

Adoption leave and pay user guide

This user guide is designed to support colleagues and managers to effectively engage with our adoption leave and pay provisions. It aims to provide practical guidance and the key information needed for those who apply for adoption leave and for those who manage it.

It includes guidance and advice on adoption leave and pay entitlements, eligibility criteria, notification requirements and any additional processes and activities that must be carried out at appropriate stages. This is in line with our [Family leave policy](#).

If you're part of a couple who are adopting a child together, one of you may be entitled to adoption leave and the other may be entitled to partner support leave, you will have to decide which of you takes which type of leave. More information can be found in the [Partner support leave user guide](#). Colleagues who are matched with a child for adoption can also share their statutory adoption leave and pay with their partners. Further details can be found in our [Shared parental leave user guide](#).

This user guide applies to all colleagues regardless of sexual orientation or gender.

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1. Adoption leave and pay entitlements

If you want to take time off to adopt a child or have a child through a surrogacy arrangement, you might be eligible for Adoption Leave and Pay.

If you're fostering for adoption, you may also be eligible for adoption pay and leave. If so, you'll receive them from when the child comes to live with you.

If you're adopting more than one child at the same time (e.g., siblings) you will only get one period of adoption leave.

You do not qualify for adoption leave or pay if you:

- arrange a private adoption
- become a special guardian or kinship carer
- adopt a stepchild
- adopt a family member

All your contractual terms and conditions of employment, apart from pay, continue during your adoption leave.

Your time on adoption leave counts towards continuous service.

Please note If you're eligible and choose not to return following your Adoption leave, you may be required to pay back some of your Occupational Adoption Pay.

The tables on page, two and three show the eligibility requirements, as well as the statutory and enhanced entitlements for all colleagues to qualify for Adoption leave and pay.

Please note that there are separate arrangements for Teachers, and you should read the policy and user guide in conjunction with the [SNCT Handbook](#).

Important notes:

- Adopters whose average weekly earnings are below the lower earnings limit will not qualify for Statutory Adoption Pay (SAP). The Department of Work and Pension (DWP) will be able to advise the adopter on available benefits.
- Normal pay is Occupational Adoption Pay (OAP) and Statutory Adoption Pay (SAP) put together. Those that qualify for only OAP will receive their normal basic pay minus SAP, and you should claim the SAP amount from the DWP. For further details go to [Adoption pay and leave: How to claim - GOV.UK \(www.gov.uk\)](#)

Adoption leave and pay – all colleagues except teaching staff				
Category	Statutory entitlement	Eligibility requirement	Council enhancement	Council eligibility requirement
Adoption leave	Up to 52 weeks	No minimum service but must be in employment.	None	None
Adoption pay	6 weeks at 90% of normal pay plus up to 33 weeks' pay at SAP rate or 90% of normal salary whichever is lowest. Total 39 weeks' pay	Employed for 26 weeks continuously (with this Council) up to date notified of match or into the 15 th week before the expected childbirth week if in a surrogacy arrangement. Earn at least the current Lower Earnings Limit in the 8-weeks prior to the expected	14 weeks* at normal pay (occupational adoption pay) following placement of the child. Followed by the remaining statutory pay if eligible. *Reduced to 8 weeks if you do not return to work for at least 3 months after the end of adoption leave period.	Employed for 26 weeks continuously up to date notified of match or into the 15 th week before the expected childbirth week if in a surrogacy arrangement.

		<p>childbirth week or placement date.</p> <p>Where adopting from overseas, you have to be employed for 26 weeks continuously (with this Council) up to the date your Adoption Pay starts.</p>		
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Adoption leave and pay – teaching staff

Category	Statutory entitlement	Eligibility requirement	Council enhancement	Council eligibility requirement
Adoption leave	Up to 52 weeks	<p>No minimum service but must be in employment.</p> <p>Give the correct notice.</p> <p>Give proof of the adoption or surrogacy if you're asked for it.</p>	None	None
Adoption pay	<p>6 weeks at 90% of normal pay plus up to 33 weeks' pay at SAP rate or 90% of normal salary whichever is lowest.</p> <p>Total 39 weeks' pay</p>	<p>Employed for 26 weeks continuously (with this Council) up to date notified of match or into the 15th week before the expected childbirth week if in a surrogacy arrangement.</p> <p>Where adopting from overseas, you have to be employed for 26 weeks continuously (with this Council) up to the date your Adoption Pay starts.</p> <p>Earn at least the current Lower Earnings Limit in the 8-weeks prior to the expected childbirth week or match date.</p>	<p>13 weeks at normal pay (occupational adoption pay) following placement of the child.</p> <p>Followed by the remaining statutory pay where eligible.</p>	Employed for 26 weeks continuously up to date notified of match or into the 15 th week before the expected childbirth week if in a surrogacy arrangement.

2. Responsibilities

Employee guidance

Antenatal care/adoption process

- ✓ We appreciate that the selection process for becoming adoptive parents involves a number of assessment visits at home and appointments that you'll need to attend. If you're the primary adopter, we'll give you reasonable paid leave to attend these meetings.
- ✓ Requests for time off must be submitted to your line manager, supported by an appointment card or letter confirming the appointment. Try to give your manager as much notice as possible.
- ✓ Adopters who will become parents through a surrogacy arrangement, if they satisfy the conditions, and intend to apply for a Parental Order for the child, they're allowed unpaid time off for two antenatal appointments.
- ✓ Your line manager will need to consider the needs of the service when you request leave, so you should be prepared to be as flexible as you can around dates and times.

Confirming your adoption leave dates

- ✓ When you find out you have been matched with a child, you should let your line manager know within 7 days of being told by the adoption agency.
- ✓ Once you have spoken with your line manager, you need to confirm in writing. You need to confirm the placement date when you plan to start your leave and how long you will be taking.
- ✓ If you change your mind about the date that you want your adoption leave to start, you will need to give your manager 28 days' notice in writing, where that is reasonably practical.
- ✓ It is also important to consider that depending on your role you may need to hand over projects, tasks etc to a colleague. Plan this time in before you go on leave, so your leave isn't unnecessarily disrupted.
- ✓ In circumstances where your adoption leave will be backfilled, you will need to confirm with your manager whether or not they will require you to hand back your Council laptop.

Forms to complete

- ✓ On your behalf, your manager will complete the Maternity, Adoption or Shared Parental Leave Form on HALO.
- ✓ You must give them a copy of your verified adoption paperwork for them to attach. The proof must show:
 - your name and address and that of the agency
 - the match date – for example the matching certificate
 - the date of placement – for example a letter from the agency
 - the relevant UK authority's official notification confirmation you're allowed to adopt (overseas adoption only)
 - the date the child arrived in the UK – for example a plane ticket (overseas adoption only)
- ✓ You must also sign form [SC6](#) if you're adopting from overseas with a partner. This confirms you're not taking partner support leave or pay.
- ✓ If you're in a surrogacy arrangement, we may also ask for a written statement to confirm you've applied or will apply for a parental order or adoption order in the six months after the child's birth.

	<ul style="list-style-type: none"> ✓ Once your manager submits the Maternity, Adoption or Shared Parental Form, it will be processed, and you will be issued a letter from HR confirming your leave dates and your leave and pay entitlements.
Start of adoption leave	<ul style="list-style-type: none"> ✓ Adoption leave can start: <ul style="list-style-type: none"> • 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)
Adoption placement comes to an end	<ul style="list-style-type: none"> ✓ Where the adoption placement ends, for any reason, during the adoption leave the colleague must inform their line manager. Placement ends if: <ul style="list-style-type: none"> • you've started your adoption leave and the agency tells you the placement cannot happen. • the child passes away during adoption leave. • the child is returned to the adoption agency. ✓ The following leave entitlement will apply: <ul style="list-style-type: none"> • Where the adoption placement ends within the first 26 weeks of adoption leave the colleague 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 colleague 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.
Contact while on adoption leave	<ul style="list-style-type: none"> ✓ You and your line manager should maintain reasonable contact during your adoption leave. This gives you both the opportunity to discuss your return-to-work plans, job opportunities, development opportunities or significant workplace developments that happen during your time on leave. ✓ You and your line manager need to agree contact arrangements before the start of your adoption leave. Access to your Council laptop and your digital account during adoption leave will not be possible and you should agree with your manager alternative methods of contact, how often you'll be in touch and how that will happen (e.g., office visits, home visits, by phone, personal e-mail etc). If your circumstances change, you can agree changes with your line manager. ✓ Your manager will need to suspend your account whilst you're on adoption leave (this ensures it is not automatically deleted, resulting in loss of files and emails). It is important that you confirm with your manager that the suspension happens to avoid this loss. ✓ You will have access to your payslips during your adoption leave. If there are any issues accessing your payslip, please contact askHR. ✓ The contact during adoption leave is not considered to be work and does not count towards your 10 Keeping in Touch (KIT) days.
Keeping in touch days (KIT Days)	<ul style="list-style-type: none"> ✓ Discuss and agree with your manager whether you're going to take any KIT days, what you'll do on those days and agree the dates. This doesn't need to be decided straight away and you can be flexible when organising these dates. ✓ You can work up to 10 KIT days, you can use the days in a single block of 10 or use them separately. ✓ You can work part of a day or even a couple of hours, but this will use up one of your 10 KIT days. You will only be paid for the hours worked and you need to agree this in advance with your manager. ✓ While on adoption leave access to your Council digital account will be suspended. Please ensure your manager has reactivated your account prior to undertaking keeping in touch days.

Please also be aware that when you connect to the Council secure network there may be a few software updates required so allow extra time for this process.

- ✓ KIT days can be used to do your normal job, work on a project, shadow a colleague, attend team meetings, or taking part in training or development.
- ✓ You do not have to take any KIT days. Your line manager cannot insist on you do any work during adoption leave, and you cannot insist on being given work to do. You do not have to take any KIT days. Your line manager cannot insist you do any work during Adoption leave, and you cannot insist on being given work to do.

Annual leave

- ✓ Annual leave including public holidays will continue to accrue whilst you're on adoption leave.
- ✓ You should try to take any accrued annual leave before you start adoption leave. Any leave you can't take before your adoption leave, should be carried over and generally all outstanding leave should be taken immediately on your return to work.
- ✓ If you decide not to return you will be paid in lieu of accrued leave during your period of Adoption leave.

Sessional colleagues:

- ✓ On your return a sessional calculation will be undertaken, and you will be paid for the accrued annual leave.

For Teachers only:

- ✓ You will continue to accrue annual leave during the period of your adoption leave.
- ✓ Upon notification of your return to work, you will be provided with a statement outlining how much leave you have accrued and how this will be applied in line with the leave arrangements
- ✓ If you do not intend to return to work at the end of your Adoption leave period, we will make payment to you for leave accrued.

Quality Improvement Officers, Educational Psychologists, Education Support Officers

- ✓ Accrued leave must be taken, it cannot be paid.
- ✓ Leave should normally be taken as soon as possible following the return to work.
- ✓ If you decide not to return you will be paid in lieu of accrued leave during your period of Adoption leave.

You become pregnant whilst on adoption leave or an employment break

- ✓ If you become pregnant whilst on adoption leave or during an employment break, you may not meet the earnings criteria to be eligible for SMP. However, you may be entitled to:
 - Maternity Allowance, which you can apply for through Jobcentre Plus, or on [Maternity Allowance: How to claim - GOV.UK \(www.gov.uk\)](https://www.gov.uk/maternity-allowance) website.
 - CEC enhanced adoption pay if you meet the required service.
- ✓ If you don't return for a minimum of three months after the end of your employment break, you'll be required to pay back some of your adoption pay (less SAP).

For Teachers only:

- ✓ You'll not have to pay back any adoption pay if you do not wish to return to work after your employment break.

Returning from adoption leave

- ✓ If you choose to take your full entitlement to adoption leave you do not need to give additional notice of your return-to-work date.
- ✓ If you want to return to work before the end of your full entitlement, you need to give your manager 28 days' notice. If you do not, your return may be postponed by your manager as follows:
 - By up to 7 days if you were entitled to 52 weeks leave
- ✓ If you take up to 26 weeks leave, you can return to the same job. This means on the same contract of employment and on the terms that are no less favourable.

- ✓ “Job” also covers the nature of work you’re employed to do and the capacity and the place you’re employed.
- ✓ If you take more than 26 weeks leave, you have the right to return to the same or a similar job.
- ✓ If, while you’re on Adoption leave, your Service undergoes an organisational review or restructure, this will be managed in line with the [Managing change policy](#) and you will be fully consulted on any changes that may impact you.
- ✓ You can request flexible working, wherever possible, it is a good idea to make your request at least three to four months before you want the new arrangement to start. It might also be a good idea to give your manager different workable options for them to consider. For more details on requesting flexible working, please see the [flexible working orb pages](#).
- ✓ For colleagues with SSSC and or GTCS registration, please ensure this is current and where applicable, any outstanding registration fees are paid prior to returning to the workplace.

All colleagues on fixed term contracts including temporary teachers:

- ✓ You will not have the right to return to work where your contract would have expired during the leave period, but we will continue to pay you what you’re due in terms of Occupational and Statutory Adoption Pay.
- ✓ If your contract ends before the 13 weeks has expired your entitlement to ordinary adoption pay will cease and you will receive statutory adoption pay only.

Paying back adoption pay

- ✓ We pay enhanced adoption pay because we value you and want you to return to work when your Adoption leave ends.
- ✓ If you’ve received the full 14 weeks adoption pay, you must return for 3 months at the end of your leave otherwise we will ask you to pay back the equivalent of six weeks adoption pay less any SAP paid, the total amount due will be confirmed to you in writing. Any period of unpaid leave will not count towards this.
- ✓ If you tell us at the start of your adoption leave that you do not intend to return to work after your adoption leave, we will only pay you 8 weeks adoption pay at your normal rate of pay plus any SAP.
- ✓ If you notify us prior to your adoption leave ending, then we will claim back 6 weeks normal pay which will be recovered in line with the overpayments process.
- ✓ If you’re not sure you’re going to return to work, you can choose to receive 8 weeks normal pay and then make up your mind after that. If you then decide to return to work, we can pay you the remainder of your enhanced pay at a later date.

For Teachers Only:

- ✓ For teachers you’ll not have to pay back any adoption pay if you do not wish to return to work after your adoption leave.

Support

- ✓ If you have any questions speak to your line manager in the first instance.
- ✓ The askHR team are available to assist you with any questions, however, please make sure you have read the guidance before contacting them.
- ✓ [Employee assistance programme](#).
- ✓ There is support on the Orb within the [family leave pages](#).
- ✓ There is also further information on the [Adoption pay and leave: Overview - GOV.UK \(www.gov.uk\)](#)

Manager guidance

You team member attending appointments

- ✓ If your team member is the primary adopter, they will receive reasonable paid leave to attend meetings or appointments.
- ✓ Your team member should give you reasonable notice of when they want to take leave and show you their appointment card, or letter confirming meeting.

Before your team member goes on adoption leave

- ✓ Once your team member has let you know that they have been matched to a child, they should confirm this in writing to you. The letter should confirm:
 - That the child is being placed with them, and
 - The date that the Adoption leave is to start.
- ✓ It is not for you to share that your team member is having a child, or even that placement has been successful, unless they're happy for you to do so.
- ✓ Ideally your team member should take any accrued annual leave prior to adoption leave, but if not possible, you will need to add any accrued leave not taken to the new leave year. Further details on how to do this can be found on the [Annual Leave Orb Pages](#).
- ✓ A colleague's Council email account and login should be suspended during adoption leave. Failure to follow these procedures may lead to a colleague's user account being automatically and permanently deleted (meaning their files or emails might not be recoverable). Details can be found on the [Long-term Leave and Council Accounts Orb Pages](#).
 - Action for Corporate employees: Complete the [User account - Suspend for Corporate Form](#).
 - Actions for Learning & Teaching employees: Speak to your local admin to ensure the user account is suspended.
- ✓ Where possible you may wish to discuss and agree with your team member whether they're going to take any KIT days, what they will do on those days and agree the dates before they start their adoption leave. This can also be agreed during their leave if they have not yet decided.

Forms to complete

- ✓ Before the leave begins you need to complete the Maternity, Adoption, or Shared Parental Leave Form on HALO.
- ✓ You need to attach a copy of the verified adoption paperwork. The proof must show:
 - their name and address and that of the agency
 - the match date – for example the matching certificate
 - the date of placement – for example a letter from the agency
 - the relevant UK authority's official notification confirmation you're allowed to adopt (overseas adoption only)
 - the date the child arrived in the UK – for example a plane ticket (overseas adoption only)
- ✓ They must have also signed form SC6 if they're adopting from overseas with a partner. This confirms they're not taking paternity leave or pay.
- ✓ If they're in a surrogacy arrangement, you also need to ask for a written statement to confirm they've applied or will apply for a parental order in the six months after the child's birth.
- ✓ Once you submit this form, it will be processed, and the team member will be contacted via a letter to confirm leave dates and leave and pay eligibility.

During adoption leave

- ✓ You and your team member should maintain reasonable contact during their adoption leave. The amount of contact should be agreed between you and your team member and how the contact will happen (e.g., office visits, home visits, phone, email etc).
- ✓ It is worth thinking about how you will ensure you maintain the contact you have agreed, is there anything that you need to put in place to ensure effective communication. For example, update distribution list and diary reminders.
- ✓ This contact is not considered to be work and does not count towards their Keeping in Touch (KIT) days.
- ✓ If you move role, or leave during this period, ensure an effective handover to the new manager, and inform the colleague about the change. For continuity you should advise the new manager of any plans and commitments you have agreed. New managers should make contact and introduce themselves when they take over.
- ✓ You should discuss any return-to-work plans, any job opportunities, development opportunities or workplace developments that has happened while your team member has been on leave.
- ✓ If your team member has requested flexible working on their return, please discuss the request with them.

Keeping in touch (KIT) days

- ✓ Agree any KIT days with the colleague. The colleague may want to use their days for team meetings, training sessions so make them aware of useful dates, or dates where you as a team can work collaboratively so you can make the most of the time. They also may wish to use their KIT days to trial childcare options.
- ✓ Colleagues can work part of a day or even a couple of hours, but this will use up one of the 10 KIT days. Your team member should only be paid for the hours they work, and you need to agree this in advance.
- ✓ There may be opportunities while they're on leave that could support their personal or career development so make them aware of these as may want to use KIT days to attend.
- ✓ Please ensure you have reactivated your team members digital account prior to keeping in touch days.
- ✓ Where possible try to make sure you're in the office with your team member during KIT days so you can catch up too. For those that are hybrid working it would be useful to invite your team member to any team meetings and they can use their KIT days for this collaborative time.
- ✓ There may be times where you might not be present during the colleagues KIT days for example annual leave. Think about who else can be involved during KIT days, for example a buddy, a mentor, a coach, or work colleague.
- ✓ Arrange payment for any keeping in touch (KIT) days on HALO there is a maximum entitlement of 10 KIT days.
- ✓ Payment should only be requested once the KIT Day has been worked, not in advance.

Before your team member returns to work

- ✓ Before your team member returns fully to work, its good practice to arrange a meeting to discuss work arrangements, this might include workload, team updates, upcoming work, flexible working requests not previously raised during Adoption leave. A one size fits all approach will never be appropriate as the transition will differ from individual to individual.
- ✓ Discuss the carry forward annual leave and agree with your team member when they should take their accrued leave.
- ✓ If applicable, prior to their return to work, ensure all regulatory body registration requirements are in place for example SSSC or GTC.
- ✓ If you have approved a flexible working request, then you need to complete a change an employee's hours and/or work pattern form on HALO.
- ✓ You need to confirm their return-to-work date by submitting a Maternity, Adoption Leave or Shared Parental Leave Return to Work Form on HALO. Failure to process a return date and any flexible working agreements on time could result in your team member being incorrectly

paid. Please ensure you have reactivated your team member's digital account. Further details on how to do this can be found on the [Long-term Leave and Council Accounts Orb Pages](#).

- ✓ When the colleague returns to work remember to have regular check in points with them to see how they're getting on and if any adjustments need to be reviewed.

For Teachers Only:

- ✓ When completing the return-to-work form, indicate that your team member is a teacher, as you go through the form, select school closure days to be paid, this will generate the fields to input the details of days to be paid. You need to confirm their return-to-work date by submitting a Maternity, Adoption Leave or Shared Parental Leave Return to Work Form on HALO.

Support

- ✓ As a line manager it is your responsibility to review the policy and the user guide, however if you have any queries, you can contact askHR.
- ✓ [Employee assistance programme](#).
- ✓ There is support on the Orb within the [family leave pages](#).
- ✓ There is also further information on [Adoption pay and leave: Overview - GOV.UK \(www.gov.uk\)](#)

3. Pregnancy and baby loss

We understand that losing a baby is one of the most traumatic events you could go through, and we want to be able to support you in the best way we can.

It is our aim to be as inclusive as possible in our definition of pregnancy or baby loss. We use the term pregnancy or baby loss to refer to many different types of loss, including miscarriage (the loss of a baby during the first 24 weeks), stillbirth (the loss of a baby after 24 weeks), termination for medical reasons, ectopic pregnancy, molar pregnancy, chemical pregnancy, embryo transfer loss, and neonatal loss.

A [supporting colleagues through pregnancy or baby loss guide](#) is available to all colleagues and managers which has additional information and resources for you.

Employee guidance and responsibilities

Notification of pregnancy or baby loss

- ✓ When you're ready you should notify your manager. You can ask your partner, a friend, or a family member to do this.
- ✓ Your manager will notify askHR to ensure your absence is correctly recorded, and your pay is updated.
- ✓ Your manager will be able to confirm what leave you're able to take.

Leave and pay entitlements

- ✓ Where your baby is still-born or dies following birth, you may be entitled to all, or part of your adoption leave and pay, and this will start on the day of the birth.
- ✓ You will be entitled to parental bereavement leave which you can take after your adoption leave. Further details can be found in the [Special leave policy](#).

Support

- ✓ Internal Support can be accessed through our Employee Assistance Programme. They can provide counselling and discuss other forms of help free of charge and are available 24 hours a day. To access support call 0800 882 4102 or visit [PAM Assist](#).
- ✓ The [supporting colleagues through pregnancy or baby loss](#) signposts you to external agencies that can offer support and advice.

- ✓ If you have any questions, speak to your line manager in the first instance.
- ✓ The askHR team are available to assist you with any questions, however, please make sure you have read the guidance in full before contacting them.

Manager guidance and responsibilities

Notification of pregnancy or baby loss

- ✓ When your team member has told you about their loss, no matter how the loss occurred you should always prioritise empathy, support and understanding.
- ✓ We encourage you to strike a balance between keeping in touch to provide support (i.e., employee assistance programme) and recognising when parents need space to grieve.
- ✓ You should notify askHR to ensure your team member's absence is correctly recorded, and their pay is updated.

Leave and pay entitlements

- ✓ Where your team member's baby is still-born or dies following birth, they may be entitled to all, or part of their adoption leave and pay, and this will start on the day of the birth.
- ✓ If the baby is stillborn or dies before the end of the 24th week of pregnancy it is treated as a miscarriage. Unfortunately, they cannot qualify for adoption leave or pay for a miscarriage.
- ✓ Your team member will also be entitled to parental bereavement leave which they can take after their adoption leave ends. Further details can be found in the [Special leave policy](#).

Support

- ✓ You may wish to meet with them to discuss what they intend to do, and how you can support them further.
- ✓ Internal Support can be accessed through our Employee Assistance Programme. They can provide counselling and discuss other forms of help free of charge and are available 24 hours a day. To access support call 0800 882 4102 or visit [PAM Assist](#).
- ✓ The [supporting colleagues through pregnancy or baby loss](#) signposts you to external agencies that can offer support and advice.
- ✓ The askHR team available to assist you with any questions, however, please make sure you have read the guidance in full before contacting them.

4. Premature birth and neonatal care

We recognise that it can be an incredibly distressing and worrying experience for new parents of premature or unwell babies.

A premature or pre-term birth is when a baby is born before 37 weeks and where this happens, they may require neonatal care.

There may also be occasions when full-term babies are born unwell and need to spend time in the neonatal unit to treat and support serious health conditions.

A [supporting colleagues through premature birth and neonatal care guide](#) is available to all colleagues and managers which has additional information and resources for you.

Employee guidance and responsibilities

Premature birth

- ✓ If your baby is born prematurely, your adoption leave will start from the day after the baby's birth.
- ✓ When you're ready you should notify your manager as soon as reasonably practicable to ensure your absence is correctly recorded, and your pay is updated.

Baby receiving neonatal care

- ✓ Notify your manager as soon as reasonably practicable. You could get your partner and or a family member to do this for you.
- ✓ You will be eligible to take neonatal care leave, if you're the intended parents in a surrogacy arrangement, i.e. where you intend to apply for a parental order.
- ✓ You will be eligible to take neonatal care leave, if you're the intended parents in the adoption, i.e. where the intention was that the baby or babies would be placed with the parents that they have been matched with at birth or shortly after birth.
- ✓ If your baby receives neonatal care that has lasted for at least seven consecutive days and started within 28 days of birth, you will be entitled to take Neonatal Care Leave, up to a maximum of 12 weeks.
- ✓ You will be entitled to take a week's leave for every week the baby remains in neonatal care up to 12 weeks.
- ✓ If you have less than 26 weeks service from the expected due date, you can take up to 12 weeks unpaid leave, which you can take at the end of any other family leave.
- ✓ If you have more than 26 weeks service from the expected due date, you can take up to 12 weeks paid leave at your normal rate of pay which you can take at the end of any other family leave. Neonatal Care Leave can begin when adoption leave ends. Alternatively, it can be taken after you have returned to work provided it is within 68 weeks of the birth.
- ✓ Please tell your manager as soon as possible the start and end dates of the neonatal care that your baby has received, and your manager will complete the Neonatal Care Form on HALO. You'll need to decide if you want to take the leave at:
 - the end of your adoption leave
 - the end of any other family leave, i.e. shared parental leave
 - when you have returned to work.

Support

- ✓ Internal Support can be accessed through our Employee Assistance Programme. They can provide counselling and discuss other forms of help free of charge and are available 24 hours a day. To access support call 0800 882 4102 or visit [PAM Assist](#).
- ✓ The [supporting colleagues through premature birth and neonatal care](#) signposts you to external agencies that can offer support and advice.
- ✓ If you have any questions, speak to your line manager in the first instance.
- ✓ The askHR team are available to assist you with any questions, however, please make sure you have read the guidance in full before contacting them.

Manager guidance and responsibilities

Premature birth

- ✓ If your team member's baby is born prematurely, their adoption leave will start the day after their baby is born.

- ✓ You should notify askHR as soon as reasonably practicable so their absence and pay can be recorded correctly.
- ✓ Bear in mind that premature birth is one of the most stressful events that a new parent has to face and we encourage you to strike a balance between keeping in touch to provide support (i.e., employee assistance programme) and respecting your team members right to privacy.
- ✓ An important way in which you can support a team member with a premature child is to consider flexible working once adoption leave ends.

Baby receiving neonatal care

- ✓ Your team member will be eligible for neonatal care leave if they're the intended parents in a surrogacy arrangement i.e. where they intend to apply for a parental order.
- ✓ Your team member will be eligible for neonatal care leave, if they're intended parents in adoption, i.e. where the intention was that the baby or babies would be placed with the parents that they have been matched with at birth or shortly after birth.
- ✓ If your team member's baby receives neonatal care that has lasted for at least seven consecutive days and started within 28 days of birth, they will be entitled to take Neonatal Care Leave, up to a maximum of 12 weeks.
- ✓ They will be entitled to one week off for each week their baby is in neonatal care. This leave will be taken once their Adoption Leave has ended.
- ✓ If your team member has less than 26 weeks service, they can take up to 12 weeks unpaid leave, which can be taken at the end of any other family leave.
- ✓ If your team member has more than 26 weeks service, they can take up to 12 weeks paid leave at their normal rate of pay which can be taken at the end of any other family leave. Alternatively, it can be taken after you have returned to work provided it is within 68 weeks of the birth.
- ✓ If your team member wishes to take this leave, they need to advise you as soon as possible with the start and end dates of the neonatal care that their baby has received, you'll then need to complete the Neonatal Care Form on HALO so that HR can process the leave. Your team member can take the leave at:
 - the end of your adoption leave
 - the end of any other family leave i.e. shared parental leave
 - when you have returned to work.
- ✓ The team member may well be in the middle of an emotional and worrying time and the effects of a baby spending time in a neonatal intensive care unit could manifest themselves both physically and mentally, possibly resulting in a long-term condition or illness. Managers should be mindful of this in the event of a change in your team members performance, behaviour, or absence.

Support

- ✓ You may wish to meet with them to discuss what they intend to do, and how you can support them further.
- ✓ Internal Support can be accessed through our Employee Assistance Programme. They can provide counselling and discuss other forms of help free of charge and are available 24 hours a day. To access support call 0800 882 4102 or visit [PAM Assist](#).
- ✓ The [supporting colleagues through premature birth and neonatal care](#) signposts you to external agencies that can offer support and advice.
- ✓ The askHR team are available to assist you with any questions, however, please make sure you have read the guidance in full before contacting them.

5. Pension

Employee guidance and responsibilities

All colleagues except teachers

- ✓ Your time on adoption leave counts towards continuous service.
- ✓ If you're a member of the Local Government Pension Scheme and you qualify for occupational adoption pay or statutory adoption pay, you will continue making pension contributions from whatever pay you get.
- ✓ The Council will continue to make full pension contributions during your period of paid adoption Leave.
- ✓ If you go into a period of unpaid adoption leave of more than 30 days this period will not count towards your pension, but you will have the option to buy back pension for the unpaid period.
- ✓ You can buy back pension within 30 days of returning. If you do this, the Council will share the costs of buying back the pension. You'll pay 1/3rd and the Council will pay 2/3rds.
- ✓ If you decide later to buy back pension and it's after the 30-day period of returning, you will have to pay the full cost which includes the employer contributions.
- ✓ You can obtain a cost of buying back pension figure from HR, you'll need to complete the Pension Request - Join or Leave Fund, Buy Back, or Query Form on HALO. If you do not have access to HALO your manager can do this on your behalf.
- ✓ HR will complete an Additional Pension Contributions (APC) Application Form with your figures on it and if you want to proceed you need to sign the form and return it to HR.
- ✓ HR will arrange deductions through your pay and notify Lothian Pension Fund.
- ✓ For more information regarding buying back periods of lost pension, visit the Additional Pension Contributions modeller on the [Lothian Pension Fund website](#).

Teaching colleagues

- ✓ If you're a member of the Teachers Superannuation Scheme, you should contact Scottish Public Pension Agency to find out how periods of unpaid leave will affect your pension. All information about the Scottish Teachers' Pension Scheme (STPS) can be found on the [Scottish Public Pensions Agency website](#).
- ✓ The Council shall continue to make full pension contributions during your period of paid Adoption leave.

6. Definitions

Definitions explained	
Term	Meaning
Adoption	Formal adoption of a child newly matched for adoption by an employee who is named on the approved adoption agency's matching certificate.
Childbirth	Means the process of giving birth to a child.
Continuous Service	Means continuous service with the City of Edinburgh Council (or its predecessors) or any local authority or employer to which the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 (as amended) applies. Note: Certain exceptions apply for "Red Book" employees returning to local government service following a break for Adoption reasons provided the break does not exceed 8 years and that no paid employment has intervened.
Expected childbirth week	"Week" in this context means the period of 7 days, beginning at midnight on Sunday, in which the birth is expected to take place.
Lower earnings limit	To calculate your average weekly earnings, we take the average gross earnings over a period of at least eight weeks up to and including the last payday before the end of the qualifying week or before the week the child is matched with you.
Matching Certificate	Certificate from appropriate adoption agency used as evidence for the purposes of Statutory Adoption leave and Pay.
Normal Pay	Normal pay is Occupational Adoption Pay (OAP) and Statutory Adoption Pay (SAP) put together.
Parent	A child's mother, father, guardian, foster carer or some other person with parental responsibility (regardless of gender).
Parental order	A Parental Order is a court order that transfers legal parentage from a surrogate mother to the intended parents.
Qualifying week	The 15 th week before the week in which the matching certificate indicates that the baby is due. Find the Sunday before your baby is due (or the due date if it is a Sunday) and count back 15 Sundays from there. That is the start of the 15th week before your expected week of childbirth.
Statutory Adoption Pay (SAP)	A legal entitlement to an amount of pay set annually by the Government that is made to employees or former employees who adopt a child.
Surrogacy	Surrogacy is when a surrogate carries and gives birth to a baby for the intended parents.
Week's pay	If your pay does not change with the amount of work done over the period, a week's pay is the amount the Council pays the employee under their contract of employment for working their normal hours in a week.

	Where there are no normal working hours, a week's pay is the average pay over the 12 weeks before the date on which the last complete week ended, excluding any week where the employee did not get any pay.
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