

ADOPTION AND FOSTERING LEAVE POLICY

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NHS 24

ADOPTION AND FOSTERING LEAVE POLICY

1. Introduction

NHS 24 wishes to support employees who are considering being the main carer in adopting or fostering a child. The following policy sets out the entitlement to leave and associated issues.

2. Scope

- 2.1 The scheme applies to all employees, regardless of grade or hours worked.
- 2.2 It applies to all employees who adopt or foster. However, where a couple adopts jointly, the couple may choose which partner takes adoption leave and therefore is considered to be the primary carer, the other may take paternity leave and pay
- 2.3 The entitlement to adoption leave applies to partners of the same sex.
- 2.4 Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example, when a step-parent is adopting a partner's children or when the child has been adopted by existing foster carers.

3. Principles

- 3.1 NHS 24 recognises the needs of the adoptive or foster parent(s) are at least as great as those of natural parent(s) in establishing a relationship with the child and in developing new routines. The Adoption and Fostering Policy enables an employee who wishes to adopt or foster a baby or child to take a period of leave to help the child settle into the family and adjust to new circumstances.
- 3.2 Where both parents are employed by the organisation, leave may be shared or taken in its entirety by the primary carer. However, in certain circumstances, e.g. the adoption or fostering of a child with special needs, leave may be requested by both parents.
- 3.3 An employee must be able to demonstrate that they will have responsibility for the upbringing of the child; it does not matter if they are not married.
- 3.4 NHS 24 also recognises that a single person may adopt or foster a child.

4. Length of Adoption Leave

- 4.1 Entitlement to adoption leave and pay will depend on length of service at the time the employee is newly matched with a child for adoption by an approved adoption agency.

5. Pre-Adoption Leave

If you have to request paid time off work in order to attend meetings or appointments in relation to the adoption process, this will not be unreasonably refused. Requests for time off work should be processed using the "Approved Leave Pro-Forma" (see Appendix A). You should advise your Team Leader or Line Manager as soon as you have been notified by the Adoption Agency that your application for adoption has been accepted. Proof of your requirement to attend court sessions, interviews and other meetings may be required when requesting time off as part of the adoption process. A maximum of five additional working days will be available for this purpose. This will be calculated on a pro rata basis for part time employees.

6. Length of Fostering Leave.

As fostering can be for varying lengths of time, from very short to permanent fostering, NHS 24 will adopt a flexible approach to this.

For very short term fostering, leave will be considered under NHS 24's Special Leave Policy. In accordance with the Special Leave Policy, short term is defined as up to three consecutive working days. This leave can be extended by a further five consecutive working days (pro rata for part time employees). The relevant Director or Associate Director of Operations and Nursing will be required to authorise any extended period of fostering leave whether paid or unpaid.

Where the foster carer is identified as the primary permanent foster carer and has a child placed in their care by the fostering/adoption agency, they will be entitled to the same arrangements as a staff member who is matched as an adoptive parent.

For employees who foster on an on going short-term basis, leave considerations will be considered in line with the needs of the service. Where leave is requested within two months of the first leave request being granted, employees will be required to consider taking annual leave or unpaid leave.

7. Notification of intention to take Adoption or Fostering Leave

- 7.1 Applications to take adoption or fostering leave should be submitted using the Adoption and Fostering Leave Application form (Appendix A). Wherever practical, requests should be submitted within 7 calendar days of being notified by the adoption agency that they have been matched with a child for adoption. Supporting documentary evidence (i.e. Matching Certificate in the case of adoption) must be submitted in conjunction with any request for adoption or fostering leave. The matching certificate will include basic information on matching and expected placement dates but NHS 24 will not, however, hold any personal data relating to the child/children. Any delay in providing supporting documentary evidence may affect your adoption pay.

- 7.2 The employee should make a request for Adoption/Fostering Leave to their appropriate line manager or, if unavailable, duty-line manager. The 'Approved Leave Pro Forma' see Appendix B should then be completed by your team leader or line manager. In cases where unpaid leave has been granted, the employee's signature will be required prior to granting any such leave. Evidence of any relevant appointment/s will be required when requesting leave to attend court sessions, interviews and other meetings required as part of the adoption/fostering process.
- 7.3 The line manager must ascertain the full circumstances relating to the request and determine the amount of leave to grant in accordance with the following guidance. The employee should be advised in writing, using the Approved Authorised Leave Form, of the duration of the leave granted and details as to whether it is paid or unpaid. The line manager must obtain authorisation from the relevant Director or Associate Director of Operations and Nursing where further periods of extended leave is being sought, whether paid or unpaid
- 7.4 Line managers should record the granting of Adoption/Fostering Leave using the Approved Authorised Leave Pro Forma, obtaining any further authorisation from the relevant Director or Associate Director of Operations and Nursing (ADON), and send a copy immediately to Central Resource Team (CRT) and the Human Resources Department. In turn, the Human Resources Department will update the Personnel Management Information System (CIPHR). Any periods of unpaid leave granted will require payroll notification: for front line staff this will be completed by the Service Support Team and for non front line staff by the Human Resources Department.

8. Disrupted Placement

If an employee begins a period of adoption leave or permanent fostering and the placement is disrupted through:

- Notification that the child will no longer be placed with you;
- The child dies;
- The child is returned to the adoption agency;

the adoption or permanent fostering leave will end 8 weeks after the occurrence, or at the expiry of the period of agreed adoption or fostering leave, whichever is sooner.

9. Returning to Work after Adoption or Permanent fostering Leave

- 9.1 The employee should advise their line manager in writing of their intention to return to work at least 8 weeks prior to the date of return. If the employee returns to work after 26** weeks i.e. the end of the paid period of leave, any further leave required for court hearings, social work visits etc will be unpaid.
**39 weeks for matches on or after 1 April 2007.
- 9.2 The employee will retain the right to return to work on no less favourable terms and conditions of employment than prior to taking the adoption or permanent fostering leave
- 9.3 In normal circumstances, if you do not return to work within the specified time limit having said that you will, or do not submit a copy of your letter of appointment to a new NHS employer to NHS 24 within 15 months of the date you began adoption or long term

fostering leave, you must repay any occupational adoption pay, you may have received on the basis that you were returning to work.

- 9.4 Employees who are uncertain whether they will return to work may opt to defer payment until they can make a more informed decision

10. Employees Not Intending to Return to Work

- 10.1 Employees with less than 26 weeks continuous service at the date on which adoption or permanent fostering leave commences and who do not intend to return to work after adoption or permanent fostering leave should resign from their post in the normal way.

- 10.2 Employees with more than 26 weeks continuous service at the date on which adoption or permanent fostering leave commences and who do not intend to return to work after adoption or permanent fostering leave will be eligible to receive 39 weeks Ordinary Adoption Leave and Statutory Adoption Leave as follows:

- 90% of full pay for the first 6 weeks followed by
- Statutory Adoption Leave or 90% of the employee's average weekly earnings, whichever is the lower, for the next 33 weeks.

11. Annual Leave

Wherever possible, you should take all annual leave due to you before commencing adoption or permanent fostering leave. This should be fully discussed with your team leader or line manager prior to commencement of your adoption or permanent fostering leave.

Remember that if, on your return to work, you decide to work fewer hours or days, this may affect your annual leave entitlement from the date you return and for the remainder of the current leave year. It is important that you discuss this with your team leader or line manager or Human Resources in more detail to clarify the implications of this before returning to work.

12. Superannuation

Whilst you are contributing to the NHS Superannuation Scheme the period of ordinary Adoption Leave will count as pensionable service. However, any contributions due during the period of unpaid adoption or permanent foster care will be discussed with you and agreed on your return to work. You should contact your Human Resources Department to discuss this further if you have any concerns.

13. Incremental Date

Adoption or permanent fostering leave absence, whether paid or unpaid, shall count towards the normal increment and will not defer the normal incremental date

14. Contractual Rights

During a period of adoption or permanent fostering leave, the employee will retain all contractual rights, except remuneration.

15. Fixed Term Contracts

An employee on a fixed term contract, satisfying the conditions for paid entitlement to leave, and whose contract expires between 11 weeks before and 6 weeks after the adoption, will have their contracts extended to enable them to receive 26 weeks paid leave. If the right to return to work cannot be exercised because of the termination of the contract, pay cannot be reclaimed

16. Paternity Leave

Where the primary carer is not the father, and the adoption or permanent fostering leave is not being shared, he may apply for paternity leave in accordance with the provisions of the organisations Paternity Leave Policy.

**ADOPTION AND FOSTERING LEAVE
APPLICATION FORM**

1 SECTION A
(to be completed by all applicants)

- 1 Full Name.....
- 2 Home Address.....
.....
.....
- 3 Staff Pay Number.....
- 4 Place of Work.....
- 5 Job Title/Grade.....
- 6 Date of Start
- 7 Type of Contract.....
- 8 Expected Date of Adoption/Fostering.....

1.1 SECTION B
(to be completed by staff who intend or may intend to return to work)

I am aware that my application for Adoption/Foster Leave will be considered in accordance with the conditions of service which have been explained to me. I enclose a copy of the Certificate of Adoption/Fostering and declare that I shall return to work for an NHS employer for at least a period of three months:-

I wish to return to takeweeks leave and return to work on.....(specify date)

Any requests to change this date must be made in writing 8 weeks prior to the date you wish to return

I am uncertain at this time as to whether I will return to work

(please tick appropriate box)

APPROVED AUTHORISED LEAVE

I understand that if I do not return to work for a period of at least three months, I am to repay any payments made to me as set out in the Conditions of Service.

Signed.....

Date.....

Part A: To Be Completed By Team Leaders / Line Managers

Where an employee is requesting any form of leave other than annual leave, please complete Part A indicating the category of leave authorised and email to Central Resource Team.

The Team Leader/Line Manager should then complete Part B of the form and submit all details (Parts A & B) to the Human Resources Department for information to be stored against the individual's personal record and Ciph.

Name Of Employee				
Location			Employee Payroll Number:	
	Dates Approved	From	To	Paid/Unpaid*
Half Shift	Dates Approved	From	To	Paid/Unpaid*
Total Hours Approved (Front Line)		Total days Approved (Non frontline)		

* Delete as Appropriate

CATEGORY OF LEAVE

Category of Authorised Leave Approved	Please indicate
Parental Leave :	
Compassionate Leave/ Bereavement Leave	
Dependants Leave	
Facilities Time: TU Duties H & S Representatives	
Special Leave: Domestic Situation Jury Service Civic and Public Duties Voluntary Emergency Services Reserve Services	
Dental/Hospital Appointments	
Time Off In Lieu (TOIL)	

Part B To Be Completed By Team Leaders / Line Managers For HR Information Only

Comments: <i>(please give as much detail regarding the reason for request)</i>	
Authorising Team Leader / Line Manager:	
Signature:	Date
Authorising ADON/Director in cases where extended periods of leave is requested, whether paid or unpaid:	
Signature:	Date

Part C To Be Completed By Employee.

I have noted the approved dates of my leave and agree with any unpaid leave (If applicable)

Signature:

Date:

To Be Returned to the Human Resources Department