Additional Information



Adoption Leave and Pay - Police Officers

Adoption Leave and Pay - Police Officers		
URN: J-Pr-044		
Version: Effective Date: Version Date: Review Date:	1.1 07/09/2021 12/12/2023 12/12/2024	
Host Force: Host Policy Unit: Policy Owner: Policy Author:	Dorset Police Dorset Police Legitimacy Team Alliance Head of Employee Relations – HR Operations Strategy & Policy Lead Employee Relations	
Policy Area:	Family Leave	
Associated Policy:	J-P-034 Family Leave Policy Further policies and procedures listed in 'Associated Documents' section.	
Applicable to:		
Devon & Cornwall Police □ Dorset Police □ OPCC Devon & Cornwall □ OPCC Dorset □ Officers □		
Staff		

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1.0 Introduction

This guide includes quotations from, and information based on, the 'Gov.UK' website. The information from Gov.uk is provided in line with the terms of the Open Government Licence v3.0.

When adopting a child an officer may, subject to meeting certain eligibility criteria, be entitled to Statutory Adoption Leave and pay and additional Police Regulation provisions. These eligibility criteria differ for UK and overseas adoptions.

2.0 UK Adoption

The officer must produce proof of adoption, usually a matching certificate from an official UK adoption agency.

The table below shows statutory provisions alongside those provided for within Police Regulations; please note:

- In the context of statutory provisions, where the guidance refers to the term 'employee' this extends to police officers as 'officers of the crown',
- Police officers will receive leave and pay as appropriate, based on either:
 - a. statutory provisions,
 - b. provisions under Police Regulations or,
 - c. a combination of both.

Provision:	Statutory	Police Regulations
Adoption Leave		
Introduction	Statutory Adoption Leave (SAL) is for up to 52 weeks. It is made up of: • 26 weeks of Ordinary Adoption Leave, • 26 weeks of Additional Adoption Leave. Only one person in a couple can take adoption leave. Their partner could take paternity (adoption support) leave or Shared Parental Leave instead.	Police Regulations provide for three different types of adoption leave, dependent on length of service eligibility: • Standard Adoption Leave, • Ordinary Adoption Leave, • Additional Adoption Leave.
Eligibility	Please note: Statutory provisions have changed allowing an employee to qualify for 52 weeks adoption leave as a day one right. Police Regulations have not been amended to reflect this. The Force will apply the statutory provisions for Police Officers until such time as Regulations are amended; the 26 weeks service eligibility criteria for leave will not therefore apply.	

Eligibility cont.

Please see eligibility statement at the end of page 2 Employee's must:

- Give the Force the correct notice and, if requested, provide proof of adoption,
- For the purposes of statutory adoption pay be classed as an 'employee'.

Where an employee is matched for adoption with more than one child at the same time, this does not increase their entitlement to adoption leave.

Qualification for adoption leave and pay will remain subject to the employee complying with prevailing eligibility criteria. See 'A-Z of Additional Information' below for further details.

An officer who has, at the end of the week in which they are matched with a child for adoption, served continuously (as an officer), for less than 26 weeks, is entitled to one week's adoption leave (Standard Adoption Leave).

An officer who has, at the end of the week in which they are matched with a child for adoption, served continuously (as an officer) for a minimum of 26 weeks, is entitled to 52 weeks adoption leave (made up of 26 weeks 'ordinary adoption' and 26 weeks 'additional adoption' leave.

An officer who is matched for adoption with a child, who is a stepchild, or foster child of the officer, and was previously living with them does not qualify for adoption leave.

Where a couple are jointly adopting a child, an officer does not qualify for adoption leave if their partner is taking a period of adoption leave.

If the officer does not qualify for ordinary and additional adoption leave, they should discuss alternative leave with their line manager e.g., annual leave, unpaid leave, or parental leave etc.

Notice Requirements

Within seven days of being matched with the child, the employee must advise the Force in writing of:

- How much adoption leave they want to take,
- The adoption leave start date.
- The expected or actual date the child is placed with the employee (known

An officer qualifies for adoption leave when they have given written notice to their line manager (within seven days of the officer being notified that they have been matched with a child for adoption) of the following:

 They have been matched with a child for adoption

	as the 'date of placement').	 The date on which the child is expected to be placed with them for adoption; and The date on which they intend to commence adoption leave. In exceptional circumstances, where is it not reasonably practicable for the officer to give seven days' notice, the notice
Start Date	 Adoption leave can start for: UK adoptions - up to 14 days before the child starts living with the employee (date of placement), Overseas adoptions - when the child arrives in the UK or within 28 days of this date. 	should be given as soon as possible. An officer must commence adoption leave within a period of 14 days ending with the date on which the child is expected to be placed.
Change to Dates	 The employee must advise the Force: If the date of placement (or UK arrival date for overseas adoptions) changes, giving at least 28 days' notice in writing, If they want to change their return to work date, giving at least eight weeks' notice in writing. Please see Police Regulations provision for clarification on this point. 	An officer intending to return to duty before the end of the period of ordinary and additional adoption leave should give their line manager not less than 28 days' notice of the date on which they intend to return.
Provision	Statutory	Police Regulations
Adoption Pay		
Introduction	Statutory Adoption Pay (SAP) is payable for 39 weeks and starts when the employee takes their adoption leave; the entitlement to SAP only applies where the employee meets the specified eligibility criteria.	Police Regulations enhance the statutory provisions; see 'Pay' provisions under Police Regulations below.

Eligibility	To receive SAP the employee must: • Have worked for the Force continuously for at least 26 weeks by the week they were matched with a child,	Officers will be entitled to receive full pay for the first 26 weeks of adoption leave. This includes officers who are currently in receipt of adoption pay.
	 Be on the Force payroll and earn on average at least the 'Lower Earnings Limit', Provide the correct notice and proof of the adoption. 	See 'Pay' provisions under Police Regulations below.
Notice Requirements	Employees are required to advise the Force they want to stop work to adopt a child and when they want their SAP to start. Employees must give the Force at least 28 days' notice in writing. This may vary in the event of the period from matching and placing the child being less than 28 days.	As per the statutory provision.
Proof of Adoption	 Employees must provide the Force with proof of adoption to qualify for SAP; to include: The employee's name and address and that of the adoption agency, The date the child was matched e.g., the matching certificate, The expected or actual date of placement e.g., a letter from the adoption agency, For overseas adoption only: The relevant UK authority's official notification confirming the employee is allowed to adopt, The date the child arrived in the UK, e.g., a copy of the plane ticket for the journey to the UK. 	As per the statutory provision.

Pay	On meeting the required eligibility criteria: Up to 39 weeks SAP, paid at 90% of the employee's gross average weekly pay for the first six weeks, followed by 33 weeks paid at the prevailing rate of SAP.	 Where the officer has less than 26 weeks continuous service at the end of the week in which they were matched for adoption, they are only entitled to be paid one week of adoption leave at their normal rate of pay. An officer who has served continuously for one year or more at the end of the week in which they are matched with a child for adoption, is entitled (in addition to the one week) to be paid a further 25 weeks of adoption leave at their normal pay. Please note: Where an officer is eligible to be paid for the first 26 weeks of any period (or periods) of adoption leave they may, with the agreement of the Force, choose to receive half pay in weeks 22 to 31, instead of receiving full pay for weeks 22 to 26. The pay to which the officer is eligible should be reduced in respect of any week for which the officer receives SAP, by an amount equal to that of SAP. Where the officer takes up the option to receive half pay in weeks 22 to 31, the half pay will also be reduced in respect of any week in which the officer receives SAP, by an amount equal to half of the SAP the officer receives that week.
Conditions Upon Return	N/A	Occupational Adoption Pay (OAP) is conditional upon the officer returning to work for at least four weeks service at the end of the adoption leave period. If an officer does not return to work for at least four weeks, they will be required to repay the

	OAP. Normal notice periods will apply. The same applies at the end of any agreed period of absence e.g., career break, parental leave or unpaid leave that immediately follows a period of adoption leave.
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Exceptions	Statutory & Police Regulation Provisions
Adoption Leave & Pay	
Exceptions	 Officers do not qualify for SAL or pay if they: Arrange a private adoption, Become a special guardian or kinship carer, Adopt a stepchild or family member, who was previously living with them. Please note: Officers registered for 'Fostering to Adopt' may,
	subject to meeting adoption leave and pay eligibility criteria, be eligible for adoption leave and pay when the foster care commences. If an officer does not qualify for SAP, the Force will provide the
	officer with a Form SAP1 and an explanation as to why they are not eligible.

Source: The information above is sourced / based on a) www.gov.uk/adoption-pay-leave and b) Police Regulations and Determinations 2003 as amended). For further information please refer to: www.gov.uk

3.0 Overseas Adoption

Officers adopting a child from overseas with their partner, must complete a Form SC6 (please see the adoption leave step by step guidance), to confirm which of the couple will take adoption leave and pay, where eligible, and which will take paternity (adoption support) leave or pay, where eligible.

Please note: If adopting from overseas, evidence must be produced to confirm eligibility to adopt. Officers must also provide the right notice of intent to take a period of adoption leave. The following stages must be followed:

Notification Stages

First Stage (expected timescales):	The officer should advise their line manager and Payroll of the date of official notification and the date the child is expected to enter the UK.
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	The appropriate notice periods, dependent on length of service, are as follows:
	 a) Within 28 days of receiving official notification, where the officer has served for 26 weeks or more (for pay purposes), b) Within 28 days of completing 26 weeks service for pay purposes, (at which point the officer becomes eligible for statutory entitlements as per UK adoption above).
	Please note: If the officer is aware of the actual dates, this information can be given at this stage.
Second Stage (confirmation of arrival to the UK/	The officer must provide Payroll with at least 28 days' notice of the actual date the child arrives in the UK.
actual timescales):	Please note: Notice of the actual dates can be given at the first notification stage if the date is known. Adoption leave cannot start before the child enters the UK.
Third Stage (Leave requirements):	The officer must confirm with Payroll, providing at least 28 days' notice, how much leave they would like to take and when they would like the leave to start.
	Please note: start and end dates will be confirmed in writing by Payroll within 28 days of receipt.

Adoption leave can start when the child arrives in the UK or within 28 days of this date.

4.0 A-Z of Additional Information

Officers will continue to benefit from all of their service terms and conditions that would have applied had they been at work, except for remuneration.

Annual and Public / Bank Holiday Leave

Officers continue to accrue their annual leave entitlements whilst on adoption leave, including provision for public / bank holidays as they arise. Accrual of annual leave and public / bank holiday leave entitlements during the period of adoption leave is based on the officer's hours immediately prior to the commencement of adoption leave.

For additional information on annual leave and adoption please see the 'Annual Lleave and Maternity Adoption and Shared Parental Leave' procedural guidance available via the People Portfolio intranet pages.

Attendance at Court

If an officer is required to attend court whilst on adoption leave, they must do so, unless certified unfit by a doctor. Attendance at court as a police witness is classed as duty. The officer should contact Payroll to advise them of the requirement to attend court and to clarify pay arrangements.

Family Leave

The partner of the primary adopter may be eligible to take paternity (adoption support) leave or Shared Parental Leave. Please see the relevant guidance available on the People Portfolio pages of the intranet, for further details.

Flexible Working Arrangements on Return from Adoption Leave

If the officer wishes to return to work on a part time basis or on a flexible working pattern, they should complete a flexible working request (following the guidance set out in the flexible working procedure) and ensuring the completed approved request reaches HR Operations – Admin for processing at least 28 days prior to the end of their adoption leave. Officers should contact their line manager who will provide them with copies of the procedural guidance and associated forms.

Fostering for Adoption

Officers approved for a 'Fostering for Adoption' arrangement may, subject to meeting the eligibility criteria, be eligible for adoption leave and pay. In addition to the adoption leave and pay eligibility criteria, officers must also meet the following conditions, to provide evidence of their participation in a 'Fostering for Adoption Placement':

- a) Being a local authority foster parent,
- b) Being approved as a prospective adopter,
- c) Being notified by a Local Authority in England that a child is to be, or is expected to be, placed with the employee (officer) under Section 22C of the Children Act 1989.

The extension of adoption leave does not apply to foster care arrangements where the child's existing foster carers are looking to adopt the already placed child. The 'Fostering for Adoption' provisions only apply to new placements.

If Adoption does not take Place

Where the placement comes to an end for whatever reason during the adoption leave period, the officer may continue on adoption leave for up to eight weeks' after the end of the placement or at the end of the Additional Adoption Leave, whichever is the soonest. In this situation, please seek further advice from HR Operations – Admin.

Keeping in Contact

It is expected that line managers maintain reasonable contact with the officer during the adoption leave period; the officer and line manager should, ahead of the leave commencing, agree how this will be undertaken.

Keeping in Touch (KIT) Days

Keeping in Touch (KIT) days will be paid at the normal hourly rate for hours / days worked, in accordance with Police Regulations.

Where an officer works a KIT day during a period of OAP, they will receive payment for the hours worked on a KIT day, the maternity pay is temporarily suspended and the OAP will be extended by one day for each KIT day worked.

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Where an officer works a KIT day during a period of SAP, they will receive payment for the hours worked on a KIT day in addition to the SAP for the week in which the KIT day occurs. There will be no extension of the maternity pay period.

Where a KIT day is worked during a period of unpaid additional adoption leave, the officer will receive the appropriate payment for the hours worked on a KIT day.

The work undertaken during a KIT day will count as one day of entitlement, including where the hours worked are less than a full day.

Pension benefits will accrue for the paid KIT day(s).

Pay and Pensions

- a) OAP, where applicable, is conditional upon the officer returning to work for at least one month's (four weeks) service at the end of the adoption leave period.
- b) If the officer does not return to work for at least one month (four weeks), they will be required to repay their OAP and provide their normal period of notice. The notice period can be counted as returning to work provided it is either covered by annual leave or sick leave certified by a medical certificate (fit note).
- c) Officers continue to be eligible for any nationally negotiated pay increases.
- d) In the case of a part time officer, each day of paid adoption pay is pro-rata to full time and in accordance with the officer's normal salary / working hours.
- e) The normal rate of pay to the officer during adoption leave includes SAP at the current rate, where applicable. Payment of salary during adoption leave is subject to normal tax and national insurance deductions.
- f) The first 52 weeks' adoption leave is reckonable for the purposes of pay increments, leave and for inclusion in any period of probationary service. For pension purposes, any period of adoption leave when police officers are in receipt of either OAP or SAP shall be reckonable.

Please Note:

- Where an officer, upon return to work, opts to buy back any relevant service from a period of unpaid adoption leave, the period of service bought back is reckonable from a service perspective.
- Any unpaid leave within the first 26 weeks of Statutory Adoption Leave is automatically pensionable and does not need to be bought back,

(Source: The above information (d) is based on the information provided within PNB Circular 10/14)

g) During any unpaid adoption leave, an officer can elect to make up the pension contributions that would have been paid during this period. Where an officer elects to make such contributions, Payroll will write to the officer confirming arrangements for the repayment of the contributions in question. Please note: An opportunity for the officer to elect to pay the pension contributions will be given prior to commencing adoption leave.

Returning to Work from Adoption Leave

Following their return to work from adoption leave, the officer has the right to return to the same job under the same terms and conditions as applied, prior to undertaking adoption leave.

It is the line manager's responsibility to either update GRS or inform the relevant Resource Management Unit / Duties (Dorset) team of the officer's return from adoption leave. Line managers of operational officers should also contact the RMU / Duties (Dorset) team to ensure the returning officer is placed non-threshold for their first week back at work.

Support

It is the line manager's responsibility to provide appropriate support for officers who are on adoption leave. Additional support can be accessed via the Family Support Group (D&C), Support Networks (Dorset), Police Federation, and the Employee Assistance Programme (EAP).

The 'Family Leave Support Portal' is available on the Force external website, which enables officers on adoption leave to access family leave provisions and resources such as Force policies and procedures, guidance and forms, useful internal / external contacts and internal job opportunities.

Surrogacy

Officers meeting the required criteria for surrogacy arrangements will be eligible for adoption leave, paternity (adoption support) leave or shared parental leave. This will apply to officers 'who are, or expect to be, parents of the child under a parental order'. (Source: https://www.xperthr.co.uk/). Please refer to the procedural guidance on surrogacy arrangements.

Tax-Free Childcare

Officers may be eligible, subject to meeting the relevant criteria, to apply for <u>Tax-Free Childcare</u>, a government scheme offering up to £500 every three months (£2,000 per year) per child, to help with the costs of childcare.

Time off for Appointments

Prior to an adoption, prospective parents may need to attend legal, medical, or social services appointments as part of the adoption procedure. After being matched with a child, the primary adopter will be eligible for paid time off work to attend up to five adoption appointments, for a maximum of six and a half hours each.

Secondary adopters will be eligible to attend up to two adoption appointments, for a maximum of six and a half hours each, however, the time to attend will be unpaid.

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Officers may therefore wish to consider, in liaison with their line manager, using alternatives such as annual leave, time on card, etc. for such appointments.

Where the officer needs to attend additional appointments (over and above those provided for above) they should liaise with their line manager to see if it is possible to attend using options such as annual leave, time on card, re-rostering a rest day, etc. Officers should provide evidence of appointments where requested by the line manager.

Police Federation Subscription Payments

During any unpaid adoption leave period, any Police Federation subscription payments will cease. Arrangements should be made directly with the <u>Police</u> <u>Federation (D&C)</u> / <u>Police Federation (Dorset)</u> to continue membership subscription payments.

5.0 Examples Setting out Length of Service Qualifying Periods

The examples below:

- a) Assume all other eligibility criteria have been met, but show variations in officer's entitlements, based on length of service with the Force.
- b) Show both statutory and Police Regulation provisions. Officers will receive leave and pay, as appropriate, based on either:
 - a) statutory provisions,
 - b) provisions under Police Regulations or,
 - c) a combination of both.

1) Officers with less than 26 weeks continuous service at the end of the week in which they were matched for adoption:

Statutory Provision:

52 weeks unpaid Statutory Adoption Leave (SAL) (26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave)

Police Regulation Provision:

One week of adoption leave at their normal rate of pay, known as 'Standard Adoption Leave'.

2) Officer has at the end of the week in which they are matched with a child for adoption, served continuously (as an officer) for a minimum of 26 weeks, but less than one year:

Statutory Provision:

- 52 weeks adoption leave (26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave).
- 39 weeks SAP.

Police Regulation Provision:

- 52 weeks adoption leave; in line with the statutory provision above. **Please note:** This is **not** in addition to statutory adoption leave.
- Week 1 Standard Adoption Leave, payable at the officer's normal rate of pay.
- Weeks 2 to 39 Statutory Adoption Leave (SAL), payable at the prevailing rate of SAP.
- Weeks 40 to 52 SAL, unpaid.
- 3) Officer has served continuously for one year or more at the end of the week in which they are matched with a child for adoption:

Statutory Provision:

- 52 weeks adoption leave (26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave).
- 39 weeks SAP.

Police Regulation Provision:

- 52 weeks adoption leave; in line with the statutory provision above. **Please note:** This is **not** in addition to statutory leave.
- Weeks 1 26 SAL, payable at the officer's normal rate of pay.
- Weeks 27 to 39 SAL, payable at the prevailing rate of SAP.
- Weeks 40 to 52 SAL, unpaid.
- 4) Officer has served continuously for one year or more at the end of the week in which they are matched with a child for adoption, choosing to receive half pay in weeks 22 to 31, instead of receiving full pay for weeks 22 to 26:

Statutory Provision:

- 52 weeks adoption leave (26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave).
- 39 weeks SAP.

Police Regulation Provision:

- 52 weeks adoption leave; in line with the statutory provision above. **Please note:** this is **not** in addition to statutory leave.
- Weeks 1 21 SAL, payable at the officer's normal rate of pay.
- Weeks 22 to 31 SAL, payable at half the officer's normal rate of pay.
- Weeks 32 to 39 SAL, payable at the prevailing rate of SAP.
- Weeks 40 to 52 SAL unpaid.

Managers should contact <u>HR Operations - Admin (D&C)</u> or <u>.HR Ops Dorset – Admin (Dorset)</u> if the situation they are managing does not appear to be straightforward.

6.0 Monitoring and Review

Review and amendments will be coordinated by the Policy Unit.

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The Alliance Head of Employee Relations is responsible for overseeing this document to ensure a consistent Force approach is maintained. Monitoring will be primarily carried out subject to force processes of continuing review and in line with force governance requirements.

This document will be reviewed annually subject to legislation / process changes.

Please note: Where legislation / guidance changes have occurred / scheduled to occur or operational needs demand it, ahead of the revised review date, Alliance People policies and associated procedures / step by steps will be applied in line with prevailing legislation / guidance.

We welcome any comments or suggestions you wish to share about the content or implementation of this procedure. If you would like to make contact to discuss further, please email: .Policies@dorset.PNN.police.uk

7.0 Other Associated Documents

Policy and Procedure

- J-Pr-234 Annual Leave Maternity, Adoption and Shared Parental Leave
- J-P-054 Adoption Leave and Pay Police Officer Policy
- J-Pr-046 Adoption Leave and Pay Step by Step
- J-Pr-048 Surrogacy Arrangements Procedural Guidance
- J-Pr-050 Fostering Procedure
- J-Pr-054 Shared Parental Leave Step by Step

SharePoint

- <u>Vision</u>, <u>Mission & Values</u> (DCP)
- Vision, Purpose & Priorities (DP)
- Human Rights Legislation
- Records Management (DCP)
- Records Management (DP)
- Freedom of Information Act 2000 (FOIA)
- Government Security Classification (GSC)
- UK General Data Protection Regulation /Data Protection Act (2018)
- Code of Ethics (DCP)
- Code of Ethics (DP)
- Standards of Professional Behaviour
- People Portfolio

College of Policing

- National Decision Model
- Authorised Professional Practice (APP)

Other

Equality Impact Assessment

8.0 Version History

Version: 1.0

Date: 07/09/2021

Reason for

Amendments: Initial document

Amended by: Strategy & Policy Lead – Employee Relations

Approved by: Board **Date Approved:** 19/08/2021

Quality Assured: Legitimacy Team

Version: 1.1

Date: 12/12/2023

Reason for

Amendments: Fit for purpose review completed amendments include - Signpost

to the Family Leave Support Portal, removal of reference to Childcare Vouchers (no longer applicable), reference where applicable to the Annual Leave – Maternity, Adoption and SPL guidance and include links, new section added into the Additional Information documents on KIT days and how they are paid according to Adoption Pay (including payment according to the hours worked), removal of reference to 'offsetting' for the payment of KIT days for officers, as this is not compliant with Regulations, removal of reference to taking Adoption Leave in blocks for officers, as there is no mention of this provision in Regulations or

officers, as there is no mention of this provision in Regulations or any other legislation (unlike Maternity). Updated to latest template.

Amended by: Employee Relations

Approved by: HoD

Date Approved: 04/12/2023

Quality Assured: Legitimacy Team

9.0 Governance

Present Portfolio Holder: Alliance Head of People (HR Operations)
Present Document Owner: Alliance Head of Employee Relations

Present Owning Department: Alliance People Portfolio

Below details required for new documents, major amendments (Dorset only) or novel/contentious amendments (Devon & Cornwall only)

Name of Board: Strategic People Board

Chief Officer Approving: Assistant Chief Officer Devon and Cornwall

Date Approved: 19/08/2021

Business Board member approving (Devon & Cornwall only when not contentious or

novel): n/a **Date approved:** n/a

End of Document