

Policy



Adoption Leave and Pay – Police Officers

URN: J-P-054

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).

Applicable to:

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

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 officers. The provisions are complex in this area and specific procedures should be clarified with HR Operations - Admin and/or the Payroll team.
- 1.4 This policy describes how the statutory provisions and Police Regulations 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 officer must be serving in 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 officer must have continuously served 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 adoption 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 Officers must be earning at least the lower earnings limit for National Insurance Contributions over an eight-week period to qualify for SAP.
- 2.4 Officers who have less than 26 weeks continuous service, will be entitled to one week's adoption leave at the normal rate of pay (called Standard Adoption Leave).
- 2.5 Where the officer has served continuously with 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.
- 2.6 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 (adoption support) leave or Shared Parental Leave (See 4.5 Shared Parental Leave).

- 2.7 Where an officer 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 officer 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 officer adopts a child from overseas with a partner, a form SC6 must be signed to confirm the officer is not taking paternity leave or receiving paternity pay.
- 2.12 Officers 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 officer 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 officer 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 officer.

- 3.2 The officer 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 officer 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 officer,
 - 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 with '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 officer, 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 officer 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 main adopter and takes the adoption leave. The partner of an officer who adopts, or the other member of a couple who are adopting jointly, may, however, be entitled to a period of paternity (maternity/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 individuals 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 individual 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 officer 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.
- 4.7. An officer 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 officer is required to attend court, they must do so. 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.

5.0 Adoption Arrangements

- 5.1 Where an officer is eligible for adoption leave, paid time off work can be provided for the main 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 officer 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 Overseas Adoption

- 6.1 Notification must be provided to the Force within 28 days of receipt of the 'official notification' from eligible officers 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 officer 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, officers 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 officer 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 service, 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.

8.0 Fostering for Adoption

8.1 An officer within a 'Fostering for Adoption' arrangement may be entitled to Adoption Leave and Pay, subject to meeting the Adoption Leave and Pay eligibility criteria. In addition, the officer 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 officer under Section 22C of the Children Act 1989.

Please note: Officers 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 officer 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 officer 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 officer 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 officer (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 officer, consideration may be given to not being immediately placed on the duty roster 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, arrange any training and so on. This is not mandatory and is intended as a supportive measure following a long period of adoption leave, although some officers may prefer to be placed immediately on duty upon return.
- 10.5 On return from adoption leave, officers will return to the post previously occupied prior to the notification of the adoption. Only in the interests of an officer's career development or other exceptional circumstances, will there be any departure from this.

11.0 Adoption Pay

- 11.1 Officers with 26 weeks qualifying service will receive SAP for up to 39 weeks. SAP is paid at 90% of the officer's gross average weekly pay for the first six weeks, followed by 33 weeks paid at the prevailing rate of SAP.

- 11.2 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.
- 11.3 Officers with 52 weeks qualifying service, will receive OAP at full pay (pro rata for part time officers) for the first 26 weeks of adoption leave, made up of OAP and SAP, followed by the lower rate of SAP.
- 11.4 Officers can elect, with the agreement of the Force, to extend their final five weeks' full OAP to 10 weeks at half pay.
- 11.5 The officer 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

- 11.6 The full and half pay will be made up through a combination of occupational and statutory payments.
- 11.7 OAP 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. This also applies if other leave follows on from adoption leave such as unpaid leave, parental leave, or a career break.
- 11.8 If an officer 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.
- 11.9 For officers 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.
- 11.10 Officers continue to be eligible for pay awards and annual increments during adoption leave.
- 11.11 In the case of part time officers, each day of paid adoption pay is pro-rata to full time and in accordance with their normal salary / working hours.
- 11.12 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 the normal tax and national insurance deductions.
- 11.13 For pension purposes, any period of adoption leave when officers are in receipt of either OAP or SAP shall be reckonable.

- 11.14 Any period of unpaid adoption leave will not accrue further pensionable service unless pension contributions are paid for that period. Elections must be made in writing within six months of returning to duty or before the last day of service, whichever is the earlier. However, if an officer has already decided to make the period of unpaid leave count towards their pensionable service, the election may be made immediately and prior to the commencement of adoption leave. Further information is available from the Payroll Team (Finance).
- 11.15 KIT days will be paid at the normal hourly rate for hours / days worked, in accordance with Police Regulations. The work undertaken during a KIT day will count as one day of the entitlement (8 hours, pro rata for part time), including where the hours worked are less than a full day. Pension benefits will accrue during the paid KIT day(s).
- 11.16 An officer 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 officer 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 officer 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 If due to exigencies of duty it is unreasonable to expect the officer to return on the due date, they may instead return when the exigency has ended.

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 officer's hours immediately prior to the commencement of adoption leave.

13.0 Regulatory Background

The principle documents regulating this aspect are:

- a. Regulation 33, Annex L Police Regulations 2003
- b. Regulation 33, Annex R Police Regulations 2003
- c. Regulation 33, Annex S Police Regulations 2003
- d. Shared Parental Leave and Paternity and Adoption Leave (Adoption from Overseas) Regulations 2014
- e. Paternity and Adoption Leave Regulations 2002
- f. The Adoption and Parental Leave Regulations 1999

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](#)
- [Records Management](#) (DCP)
- [Records Management](#) (DP)
- Equality and diversity matters including the Public Sector Equality Duty and Standards of Professional Behaviour

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

15.0 Other Associated Documents

Policy and Procedure

- [J-Pr-044 Adoption Leave and Pay Additional Information – Police Officers](#)
- [J-Pr-046 Adoption Leave and Pay Step by Step](#)
- [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

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

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

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

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, 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 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

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
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