICY

West Mercia Police are committed to supporting new parents in the workplace, during adoption leave or adoption support leave, and on their return to work.

This policy details the leave and pay entitlements for Police Officers and Police Staff where the Adoption or Surrogacy arrangement is certified as being on or after 4th January 2021, or were in receipt of Occupational Adoption Pay from 1st September 2020.

For individuals where the Adoption or Surrogacy arrangement was before 4th January 2021, please refer to the HR Service Centre for further information.

Adoption and surrogacy leave allows one of the parents of an adopted/surrogate child to take a period of leave to help the child settle into their new surroundings and adjust to new circumstances.

The couple should choose which parent takes the adoption/surrogacy leave as only one is eligible. Usually, the person applying for adoption/surrogacy leave and pay will be the primary carer of the child or children.

The other parent may be able to take adoption/surrogacy support leave, parental leave or shared parental leave.

Adoption and Surrogacy Leave will be referred to as Adoption Leave for the remainder of this document, but equally applies to those eligible for Surrogacy Leave as outlined above.

2.1 Adoption LEAVE - Qualifying Conditions

To qualify for Statutory Adoption Leave, the individual must:

- be an employee or police officer
- be newly matched with a child for adoption by an approved agency, or be the intended parent of a child born through a formal surrogacy agreement, usually a Parental Order
- have or expect to have responsibility for the upbringing of the child
- give notice of their intention to take adoption leave (within 7 days of being notified that they have been matched with a child by an adoption agency or as soon as reasonably practical; or at least 15 weeks before the expected due date of a baby in a surrogacy arrangement), stating:
 - how much leave they wish to take
 - the start date of the leave, and end date if known
 - the “date of placement” i.e. the date the child is placed

The organisation will confirm to the individual within 28 days the leave start and end dates.

2.1.1 Adoption LEAVE- Entitlement

Employees and officers may take up to 26 week's Ordinary Adoption Leave (OAL), followed by a further 26 week's of Additional Adoption Leave (AAL).

The start date of adoption leave will be either the date the child joins the family or a date up to 14 days before the expected date of placement.

It may be possible for the primary adopter who is taking a period of adoption leave or pay to convert a proportion of this to shared parental

leave that can be taken by the other parent. The primary adopter must take at least two weeks of adoption leave before commencing any shared parental leave.

2.2 Adoption PAY – Qualifying Conditions

To qualify for Statutory Adoption Pay the individual must:

- have worked continuously for at least 26 weeks by the 'qualifying week' (i.e. the week in which the individual was notified of a match with a child)
- have earned, on average, at least the lower earnings level in the 8 weeks leading up to the date they were notified of a match
- give the correct notice to commence adoption pay – at least 28 days in writing, or whatever is reasonably practicable.

The individual must provide proof of adoption to qualify for Statutory Adoption Pay containing:

- the individual's name and address
- the name and date of birth of the child
- name and address of the adoption agency
- the match date (the date on which the individual was informed that the child would be placed for adoption) e.g. the matching certificate
- the date of placement – e.g. a letter from the agency
- the parental order or a written statement (statutory declaration) confirming the intention to apply for a parental order within 6 months of the baby's birth
- the relevant UK authority's 'official notification' confirming you are allowed to adopt (overseas adoptions only)
- the date the child arrived in the UK – e.g. plane ticket (overseas adoptions only)

During the period in which the individual receives adoption pay, the individual must comply with all statutory conditions, e.g. they must not work more than their maximum 10 Keeping in Touch (KIT) days.

It is a requirement of occupational adoption pay that police officers and police staff will return to work for a minimum of one month, otherwise individuals will be required to repay occupational adoption pay.

2.2.1 Adoption PAY – Entitlements

Less than 26 weeks continuous service <i>(by the ‘qualifying week’)</i>	One week full pay	
More than 26 weeks continuous service but less than one year <i>(by the ‘qualifying week’)</i>	One week full pay 38 weeks (Week 2 – 39) Statutory Adoption Pay (SAP) 13 weeks (Week 40 – 52) Unpaid leave	
More than one year continuous service <i>(by the ‘qualifying week’)</i>	26 weeks Occupational Adoption Pay (full pay) 13 weeks at Statutory Adoption Pay (SAP) <i>(Pay can be taken from the choice of two options outlined below)</i>	
ADOPTION PAY OPTION 1		
Week 1 to 26	Week 27 – 39	
26 weeks Occupational Adoption Pay (Full Pay)	13 weeks Statutory Adoption Pay (SAP)	
ADOPTION PAY OPTION 2		
Week 1 to 21	Week 22 to 31	Week 32 to 39
21 weeks Occupational Adoption Pay (full pay)	10 weeks reduced rate Occupational Adoption Pay (half pay) plus half rate Statutory Adoption Pay (SAP)	8 weeks lower rate Statutory Adoption Pay (SAP)

2.3 Adoption Support Leave – Qualifying Conditions

Adoption Support Leave provides a supportive framework to allow time for the partner of a newly adoptive parent to be with a newly placed child. The leave is applied irrespective of gender and/or marital status.

To qualify for adoption support leave, the adopter's partner must:

- be an employee or police officer
- be the spouse, civil partner, or partner of the adopter
- have 26 weeks continuous service at the "qualifying week"
- have or expect to have the main responsibility for the upbringing of their child, along with the other parent

2.3.1 Adoption Support Leave – Entitlement

Adoption Support leave is available for up to two calendar weeks (including any rest days and/or free days) as paid leave. The individual may choose to take either one week or two consecutive weeks. Adoption support leave may commence on any day of the week, on or following the date of the placement (i.e. the date the child joins the family) but must be completed within the first 56 days.

Individuals should give notice of their intention to take adoption support leave within 7 days of being notified that they have been matched with a child by an adoption agency or as soon as reasonably practical; or at least 15 weeks before the expected due date of a baby in a surrogacy arrangement, stating:

- how much leave they wish to take
- the start date of the leave, and end date if known
- the "date of placement" i.e. the date the child is placed

2.4 Time off for adoption/antenatal appointments

The primary adopter may take paid time off to attend up to five adoption pre-placement appointments. A maximum of five appointments (up to 6.5 hours each appointment) applies regardless of how many children are being placed.

Paid time off is given for appointments that take place in the period between being notified of a match with a child and prior to the date of placement of the child/ children, and must be at the request of the adoption agency.

Only one parent (usually the primary adopter) is entitled to paid time off to attend pre placement appointments.

The secondary adopter may take **unpaid** time off to attend up to two pre-placement appointments (of up to 6.5 hours each). A maximum of two

unpaid occasions applies regardless of how many children are being placed.

Unpaid time off is only given for appointments that occur before the placement of the child/children and are at the request of the adoption agency.

Both Parental Order Parents may take unpaid leave to accompany the surrogate mother to up to two of her antenatal appointments (up to 6.5 hours per appointment).

2.5 More than one child

The length of ordinary or additional adoption leave cannot be extended if more than one child is being adopted at the same time.

Individuals are only entitled to one period of leave (adoption leave or adoption support leave) even if more than one child is placed for adoption as part of the same arrangement.

2.6 Overseas adoption

Adoption leave is not for the purposes of travelling overseas to arrange the adoption. Other leave arrangements (e.g. annual leave) should be made to cover these periods.

2.7 Terms & Conditions

During Adoption Leave, the individual will be entitled to the benefit of all their existing terms and conditions of employment other than terms relating to pay.

Periods of paid adoption leave or adoption support leave are pensionable, reckonable for incremental pay purposes and included in any period of probationary service.

Information regarding pensions, including buy-back options for periods of unpaid leave can be found on the LGPS website www.lgps2014.org (for police staff) or by contacting Kier Pension Services on (01642) 727333 (for police officers).

The individual is entitled to return to work on the same conditions of service (e.g. hours, grade).

2.8 Keeping In Touch

There is a responsibility on the individual and their line manager to maintain appropriate contact during adoption leave, and this should be agreed in advance prior to the commencement of the leave.

The purpose of a contact plan is to update the individual on any work developments, including:

- career/ promotion opportunities and job vacancies;
- information regarding workplace changes e.g. re-structure proposals;
- general team updates and working practice changes;
- communication about return to work plans

During a period of adoption leave, the individual can work up to 10 'Keeping in Touch' (KIT) days during adoption leave.

KIT days are optional and should be agreed in advance between the individual and their line manager, and are designed to ensure effective and purposeful contact with the workplace, without bringing adoption leave to an end. They may be used to attend appropriate training, attend team meetings, etc.

2.9 Return to work

The individual must confirm their intention to return to work providing at least 8 weeks written notice to their line manager. The line manager will co-ordinate a meeting to formulate a return to work plan, and may seek assistance from their local HR Officer. If the individual wishes to request flexible working, they should refer to the Flexible Working policy & procedure.

3.0 IMPLICATIONS of the POLICY

3.1 Risks

The effective operation of this policy will minimise the risk of successful action against West Mercia Police and OPCC under equality and employment legislation at Employment Tribunal.

3.2 Legal considerations

- Home Office Circular 011/2015
- The effect of the Children & Families Act 2014 on Police Regulations 2003
- NPCC Maternity and Adoption Leave Guidance November 2020
- PNB Circular 2013/6 Advisory
- PSC Joint Circular 115 – Maternity and Adoption Entitlement
- Children & Families Act 2014
- Paternity & Adoption Leave (Amendment) Regulations 2014
- The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
- Equality Act 2010
- Paternity & Adoption Leave Regulations 2002
- Employment Rights Act 1996

3.3 Training

Management coaching may be required via staff in People & OD. HR Operational teams, to receive an update, HR Service Centre SPOC has been involved in consultation.

4.0 CONSULTATION

The policy has been circulated to members of the Critical Friends group (OPCC, Federation, Unison, Legal Services, Risk Management, Health & Safety and Equality & Diversity and staff network groups) for consultation and feedback.

<i>Business Lead Consulted</i>	<i>Date Consulted</i>
Bal Jacob	March 2021

5.0 DOCUMENT HISTORY

The history and rationale for change to policy will be recorded using the chart below:

Date	Author / Reviewer	Amendment(s) & Rationale	Date of Approval / Adoption
		Previously approved at JNCC meeting	JNCC 03/06/2015
May 2020	J Penn	Reviewed – no changes reverted to West Mercia Policy	May 2020
January 2021	R Willis	Inclusion of increased occupational adoption pay agreed Nationally.	March 2021

6.0 PROCEDURE

See flow chart

7.0 ASSESSMENT AND ANALYSIS

A 'Health and Safety, Risk and Equalities Assessment' has been conducted and no issues identified.

8.0 MONITORING / EVALUATION

The monitoring and review of this policy is the responsibility of the policy owner.

