ANDOVER TOWN COUNCIL

Adoption Leave, Adoption Pay and Shared Parental Leave Policy 2026

1. Purpose

Andover Town Council recognises the importance of supporting employees who become parents through adoption, fostering for adoption and surrogacy arrangements.

This policy sets out the Council's arrangements for:

- Statutory Adoption Leave.
- Statutory Adoption Pay.
- Shared Parental Leave (SPL).
- Statutory Shared Parental Pay (ShPP).

The policy reflects the Employment Rights Act 1996, the Paternity and Adoption Leave Regulations 2002, the Shared Parental Leave Regulations 2014, the Protection from Redundancy (Pregnancy and Family Leave) Act 2023, the Employment Rights Act 2025, the Equality Act 2010 and current ACAS guidance.

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2. Scope

This policy applies to all employees of Andover Town Council.

The policy covers:

- UK adoptions.
- Overseas adoptions.
- Fostering for adoption.
- Eligible surrogacy arrangements.

The policy does not apply to agency workers, consultants or self-employed contractors.

PART A – ADOPTION LEAVE

3. Eligibility for Adoption Leave

Employees may qualify for Statutory Adoption Leave where they:

- Have been matched with a child for adoption through an approved adoption agency.
- Meet the statutory eligibility requirements.

Version	Date	Minute Number	Approved by	Review Date
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- Notify the Council within the required timescales.

The primary adopter in a couple will normally be entitled to adoption leave.

Adoption Leave is a day-one right: no minimum period of service is needed. Statutory Adoption Pay requires at least 26 weeks' continuous employment by the end of the week in which the employee is notified of being matched with a child, and average earnings at or above the Lower Earnings Limit.

The other adopter may be entitled to paternity leave, which has been a day-one right since 6 April 2026 and may be taken before or after Shared Parental Leave. They may also be entitled to Shared Parental Leave or other family-related leave where the eligibility criteria are met.

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4. Entitlement to Adoption Leave

Eligible employees are entitled to:

- Up to 52 weeks' Adoption Leave.
- 26 weeks' Ordinary Adoption Leave.
- 26 weeks' Additional Adoption Leave.

Leave may begin:

- On the date of placement.
- Up to 14 days before the expected placement date.
- In accordance with statutory provisions for overseas adoptions.

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5. Time Off for Adoption Appointments

The primary adopter may take paid time off to attend up to five adoption appointments, of up to six and a half hours each, before the child is placed with them.

The other adopter may take unpaid time off to attend up to two adoption appointments, of up to six and a half hours each.

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6. Adoption Pay

6.1 Eligibility for Occupational Adoption Pay

In addition to Statutory Adoption Pay (SAP), Andover Town Council provides Occupational Adoption Pay in accordance with the National Joint Council (NJC) Green Book and the employee's contract of employment.

To qualify for Occupational Adoption Pay, the employee must:

- Have at least one year's continuous local government service by the week in which they are formally notified of having been matched with a child for adoption.
- Intend to return to local government employment for a period of at least three months following Adoption Leave.
- Meet the statutory qualifying requirements for adoption leave and pay.

Continuous service shall be determined in accordance with the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 and associated NJC provisions.

6.2 Occupational Adoption Pay Entitlement

Eligible employees will receive:

- **Weeks 1–6:** Nine-tenths (90%) of normal weekly pay.
- **Weeks 7–18:** Half normal weekly pay plus Statutory Adoption Pay, provided the total amount does not exceed normal weekly pay.
- **Weeks 19–39:** Statutory Adoption Pay.
- **Weeks 40–52:** Unpaid Adoption Leave.

This entitlement mirrors the Council's occupational maternity pay arrangements under the NJC Green Book and is deemed inclusive of any Statutory Adoption Pay payable.

6.3 Repayment of Occupational Adoption Pay

Employees who receive Occupational Adoption Pay and subsequently fail to return to local government employment for at least three months shall repay the additional occupational element (but not the Statutory Adoption Pay element) in accordance with NJC Green Book provisions.

The HR Sub-Committee may waive repayment in exceptional circumstances. Any waiver is a change to the employee's pay and is decided in line with Financial Regulation 11.3.

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7. Keeping in Touch (KIT) Days

Employees on Adoption Leave may undertake up to ten Keeping in Touch (KIT) days without bringing their leave to an end.

Participation in KIT days is voluntary and must be agreed between the employee and the Council.

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8. Return to Work Following Adoption Leave

Employees returning from Adoption Leave will generally have the right to return to:

- The same job; or
- Where permitted by legislation, a suitable alternative position on no less favourable terms.

Employees should provide appropriate notice where they wish to return earlier than originally notified.

Redundancy protection: an employee who is on Adoption Leave, or who has returned from it, must be offered any suitable alternative vacancy in a redundancy situation, in priority to other employees, until 18 months after the date of placement (or the date the child entered Great Britain, for an overseas adoption).

The same protection applies to an employee who takes six or more consecutive weeks of Shared Parental Leave, until 18 months after the child's birth or placement.

PART B – SHARED PARENTAL LEAVE

9. Purpose of Shared Parental Leave

Shared Parental Leave (SPL) enables eligible parents to share leave and pay following:

- Birth of a child.
- Adoption of a child.
- Surrogacy arrangements where statutory criteria are met.

The policy aims to support parents in balancing caring responsibilities and employment commitments.

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10. Eligibility for Shared Parental Leave

To qualify for SPL, employees must satisfy statutory eligibility requirements, including:

- Employment and continuity of service requirements.
- Responsibility for the care of the child.
- Compliance with statutory notification requirements.

In birth cases, the mother or birth parent must have curtailed maternity leave and/or maternity pay.

In adoption cases, the adopter must have curtailed adoption leave and/or adoption pay before SPL can commence.

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11. Entitlement to Shared Parental Leave

Eligible parents may share up to:

- 50 weeks of leave.
- 37 weeks of statutory pay.

This entitlement is derived from the untaken balance of maternity or adoption leave and pay.

Parents may choose to:

- Take leave together.
- Take leave separately.
- Alternate periods of leave.

Subject to statutory provisions and notification requirements.

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12. Notification Requirements

Employees wishing to take SPL must provide:

- A notice of entitlement and intention.
- A period of leave notice.
- Any declarations required by legislation.

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			Full Council	

DRAFT

The Council may request information reasonably necessary to confirm eligibility.

Employees should discuss proposed arrangements with the Town Clerk at the earliest opportunity.

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13. Pattern of Shared Parental Leave

Employees may request:

- A continuous block of leave.
- Discontinuous periods of leave.

The Council will consider requests for discontinuous leave reasonably and in accordance with statutory requirements and operational needs.

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14. Shared Parental Pay

Eligible employees may be entitled to Statutory Shared Parental Pay (ShPP).

Statutory Shared Parental Pay will be paid at:

- The statutory weekly rate prescribed by Government; or
- 90% of average weekly earnings if lower.

Statutory rates will automatically update in line with legislative changes.

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15. Shared Parental Leave in Touch (SPLIT) Days

Employees on Shared Parental Leave may work up to:

- 20 Shared Parental Leave In Touch (SPLIT) days.

SPLIT days are in addition to any KIT days taken during maternity or adoption leave.

Participation is voluntary and subject to agreement between the employee and the Council.

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16. Employment Rights During Leave

Employees taking Adoption Leave or Shared Parental Leave remain entitled to:

- Continuity of employment.

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- Annual leave accrual.
- Pension rights, in line with the Pension Policy and the rules of the Council's pension scheme.
- Contractual benefits other than remuneration where required by law.

Employees must not suffer any detriment because they:

- Take family leave.
- Request family leave.
- Exercise their statutory rights.

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17. Flexible Working Following Leave

Employees returning from Adoption Leave or Shared Parental Leave may request:

- Flexible working arrangements.
- Hybrid working arrangements.
- Changes to working patterns.

Requests will be considered in accordance with the Council's Flexible Working Policy and current legislation.

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18. Equality and Non-Discrimination

The Council will administer this policy in accordance with:

- Equality Act 2010.
- Family-friendly employment legislation.
- ACAS guidance and good employment practice.

No employee will be disadvantaged because they:

- Become an adoptive parent.
- Apply for Shared Parental Leave.
- Take leave under this policy.

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19. Responsibilities

Full Council

- Approves and reviews this policy.
- Promotes family-friendly employment practices.

Policy and Resources Committee

- Reviews this policy and recommends it to Full Council.
- Monitors legislative compliance.

HR Sub-Committee

- Oversees the operation of this policy.
- Decides any request to waive repayment of Occupational Adoption Pay.

Town Clerk

- Ensures consistent application of the policy.
- Provides advice and support to employees.
- Maintains appropriate records.

Employees

- Provide required notification.
- Supply information required by legislation.
- Maintain communication during periods of leave where appropriate.

20. Data Protection

Information relating to:

- Adoption.
- Shared parental arrangements.
- Family circumstances.

will be processed in accordance with:

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- UK GDPR.
- Data Protection Act 2018.
- The Council's Data Protection Policy.

Information will be handled sensitively and confidentially.

Records are retained and disposed of in line with the Council's Records Retention Scheme.

Related Policies

- Maternity Leave and Pay Policy
- Parental Leave Policy
- Neonatal Care Leave and Pay Policy
- Flexible Working Policy
- Carer's Leave Policy
- Pay Policy
- Pension Policy
- Equality and Diversity Policy
- Dignity at Work Policy
- Records Retention Scheme
- Data Protection Policy

DRAFT

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