

## **SUPPORTING THE WORK-LIFE BALANCE (M) Adoption and Fostering Leave Policy**

### **1. Introduction**

Greater Glasgow Health Board (NHS Greater Glasgow & Clyde) aims to deal sensitively and sympathetically with employees who are considering being the main carer in adopting or fostering a child and are looking for time off in the initial stages of this process.

The Board recognise that the needs of adoptive or foster parents are at least as great as those of natural parents in establishing a relationship with the child and in developing new routines. The Adoption and Foster Leave Policy is therefore, to enable an employee who wishes to adopt or foster a child to take a period of leave to enable the family to adjust to new circumstances. Where both parents are employed by the Board leave can be shared or taken in it's entirety by the primary carer. However, in certain circumstances (e.g. where adoption involves a child with special needs) leave may be requested by both prospective parents. The Board also recognises that a single person may also adopt/foster a child.

### **2. Fostering**

Fostering can be for varying lengths of time, from very short term to long term fostering and the Board will adopt a flexible approach to this. Employees should therefore discuss their intention to foster with their line manager as soon as possible to determine the level of support they consider appropriate to their circumstances.

For very short term fostering it would be more appropriate to consider time off under the Special Leave Policy. For longer term fostering, the manager should consider providing time off under the arrangements for Adoption Leave/Pay (outlined below), Parental Leave or Career Breaks.

### **3. Adoption**

Requests for leave to support adoption may be in two phases: pre-adoption and adoption.

### **3.1 Pre-adoption Leave**

Employees who wish to take advantage of this leave should advise their line manager in writing as soon as they are notified by the Adoption Agency that a child is to be placed with them for adoption and that time off may be required. The Adoption Agency must be one which is legally approved within the UK and proof of appointment will be required to support requests for leave to attend court sessions, interviews and any other meetings required as part of the adoption process. In normal circumstances a maximum of one working week will be available for this purpose.

### **3.2 Adoption Leave - Returning to work**

The appropriate application form and a Certificate of Adoption must be submitted as support of any request for adoption leave. Leave should be requested as soon after the Pre-adoption Leave as is practicable to allow managers to plan any such leave in advance of it being taken. Leave and Pay will be calculated in accordance with nationally agreed terms and conditions, in line with maternity leave and pay provisions.

- On receipt of the completed application, the appropriate Human Resources manager/line manager will calculate the entitlement to pay and leave using the guidance within the current terms and conditions of the employee and forward a letter to the applicant confirming these details.
- an employee who intends to return to work at the end of their Adoption Leave will not be required to give any further notification to the employer, although if they wish to return early they must give at least 28 days' notice
- The employee retains the right to return to work in no less favourable terms and conditions of employment than they enjoyed prior to taking the adoption leave.
- If the employee, having agreed to return to work, fails to return to work for a period of at least three months following the adoption leave they will be asked to repay their adoption pay.

- Employees who are unclear whether they wish to return to work following adoption leave may defer their payment until a more informed decision can be made.

### **3.3 Employees Not Intending to Return to Work**

Leave and pay for employees not intending to return following adoption leave will be calculated in accordance with nationally agreed terms and conditions, in line with maternity leave and pay provisions.

### **3.4 Annual Leave/Public Holidays**

Where possible leave should be taken before the start of adoption leave. Employees will accrue annual leave while on both the paid and unpaid elements of adoption leave in accordance with nationally agreed terms and conditions. There will be no entitlement to public holidays during adoption leave and no entitlement to payment or time off in lieu for public holidays falling during a period of adoption leave.

### **3.5 Superannuation**

The employee will be responsible for the employee element of superannuation contribution during the period of unpaid leave. On return to work the employee will be required to repay that sum to the Pay Department using an agreed method of payment.

### **3.6 Incremental Date**

Any absence under this policy will count towards the normal increment and will not defer the normal incremental date.

### **3.7 Contractual Rights**

The employee will retain all contractual rights except remuneration during any period of adoption leave.

### **3.8 Fixed Term Contracts or Training Contracts**

An employee on a fixed term contract or training contract, satisfying the conditions for paid entitlement to leave, and

whose contract expires after the 11th week before the expected week of the date of adoption, will have their contracts extended. This will enable them to receive 52 weeks' leave in line with Maternity arrangements. If the right to return to work cannot be exercised because of the termination of the contract, pay cannot be reclaimed.

#### **4. Resolution of Disagreements**

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the employee has the right to raise a formal grievance. It may be preferable, before progressing to formal procedure, for the manager to seek advice on resolving the matter from an appropriate member of the Human Resources Department and a senior trade union/professional organisation representative. This approach will not preclude the employee's right to raise a formal grievance in the event that they consider that the matter has not been satisfactorily resolved.

#### **5. Monitoring and Review**

The application of this Policy will be monitored jointly by the Director of Human Resources and the Area Partnership Forum to ensure equitable treatment of all employees.

The Board is required by Law and under the European Union Employment regulations, to gather monitoring information relating to ethnicity, religion and faith, sexual orientation, age, disability and gender for all aspects of employee relations.

You may be asked for information relating to the above in connection with this policy.

You do not have to give the monitoring information if you do not wish to. However, for some of the above diversity strands it is a legal requirement that we ask you for it, and good practice to ask for monitoring information for all diversity strands.

**Any equalities monitoring information will be held separately and not used to inform any proceedings that occur in relation to this Policy.**

The operation of this Policy will be regularly reviewed by the Area Partnership Forum to ensure its continued effective operation, and formally no later than 30<sup>th</sup> June 2009.

**M5**

Agreed 8 November 2007 at Dalian House 360 St Vincent Street Glasgow G3 8YZ  
with the authority of NHS Greater Glasgow and Clyde Area Partnership Forum.

**Notification of adoption/fostering absence and/or application  
for adoption/foster leave pay**

**Section A (to be completed by all applicants)**

Full Name	
Home Address	
Payroll No	
Place of Work	
Job Title/Grade	
Start date and length of service	
Type of contract (e.g. permanent, fixed term, etc)	
Expected date of adoption/fostering	

**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 the Board for at least a period of three months:

(Please tick appropriate box)

1	no later than 39 weeks from the start of my period of adoption/fostering	
2	no later than 52 weeks from the start of my period of adoption/fostering	
3	I am uncertain at this time as to whether I will return to work.	

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.

**M6**

Signed .....  
Date .....

**Section C (to be completed by staff who do not intend to return to work)**

I intend to resign and my last working day will be.....

I have read and understood the Terms and Conditions set out and enclose a copy of my Certificate of Adoption.

Signed .....  
Date .....

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**Section D (to be completed by Head of Department)**

I am aware of the applicant's intention following a period of adoption/foster leave:

(Please tick appropriate box)

1a	No later than 39 weeks from the start of the adoption/foster leave <b>or</b>	
1b	No later than 52 weeks from the start of the period of adoption/foster leave	
	<b>OR</b>	
2a	I am aware the applicant does not intend to return to work <b>or</b>	
2b	The applicant is not sure whether they will return to work	

I acknowledge receipt of the application form and confirm that the information contained in it is accurate.

Signed .....  
Date .....

Designation .....

**M7**

**Section E (to be completed by Human Resources)**

(Please tick appropriate box)

1	The applicant intends to return to work/may return to work following the adoption/foster leave and is entitled to leave as detailed in the enclosed copy letter. <b>OR</b>	
2	The applicant intends to resign following the adoption and is entitled to pay as detailed in the enclosed copy letter.	

Signed .....

Date .....

Designation.....