

Managing Adoptions Policy

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ANGELICAN MISSION IN ENGLAND

 **cornerstone**
CHURCH - GRAYS

If anything in this policy contradicts an employment contract between Cornerstone Church Grays and an employed individual, the employment contract takes precedence.

Managing adoption leave

Adoption leave works very similarly to Maternity leave in that the entitlements are the same as is the statutory payment scheme. The main differences are:

1. The placement date is a little harder to predict.
2. The two parents need to decide who is the 'main adopter' who will benefit from the leave entitlement.
3. Entitlement starts from day one, there are no service requirements to be eligible for adoption leave.

When do I become eligible for Adoption leave?

There are no service requirements for adoption leave, you are eligible from the commencement of your employment.

Can both partners share the leave?

No. The only way that two partners can have time off is if the main adopter terminates the Adoption leave and the other partner commences Shared Parental Leave. Both partners can not be off together unless one uses annual leave.

Can I have time off before the placement takes place?

Yes. Adopters can have up to 5 appointments between the date of matching and the anticipated date of placement. These are paid at the normal rate.

If I'm adopting a partner's children, can I have adoption leave?

No, this is for new placements only.

When can I start adoption leave?

Adoption leave can commence no earlier than 14 days before the expected date of placement and must start no later than the date of placement.

How much adoption leave am I entitled to?

Employees are entitled to 52 weeks Statutory Adoption Leave (SAL) which is divided into 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks Additional Adoption Leave (AAL). 39 weeks is paid and 13 weeks is unpaid.

Paid adoption leave

Employees can take up to 39 weeks adoption leave. This is 6 weeks at 90% of average earnings and then 33 weeks at SMP or 90% of average earnings (whichever is lower). SMP is currently [£172.48 per week](#) and will next be reviewed on 6th April 2024.

If the employee has a pay rise whilst on SAP which increases the amount they are due, they should receive the higher amount where it is due. For instance, if it is during the first 6 weeks of SAP where the employee is due 90% of their average salary, they would be due 90% of the new salary. If it is during the next 33 weeks, then they would only receive additional money if 90% of their average wage is less than £172.48 per week.

What happens with pension when an employee is on adoption leave?

This depends on how your pension scheme is set up. Most churches will have a form of Group Personal Pension which is also called a ‘Defined Contribution’ scheme. The below table summarises the guidance from the [Pensions Advisory Service](#):

Period of SAL	Employer contributions	Employee contributions
39 weeks paid leave	Based on pre-leave pensionable salary	Based on current take home pay
13 weeks unpaid leave	Depends on contract – nil contribution unless contract states otherwise	Based on current take home pay

If you have a Defined Benefit scheme, different rules apply. Please seek specialist advice if unsure.

What happens with other benefits during adoption leave?

All contractual benefits should be maintained during adoption leave.

What happens with holidays during adoption leave?

Statutory holidays continue to accrue during adoption leave and even if your contract states that holidays cannot be carried over, they should be honoured in this case. This may result in a large number of holidays owing at the time the employee is due to return to work. It may be a good idea for the employee to either tag paid annual leave onto the end of their adoption leave or to use it as a phased return to work (eg work 3 days and take 2 days holiday each week until the annual leave is used up).

How do Keeping in Touch days work?

If both parties agree to do so, employees can attend work for up to 10 days during their adoption leave without triggering the end of their Adoption Leave. These are called KIT days and should be paid at the employees' normal daily rate (less any SAP due).

If the employee only works for 3 hours, this constitutes a full KIT day (e.g. they can't be split into half days). There's no specific guidance on whether you pay a full days rate in this case or the hours worked but if you want the employee to come in, it makes sense to make it economically worthwhile for them.

How does Adoption leave link with Shared Parental Leave?

If the mother wishes to return to work and transfer their leave to their partner, they can do so under the Shared Parental Leave provisions. In this case, the Adoption Leave would cease from the date the Shared Parental Leave commences.

Paying enhanced adoption pay

Many churches offer enhanced adoption pay over and above the statutory minimum. This is fine from a legal perspective and can really help families during an expensive period of time. Just make sure your contracts and policies clearly reflect what is offered and under what terms. If you are paying full pay for a period of time, ensure that it is clear that the payment includes SAP.

Returning to work

Unless they tell you otherwise, you should assume that employees will return after the full 52 weeks leave. Some employees will wish to return earlier but they should give you a minimum of 8 weeks' notice so that you can adequately prepare.

If they wish to submit a flexible working request, they should also give you adequate notice. See the Flexible Working guidance for more information.