

# Policy



## Adoption Leave and Pay – Police Staff

URN: J-P-056

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**Version:** 1.3  
**Effective Date:** 07/09/2021  
**Version Date:** 12/12/2023  
**Review Date:** 12/12/2024

**Host Force:** Dorset Police  
**Host Policy Unit:** Dorset Police Legitimacy Team  
**Policy Owner:** Alliance Head of Employee Relations – HR Operations  
**Policy Author:** Strategy and 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).

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### Applicable to:

Devon & Cornwall Police	<input checked="" type="checkbox"/>
Dorset Police	<input checked="" type="checkbox"/>
OPCC Devon & Cornwall	<input type="checkbox"/>
OPCC Dorset	<input checked="" type="checkbox"/>
Officers	<input type="checkbox"/>
Staff	<input checked="" type="checkbox"/>

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**PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE FORCE DOCUMENT LIBRARY.**

## 1.0 Introduction

- 1.1 This policy sets out arrangements for adoption leave and pay, including those who have entered into a surrogacy arrangement and who have applied or will apply for a parental order within six months of the birth. It also includes those who have been approved for a 'Fostering to Adopt' arrangement.
- 1.2 It sets out provisions for those adopting babies and children up to the age of 18.
- 1.3 This forms part of the suite of family leave provisions and encourages the retention of police staff. The provisions are complex in this area and specific procedures should be clarified with HR Operations - Admin and/or the Payroll team.
- The provisions relating to paid leave for police staff are described in the Police Staff Council Handbook.
- 1.4 This policy describes how the statutory and handbook provisions will be applied in Devon & Cornwall Police and Dorset Police and provides additional clarity for individuals and managers supported by step-by-step guides and additional information.

## 2.0 Eligibility

- 2.1 The entitlement to Statutory Adoption Leave (SAL) is a day one right for adoptive parents and Intended Parents (IP's) in a surrogacy arrangement. The employee must be employed by the Force at the time of requesting the leave to be entitled to SAL of up to 52 weeks and must provide the correct notice (as 3.0 below).
- 2.2 To qualify for Statutory Adoption Pay (SAP), the employee must have been continuously employed by the Force for at least 26 weeks up to any day in the week they were matched with a child for adoption. This principle also applies when adopting from overseas, however the 26 weeks continuous service will apply from the start of the week when the pay begins. For surrogacy, the 26 weeks applies up to any day in the 15th week before the baby is due. The entitlement is for 39 weeks SAP.
- 2.3 Employees must be earning at least the lower earnings limit for National Insurance Contributions over an eight-week period to qualify for SAP.
- 2.4 Where the employee has been continuously employed by the Force for a period of not less than 52 weeks, contractual Occupational Adoption Pay (OAP) will be paid at full pay (pro-rata for part time) for the first 26 weeks of adoption leave. See section 11 for alternative ways to receive this pay.
- 2.5 Agency workers are not entitled to enhanced OAP but may receive basic statutory provisions where eligible.
- 2.6 Where a couple are jointly adopting a child, the adoptive parents should decide which of them is the primary adopter and takes the adoption leave. The partner

- of the primary adopter, or the other member of a couple who are adopting jointly, may, however, be entitled to paternity (maternity / adoption support) leave or Shared Parental Leave (See 4.5 Shared Parental Leave).
- 2.7 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.
- 2.8 Where a child is born to a surrogate mother, the intended parents can become the child's legal parents by applying for a parental order in respect of the child within 6 months of the birth and they expect that order to be granted. One of the intended parents must be genetically related to the child and the child must live with the intended parents.
- 2.9 Where a couple have a parental order in relation to a child, one of the parents can be eligible for adoption leave and pay and the other can be eligible for paternity leave and pay. The couple must elect which one of them will take adoption leave.
- 2.10 An employee who takes adoption leave in these circumstances can curtail their adoption leave and take Shared Parental Leave with the other parent, provided that both parents meet the relevant eligibility requirements. Further information is available within the Shared Parental Leave policy.
- 2.11 Where an employee adopts a child from overseas with a partner, a form SC6 must be signed to confirm the employee is not taking paternity leave or receiving paternity pay.
- 2.12 Employees will not qualify for either adoption leave or pay where they:
- Become a special guardian or kinship carer (looking after a family member or a friend's child full time in their own home)
  - Adopt a stepchild or family member
  - Adopt privately, for example without permission from a UK authority adoption agency
- 2.13 If the adoption placement is disrupted during the period of adoption leave, where for example, the agency has notified that it cannot proceed, the child is returned to the adoption agency or where the child to be adopted dies, the employee is entitled to remain on adoption leave and continue receiving adoption pay for up to eight weeks after the week that the disruption occurs. Adoption pay will not however extend beyond the original end date of the adoption leave. Where these circumstances occur, advice can be sought from HR Operations – Admin.
- 2.14 If two or more children are adopted or fostered under 'Fostering To Adopt' on the same placement, there is an entitlement to only one period of adoption leave. If it's a separate placement, there is an entitlement to a second period of adoption leave. The adoption leave restarts when the second placement begins.

### 3.0 Notification

3.1 The employee should notify their line manager and HR Operations – Admin at the earliest opportunity of the adoption, within seven days of being matched with a child and provide the following information:-

- How much leave they wish to take,
- Their adoption leave start date,
- The 'date of placement' - the expected or actual date the child is placed with them.

HR Operations – Admin will notify the Payroll team, and will provide acknowledgement of receipt to the employee.

3.2 The employee may change the date on which they intend to start their adoption leave, so long as they notify the Force of the revised start date at least 28 days before the original start date or the revised start date, whichever is earlier, or as soon as reasonably practicable, where it is not possible to provide 28 days' notice.

3.3 To qualify for SAP, 28 days' notice must be provided to the line manager unless the time between the child being matched is less than this. In addition, the employee must provide proof of adoption to qualify for SAP.

3.4 The proof of adoption documentation must include: -

- The name and address of the agency and employee,
- The date the child was matched, for example the matching certificate,
- The expected or actual date of placement, for example a letter from the agency,
- The relevant UK authority's 'official notification' confirming the parent is allowed to adopt (overseas adoptions only),
- The date the child arrived in the UK, for example a plane ticket (overseas adoptions only).

### 4.0 Adoption Leave

4.1 Up to 52 weeks' adoption leave can be taken which is made up of 'Ordinary Adoption Leave' covering the first 26 weeks and 'Additional Adoption Leave' covering the second 26 weeks.

4.2 Adoption leave can commence on the day the child starts living with the employee, or up to 14 days before the date the child starts living with them (UK adoptions), when the child arrives in the UK or within 28 days of this date (overseas adoptions) or on the day the child is born or the day after (where through a surrogate).

- 4.3 If the date of the placement changes, the employee must notify their line manager in writing within 28 days of this (or UK arrival date for overseas adoptions) change.
- 4.4 The right to adoption leave is available to one member only of a couple who have had a child placed with them for adoption. This applies even if they work for different organisations. It is up to the adoptive parents to decide which of them is the primary adopter and takes the adoption leave. The partner of an employee who adopts, or the other member of a couple who are adopting jointly, may, however, be entitled to a period of paternity (adoption support) leave.
- 4.5 For a couple, there is the option to reduce the adoption leave and pay to create Shared Parental Leave (SPL) and pay. Depending on whether both employees meet the conditions, 50 of the 52 weeks of adoption leave can be shared with the partner. The primary adopter must take at least the first two weeks of adoption leave, but the remainder may be shared so that both individuals can be on leave at the same time or take it in turns to take up to three blocks of SPL each within the first year of adoption. It should be noted that an employee is not entitled to take any further adoption leave where they have curtailed their adoption leave to take SPL in relation to the child. Further information is available within the Shared Parental Leave policy and procedural guidance.
- 4.6 If the placement comes to an end for whatever reason during the adoption leave period, the employee may continue the adoption leave for up to eight weeks after the end of placement or at the end of the Additional Adoption Leave, whichever is the soonest. Advice can be provided by HR Operations - Admin should this occur.
- 4.7 An employee is not entitled to take adoption leave if they have taken shared parental leave in relation to the child.
- 4.8 If whilst on adoption leave, an employee is required to attend court, they must do so. Attendance at court as a police witness is classed as duty. The employee should contact Payroll to advise them of the requirement to attend court and to clarify pay arrangements.

## **5.0 Adoption Arrangements**

- 5.1 Where an employee is eligible for adoption leave, paid time off work can be provided for the primary adopter for five adoption appointments for up to a maximum of six and a half hours each, following a match with a child. These could include legal, medical, or social services appointments in relation to the adoption process. The employee should be able to show an appointment card from the adoption agency when requested by the line manager.
- 5.2 The other adoptive parent can attend two appointments on an unpaid basis for a maximum of six and a half hours on each occasion.

## 6.0 Oversees Adoption

- 6.1 Notification must be provided to the Force within 28 days of receipt of the 'official notification' from eligible employees adopting a child from overseas or within 28 days of completion of 26 weeks' continuous service with the Force, whichever is later. They must notify the Force of the date on which the official notification was received; and the date on which the child is expected to enter the UK.
- 6.2 The Force must also be provided with at least 28 days' notice of when the employee wishes their adoption leave to start, and within 28 days of the child's entry into the UK.
- 6.3 A copy of the official notification should be provided to the line manager and Payroll with evidence of the child's date of entry into the UK.
- 6.4 Acknowledgement will be provided in writing by Payroll.

## 7.0 Surrogacy Arrangements

- 7.1. At least 15 weeks before the due date, employees in surrogacy arrangements must provide notification to their line manager of when the baby is due and when they want the adoption leave to commence.
- 7.2. HR Operations – Admin will provide written acknowledgement within 28 days to the employee of the start and end dates.
- 7.3. Where requested by the Force, the Intended Parent (IP) must provide a statutory declaration that they will apply for a parental order for the child with their partner and expect that order to be granted. If the qualifying criteria is met, that is they have earned the lower earnings level in an eight-week test period, and they also meet the test for 26 weeks' continuous employment, that parent will also qualify for up to 39 weeks of SAP, so long as they comply with the notification and evidence requirements.
- 7.4. In addition to the right to adoption leave and pay, IP's also have a right to unpaid time off to attend up to two ante-natal appointments with the surrogate if they are agreeable.
- 7.5. The father of the baby, the pregnant woman's partner, those in a long-term relationship with the mother, or the IP (where through a surrogacy arrangement) are also able to attend two ante-natal appointments which will be on an unpaid basis.
- 7.6. This includes agency workers after they have been undertaking the same job or similar for the Force for at least 12 weeks prior to requesting time off for ante natal appointments.

## 8.0 Fostering for Adoption

8.1 An employee within a 'Fostering for Adoption' may be entitled to Adoption Leave and Pay, subject to meeting the Adoption Leave and Pay eligibility criteria. In addition, an employee must also meet the following conditions:

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

**Please note:** Employees will be required to provide evidence of their participation in a 'Fostering for Adoption Placement' based on criteria outlined above.

8.2 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 provisions only apply to new placements.

## 9.0 Keeping in Touch Days (KIT)

9.1 There is the option for the employee to take up to ten voluntary 'Keeping in Touch' (KIT) days intended to facilitate a smooth return to work for those returning from adoption leave. KIT days may be taken as part days / hours, but each day will be counted as a full day and paid in accordance with the hours worked. KIT days will not bring the adoption leave to an end and should be arranged and agreed in advance with the line manager.

## 10.0 Return to Work

10.1 Reasonable contact should be maintained during the adoption leave as agreed between the line manager and employee to notify them of any changes or events taking place and discuss any return-to-work plan. Upon the return to work the line manager should hold a return-to-work discussion, covering areas such as wellbeing, any work changes occurring during the leave and identify any training requirements.

10.2 If the employee wishes to apply to return to work on a part time basis or on a flexible working pattern, they should complete a flexible working application providing at least 28 days' notice prior to return.

10.3 The employee (primary adopter) may request temporary family friendly hours, for a period of up to three months when returning to work, to be discussed and agreed with the line manager prior to their return. This is an informal local arrangement to accommodate family needs with a return to the workplace. This is different to flexible or part-time working which is agreed on a more permanent basis. Family friendly hours can be used as an opportunity to trial a working pattern prior to submitting a formal flexible working request and commences from the date of the physical return to the workplace.

- 10.4 In discussion between the line manager and the employee, consideration may be given to not being immediately placed on the shift pattern for up to one week upon return, allowing for a period to settle back into the workplace, understand workplace changes, update on any policy and procedural changes, and so on. This is not mandatory and is intended as a supportive measure following a long period of adoption leave, although some employees may prefer to be placed immediately on shift upon return.
- 10.5 On return from adoption leave, the employee has the right to return to the same job under the same terms and conditions unless it is not practicable by reason of redundancy. In such cases, the employee shall be entitled to be offered a suitable alternative vacancy where one exists. Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g., a general re-organisation) take place.

### 11.0 Adoption Pay

- 11.1 Employees with 26 weeks qualifying service will receive SAP for up to 39 weeks. SAP is paid at 90% of the employees' gross average weekly pay for the first six weeks, followed by 33 weeks paid at the prevailing rate of SAP.
- 11.2 Employees with 52 weeks qualifying service, will receive OAP at full pay (pro rata for part time employees) for the first 26 weeks of adoption leave, made up of OAP and SAP, followed by the lower rate of SAP.
- 11.3 Employees can elect, with the agreement of the Force, to extend their final five weeks' OAP to 10 weeks at half pay.
- 11.4 The employee will be entitled to be paid from one of the following options:

Option 1

Week 1 – 26 = Full Pay  
Week 27 – 39 = Lower Rate  
SAP

Option 2

Week 1 – 21 = Full Pay  
Week 22 – 31 = Half Pay  
Week 32 – 39 = Lower Rate  
SAP

- 11.5 The full and half pay will be made up through a combination of occupational and statutory payments.
- 11.6 OAP is conditional upon the employee returning to work for at least one month's (four weeks) service at the end of the adoption leave period. This also applies if other leave follows on from adoption leave such as unpaid leave, parental leave, or a career break.
- 11.7 If an employee does not return to work for at least one month (four weeks) following adoption leave, they will be required to repay the OAP and provide the 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.
- 11.8 For employees not intending to return to work, payments during their adoption leave period following the first six weeks shall be the entitlement to SAP (currently 39 weeks in total), where eligible.
- 11.9 Employees continue to be eligible for any nationally negotiated pay increases during adoption leave.
- 11.10 In the case of part time employees, each day of paid adoption pay is pro-rata to full time and in accordance with their normal salary / working hours.
- 11.11 The normal rate of pay to the employee during adoption leave includes SAP at the current rate where applicable. Payment of salary during adoption leave is subject to the normal tax and national insurance deductions.
- 11.12 The first 39 weeks of adoption leave will be regarded as continuous employment for pension purposes. Members of the Local Government Pension Scheme (LGPS) will continue to have their pension contributions deducted during periods when they receive pay.
- 11.13 Any period of unpaid adoption leave will not count for pension purposes unless the employee elects to pay Additional Pension Contributions (APC's) to purchase the amount of pension lost during that period of unpaid absence. During any period of unpaid adoption leave, an employee can elect to make the pension contributions that would have been paid during this time. Where the employee elects to make such contributions, Payroll will write to the employee confirming arrangements for the repayment of the contributions in question. **Please note:** An opportunity for the employee to elect to pay the pension contributions will be given prior to them commencing adoption leave.
- 11.14 Alternatively, the request must be made within 30 days of their return to work or within 30 days of leaving, where they do not return to work. Further information concerning paying APC's is available from the Payroll Team (Finance).
- 11.15 KIT days will be paid at the normal hourly rate for hours/days worked and where applicable, will be offset against occupational /statutory adoption pay. Where a KIT Day is taken during a period of unpaid additional adoption leave, the pension benefits will accrue during the paid KIT Day(s).
- 11.16 An employee can elect to return to work before the end of the adoption leave period by notifying the Force in writing at least 28 days before the day of return.
- 11.17 If an employee does not give notice of an earlier return, it is assumed that they will return to work at the end of their adoption leave.
- 11.18 Where an employee is unable to return on the expected day due to sickness, the absence will be managed via the Attendance Support Policy and procedure in the normal way.

11.19 For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect a return on the due date, they may instead return when work resumes, or as soon as reasonably practicable thereafter.

## 12.0 Annual Leave and Public / Bank Holiday Leave

12.1 Annual leave entitlements continue to accrue 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 employee's hours immediately prior to the commencement of adoption leave.

## 13.0 Regulatory Background

The principle documents regulating this aspect are:

- a. Shared Parental Leave and Paternity and Adoption Leave (Adoption from Overseas) Regulations 2014
- b. Paternity and Adoption Leave Regulations 2002
- c. The Adoption and Parental Leave Regulations 1999
- d. The Police Staff Council Handbook

Both Forces are obliged to abide by all relevant legislation and other guidance as appropriate:

- [UK General Data Protection Regulation / Data Protection Act \(2018\)](#)
- [The Health and Safety at Work Act \(1974\)](#)
- [Human Rights Legislation](#)
- [Freedom of Information Act 2000 \(FOIA\)](#)
- [Equality Act \(2010\)](#)
- [Authorised Professional Practice](#)
- [National Decision Model](#)
- [Vision, Mission & Values](#) (DCP)
- [Vision, Purpose & Priorities](#) (DP)
- [Code of Ethics](#) (DCP)
- [Code of Ethics](#) (DP)
- [Standards of Professional Behaviour - Police Staff](#)
- [Records Management](#) (DCP)
- [Records Management](#) (DP)
- Equality and diversity matters including the Public Sector Equality Duty and Standards of Professional Behaviour

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## 14.0 Monitoring, Review, Enquiries and Feedback

Review and amendments will be coordinated by the Policy Unit.

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.

For day to day enquiries relating to this policy please contact [HR Operations - Admin \(D&C\)](#) or [HR Ops Dorset - Admin](#)

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](mailto:.Policies@dorset.PNN.police.uk)

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## 15.0 Other Associated Documents

### Policy and Procedure

- [J-Pr-046 Adoption Leave and Pay Step by Step](#)
- [J-Pr-056 Adoption Leave and Pay Additional Information – Police Staff](#)
- [J-Pr-048 Surrogacy Arrangements Procedural Guidance](#)
- [J-Pr-050 Fostering Procedure](#)
- [J-P-052 Shared Parental Leave Policy](#)

### SharePoint

- [People Portfolio A-Z](#)

### College of Policing

- [National Decision Model](#)
- [Authorised Professional Practice \(APP\)](#)

### Other

- Equality Impact Assessment

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## 16.0 Version History

**Version:** 1.0  
**Date:** 19/08/2021  
**Reason for Amendments:** Initial document  
**Amended by:** Strategy & Policy Lead – Employee Relations  
**Approved by:** Board (See Governance)  
**Date Approved:** 19/08/2021

**Quality Assured:** Legitimacy Team

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**Version:** 1.1  
**Date:** 21/03/2022  
**Reason for Amendments:** Logo / Values link updated & Payroll amended to HR Operations (3.1 - Line 1)  
**Amended by:** Employee Relations / Legitimacy Team  
**Approved by:** n/a  
**Date Approved:** n/a  
**Quality Assured:** Legitimacy Team

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**Version:** 1.2  
**Date:** 25/08/2022  
**Reason for Amendments:** Section 12 – Annual Leave – Amended to provide some clarity on the existing provisions  
**Amended by:** Employee Relations  
**Approved by:** n/a  
**Date Approved:** n/a  
**Quality Assured:** Legitimacy Team

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**Version:** 1.3  
**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.. Updated to latest template.  
**Amended by:** Employee Relations  
**Approved by:** HoD  
**Date Approved:** 04/12/2023  
**Quality Assured:** Legitimacy Team

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## 17.0 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

Alliance People Portfolio  
Employee Relations – HR Operations  
Uncontrolled version when printed  
Policy Template Version 1.0

**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

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**\*\*\*End of Document\*\*\***