

Family Friendly Policies Paternity Leave (Adoption)

HR Service Effective from April 2024

1. Introduction

This document provides a summary of paternity leave and pay entitlements under both statutory and national agreements applicable to employees in Bexley employed under 'green book' terms and conditions. (If you are employed under other terms and conditions, please contact the HR Service for advice on how your entitlements may vary).

For further information and advice, please contact the HR Service.

Please also refer to [Adoption - Paternity leave and pay - Acas](#) for further details and guidance regarding the statutory provisions for paternity leave and pay.

2. Eligibility for Paternity Leave

You must satisfy the following conditions in order to qualify for Paternity Leave (Adoption). You must be taking time off to care for the child or support your partner and:

- Be the child's adopter (but not taking adoption leave) **or**
- Be married to, the civil partner or partner of the child's main adopter - including same sex partner

and in both cases

- have worked continuously for Bexley for 26 weeks by the "matching week". This is the end of the week you're matched with the child (UK adoptions) or the date the child enters the UK or when you want your leave to start (overseas adoptions)

You cannot get Paternity Pay and Leave if you've taken paid time off to attend adoption appointments

3. Taking Paternity Leave

Eligible employees can choose to take either one week or two weeks statutory paternity leave (not odd days). If you choose to take two weeks you can take them together or separately. You get the same amount of leave even if you are adopting more than one child. A week of leave is the same amount of days that you normally work in a week. For example if you only work Mondays and Tuesdays, then a week of leave is 2 days.

You can choose to start your leave from:

- the date of the child's placement (whether this is earlier or later than expected)
- the date the child arrives in the UK if adopting from overseas
- a chosen date which is later than the date on which the child is expected to be placed with the adopter.

Leave can start on any day of the week but must be completed within 52 weeks of the placement or arrival date.

4. Notice of Intention to Take Paternity Leave

UK Adoption Placements

For **UK adoption placements** you must inform us of within 7 days of the adopter being notified by the adoption agency that they have been matched with a child, unless this is not reasonably practicable, and provide:

- the date you were notified of being matched with the child

- when the child is expected to be placed, or when it started if it's already started
- confirmation that you have, or expect to have, responsibility for bringing up the child
- confirmation that you are married to, the civil partner or partner of the child's main adopter
- the date you want the period of leave to start and how long it will last
- confirmation that the purpose of the leave is to care for the child or the child's main adopter, or both

This information can be provided by completing the form and declaration at Appendix 1.

Overseas Adoption Placements

For **overseas adoption placements** you must inform us within 28 days of the date of official notification or the date you complete 26 weeks of working for us (whichever is the later) and provide:

- the date the child's main adopter received an official notification of the adoption
- the date the child is expected to enter Great Britain, or if they have already entered Great Britain, the date they entered
- confirmation that you have, or expect to have, responsibility for bringing up the child
- confirmation that you are married to, the civil partner or partner of the child's main adopter

For each period of paternity leave you wish to take you must give us the following information 28 days before you want your paternity leave to start:

- the date you want the period of leave to start and how long it will last
- confirmation that the purpose of the leave is to care for the child or the child's main adopter, or both

For all Adoptions

You can submit your notice by completing the application and declaration at Appendix 1.

If you cannot provide the information within the given timescales for good reason then you should provide it as soon as possible.

You must also provide a letter confirming the adoption from the adoption agency or the "matching" certificate.

5. Eligibility for Paternity Pay

The rates of Statutory Paternity Pay (SPP) can be found at [Paternity pay and leave: Pay - GOV.UK \(www.gov.uk\)](https://www.gov.uk/paternity-pay-and-leave).

UK Adoptions

To be eligible for SPP you must be:

- married to, the civil partner or partner of the child's main adopter – this includes same-sex partners
- taking the leave to care for the child or support their partner

You must also have worked for us continuously:

- for at least 26 weeks ending with the 'relevant' or 'matching' week – the week you are notified of being matched with a child for adoption
- between the relevant week and the day the adoption placement starts and;

- have average weekly earnings above the lower earnings limit for National Insurance purposes for the 8 weeks before the relevant week (i.e. 15th week before the week the baby is due)

Overseas Adoptions

If you are adopting a child from overseas, to be eligible for statutory paternity pay you must:

- be married to, the civil partner or partner of the child's main adopter – this includes same-sex partners
- have or expect to have the main responsibility with the main adopter for the child's upbringing
- have told us within 7 days of being notified that you have been matched with a child
- have average weekly earnings above the lower earnings limit for National Insurance purposes for the 8 weeks before the relevant week (i.e. 15th week before the week the baby is due)

You must have worked for us continuously for at least 26 weeks either:

- ending with the week the main adopter received 'official notification' from the authority in the UK responsible for the adoption starting
- with the week they started working for the employer

This is in case you got the official notification a year or more before the child enters Great Britain and could have changed employers in this time.

You must tell us:

- the date the child's main adopter received the official notification
- the date the child is expected to enter Great Britain
- when you want to start your paternity leave
- how much paternity leave you plan to take

You must tell us this within 28 days of either of the following – whichever is later:

- receiving the official notification
- the date they've been employed continuously for 26 weeks by the same employer

You must also tell us the date the child actually entered Great Britain within 28 days of the child arriving.

6. Claiming Statutory Paternity Pay for Adoption

To claim statutory paternity pay for adoption, you must ask us in writing within 7 days of the date you are told you are matched with a child. You can do this by completing the form at Appendix 1.

7. If the Adoption does not go Ahead

If someone's adoption is 'disrupted', meaning it does not go ahead, you should contact HR advisory Services who will be able to offer advice on any entitlements.

8. Maternity Support Leave

For employees subject to the Green Book (NJC Conditions of Service) you may be able to take the first week of paternity leave as Maternity Support Leave which is paid at full pay (offset against SPP due). Employees not eligible for SPP are also entitled to claim Maternity Support Leave.

If you wish to apply to take the first week of Paternity Leave as Maternity Support Leave (at full pay) and the second week of Paternity Leave at the SPP rates please complete the form at Appendix 1.

If you **only** wish to apply for one weeks Maternity Support Leave and not a second week of Paternity Leave

or are not eligible for Paternity Leave please refer to [Maternity Support Leave \(bexley.gov.uk\)](https://www.bexley.gov.uk) to claim Maternity Support Leave.

9. Application and Declaration

You must complete the application and declaration at Appendix 1 to apply for Parental leave and pay.

Appendix 1 - Application for Paternity Leave and Pay

This form should be used to apply for 2 weeks Paternity Leave and Pay with the first week claimed at full pay (as Maternity Support Leave).

If you are not eligible to claim Statutory Paternity Leave or only applying for one week then you should apply for Maternity Support Leave only by completing the form linked at [Maternity Support Leave \(bexley.gov.uk\)](https://www.bexley.gov.uk). We will confirm your entitlements on receipt of your application.

Any subsequent changes to the information provided must be notified to the payroll team at the address below.

Personal Details

Name: _____

Post Title: _____

Department: _____ Employee No: _____

Paternity Details (complete for UK adoptions)

Date the Adopter was notified of having been matched with the child: _____

Date the child is expected to be placed or was placed: _____

I wish to apply to take:

One weeks leave commencing on _____ to be paid at full pay (Maternity Support Leave)

A second weeks leave commencing on _____ to be paid at Statutory Parental Leave rates

I attach a copy of the Matching Certificate/letter from the Adoption Agency

If you need to change the dates you have provided you must give us 28 days' notice of the new dates.

Employee Signature: _____ Date: _____

Paternity Details (complete for overseas adoptions)

Date the Adopter received an official notification of the adoption __

Date the child is expected to be placed or arrived in the UK: _____

I wish to apply to take:

One weeks leave commencing on _____ to be paid at full pay (Maternity Support Leave)

A second weeks leave commencing on _____ to be paid at Statutory Parental Leave rates

I attach a copy of the Matching Certificate/letter from the Adoption Agency

If you need to change the dates you have provided you must give us 28 days' notice of the new dates.

Employee Signature: _____ Date: _____

Please sign the declaration form below and ask the adopter of the child to complete the adopter's declaration.

Declaration (to be signed by all applicants)

I confirm that I have or expect to have responsibility for bringing up the child

I confirm that I am married to, the civil partner or partner of the child's main adopter

I confirm that the purpose of the leave is to care for the child or child's main adopter, or both

For Overseas Adoption only I also confirm the child's main adopter has received an official notification of the adoption

Employee Signature: _____ Date: _____

Please forward this form to HR Payroll, 3rd Floor East, Civic Offices or by e-mail to payroll@bexley.gov.uk. We will then write to you and confirm your entitlements to paternity leave and pay. You should also notify your manager of your intentions and leave dates

Actioned by HR Business Centre (HR use only)

Signature: _____ Date: _____