



# Adoption & Fostering Leave

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## 1 Introduction

This Adoption and Fostering Leave Policy has been developed as part of South Tyneside Council's continued commitment to helping employees balance their family and work life. This policy meets and exceeds legislation relating to adoption and fostering leave and pay and is available to all employees regardless of length of service. This Policy applies to all employees of South Tyneside Council, including school-based employees where the governing bodies of individual schools have adopted the Policy.

This Adoption and Fostering Leave Policy is divided into two sections. The first section describes how an employee can take adoption leave and includes information on paternity leave during adoption. The second section focuses on leave and pay available to support prospective and existing foster carers, approved kinship carers, and special guardians.

### Section 1: Adoption

## 2 Who Does the Adoption Scheme Apply to?

The Adoption Scheme applies when employees are adopting a child from an approved UK adoption agency, and the child will be new to the family unit. Where a couple employed by the Council adopt jointly, adoption leave and pay is only available for one partner. The couple must decide which partner takes the adoption leave. The other partner may be entitled to paternity leave and pay. Only one period of adoption leave is available, regardless of the number of children that are placed as part of the same arrangement.

## 3 Arranging Adoption Leave

Within 5 working days of being informed of a match with a child by the adoption agency, the employee must complete the "Starting Your Adoption Leave" form, including when they expect the child to be placed with them, and when they intend the adoption leave to start. Employees must return his form to their line manager.

The employee must give at least 28 working days notice if they wish to change the start date of the adoption leave and pay to start. If this is not possible due to exceptional circumstances, the request must be discussed with their line manager, as soon as possible.

A **Matching Certificate** must be submitted to the line manager to qualify for Statutory Adoption Pay (SAP). The Matching Certificate includes basic information on the adoption and expected dates and is obtained from the adoption agency.

If the employee needs to change the dates of the adoption leave, they must inform their line manager at least 28 working days in advance, unless this is not reasonably possible. The employee must keep their line manager updated on developments affecting their adoption leave dates.

The line manager has 28 working days to provide written confirmation of the details of the adoption leave. This must include the date the adoption leave will end. Where an employee has made a request for adoption leave, but does not meet the eligibility criteria, the manager must send a letter informing the employee of this.

#### **4 Time Off to Attend Pre-Adoption Meetings**

Employees have the right to “reasonable” time off with pay to attend these meetings, and must produce evidence of appointments if asked to do so. If the Council employs both partners who are adopting a child, they will both be eligible to time off to attend pre-adoption meetings. If appointments fall on public holidays or hours not normally worked, then employees cannot claim time off in lieu.

#### **5 Start Date for Adoption Leave**

The start date of the adoption leave must be agreed with the line manager, but can start on any day of the week from either:

- the date of the child’s placement (whether this is earlier or later than expected) or
- from a fixed date which can be up to 10 working days before, but not later than the expected date of placement.

If the child’s placement ends during the adoption leave, the employee can remain on leave for up to 8 weeks after the placement ended. However, the maximum period of time an employee can take as adoption leave is 52 weeks. Employees must remember to give their Line Manager at least 8 weeks’ notice if they are returning to work earlier than expected.

#### **6 Adoption Leave and Pay**

The employee’s length of service will determine the length of adoption leave and pay. Adoption leave must be taken in one block. It cannot be taken intermittently.

##### **6.1 Employees with less than 26 weeks service continuous service**

Employees with less than 26 weeks continuous service, leading into the week in which they are notified of being matched with a child, are entitled to up to 26 weeks unpaid adoption leave.

##### **6.2 Employees with more than 26 weeks but less than 1 year’s continuous service**

Employees with more than 26 weeks but less than 1 year’s continuous service leading into the week in which they are notified of being matched with a child, are entitled to

- up to 39 weeks paid adoption leave
- remain absent subject to a maximum of 52 weeks
- Providing earnings are above the lower earnings limit for National Insurance Contributions, the employee will be entitled to:
- 6 weeks at 9/10ths (90%) of normal pay and
- 33 weeks SAP, paid at 90% of average weekly earnings or the current SAP rate, whichever is the lowest.

##### **6.3 Employees with more than one year’s continuous service**

Employees with more than 1 year’s continuous service leading into the week in which they are notified of being matched with a child, are entitled to:

- up to 39 weeks paid adoption leave
  - remain absent subject to a maximum of 52 weeks
  - Providing earnings are above the lower earnings limit for National Insurance Contributions, the employee will be entitled to the following: -
  - For the first 6 weeks of leave, the employee will be entitled to 9/10<sup>th</sup> (90%) of their week’s pay
  - If the employee has declared their intention to return to work, they are entitled to:
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- 12 weeks of adoption leave at half pay plus SAP, which is paid at 90% of average weekly earnings or the current SAP rate, whichever is the lowest, as long as the total adoption pay does not exceed full pay,
- And 21 weeks of adoption leave with SAP, paid at 90% of average weekly earnings of the current SAP rate, whichever is the lowest.

If the employee does not intend to return to work, payments during the subsequent 33 weeks of leave will be paid at the SAP rate (the lower of 90% of average weekly earnings or the current SAP rate). Payments made by the Council shall be made on the understanding that the employee will return to the Council's employment for a period of at least 3 months. If the employee does not return, they will be required to pay back the half payments.

#### **6.4 What if the employee does not qualify for Statutory Adoption Pay**

Employees who do not qualify for SAP should contact their adoption agency and their local Jobcentre Plus office to see if they are entitled to any additional financial support.

#### **7 Return to Work**

The employee is entitled to return to the same job, on the same terms and conditions as before, unless the job has been made redundant during the period of adoption leave, or there has been a reorganisation. In either case every effort will be made to find suitable alternative employment, if it is available.

Employees who intend to return to work at the end of their full adoption leave entitlement do not need to give any further notification to their employers. Employees wishing to return to work earlier must give their manager 8 weeks' notice of the date they intend to return.

#### **8 Annual Leave**

Adoption leave does not affect entitlement to annual leave. Employees will continue to accrue annual leave even during unpaid adoption leave. Bank holidays should accrue as they fall, with a substitute day's leave being provided. Employees should therefore plan wherever possible, to take annual leave before the commencement of adoption leave however if an employee is unable to take all their annual leave in the current leave year, they will be able to carry forward any remaining leave to the next leave year.

##### **8.1 Phased Return using Annual Leave**

To support the return to work after adoption leave, a phased return using the annual leave accrued during maternity leave may be an option for some staff. Discussions about this should take place as early as possible and arrangements are subject to line manager agreement in line with the needs of the service.

#### **9 Will Adoption Leave affect an employee's pension?**

During adoption leave employees will pay pension contributions calculated on the actual pay they receive. Employees also have the option to pay pension contributions for any period of unpaid leave taken. For further information and advice, please contact the Pensions Service.

#### **10 Paternity Leave and Pay (Adoption)**

10.1 Eligible employees will be able to take paternity leave to care for their new child or support the adopter. To be eligible employees must:

- have or expect to have responsibility for the child's upbringing
- be the adopter's spouse or partner
- have 26 weeks continuous service leading into the week in which the adopter is notified of being matched with a child.

Employees must produce evidence that they meet this eligibility if asked to do so.

#### **10.2 Taking Paternity Leave**

Eligible employees are entitled to take either one or two weeks' paternity leave. If taking two weeks, they do not have to be consecutive weeks. During this leave, employees will receive Statutory Paternity Pay (SPP),

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which is the lower of 90% of average weekly earnings or the current SPP rate, providing the employee has average weekly earnings at or above the lower earnings limit for National Insurance which applied at the end of the matching week. Only one period of leave is available for each adoption arrangement, so even if twins are adopted the maximum entitlement is two weeks.

### **10.3 Notice of Intention to take Paternity Leave**

The employee must complete the 'Paternity Leave Form' within 5 working days of being informed of a match with a child by the adoption agency, including when they expect the child to be placed with them, when they intend the adoption leave to start and return it to their line manager.

The employee must give their line manager at least 28 working days notice if they need to change the start date of the paternity leave. If this is not reasonably possible the employee must discuss this with their manager as soon as possible.

### **10.4 Start Date for Paternity Leave**

The employee and line manager agree when the paternity leave will begin. Paternity leave can start on any day of the week on or following the child's placement. It must be taken within 52 weeks of the placement.

## **Section 2: Foster Carers, Approved Kinship Carers and Special Guardians**

### **11 Introduction**

South Tyneside Council recognises and values the contribution that foster carers, approved kinship carers, and special guardians make to society and the lives of the children and young people in their care. We understand that they may need some flexibility in their working arrangements in order that they can meet the child's or young person's needs.

South Tyneside Council is committed to support any staff member who is a foster carer, approved kinship carer, or special guardian. We will do this, wherever possible, by creating a fostering friendly organisation that offers flexible working arrangements which respond to the needs of all staff who are foster carers, approved kinship carers, or special guardians.

This section of the policy sets out the time off we will allow prospective and existing foster carers, approved kinship carers and special guardians where possible. This is in addition to the provisions set out in the Flexible Working Hours Policy, Leave Policy, and Flexible Working Policy.

### **12 Definitions**

**Foster Carer** – Foster carers are trained, assessed, and approved by the fostering service to look after fostered children. There are many types of foster care including the provision of long-term, short-term, emergency, respite and short break, remand, and specialist therapeutic care.

**Approved Kinship Carer** – Also known as a "family and friends carer" or a "connected person carer". Kinship foster care occurs when a family member or friend becomes a child's official foster carer, following assessment and approval by the Local Authority.

**Special Guardian** - A special guardianship order (SGO) is a legal order given by a family court. When somebody becomes a special guardian, the child will live with them permanently until they are 18 years old. Special guardians share parental responsibility with the child's parents but can make nearly all major decisions about the child without asking for their permission.

### **13 Eligibility**

This section of the policy applies to staff who, regardless of their length of continuous service:

- Are applying to be foster carers;
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- Are approved foster carers and have a child in placement;
- Are looking after a child as an Approved Kinship Carer, or;
- Are looking after a child under a Special Guardianship Order.

## 14 Leave and Pay

### 14.1 Assessment, Training, and Meetings

South Tyneside Council will support prospective and existing **primary** foster carers, approved kinship carers, and special guardians by offering paid time off per 12-month aggregated period as follows:

- Assessment and training prior to approval as a foster carer – up to three days
- Attendance at a panel for approval – one day
- Child review meetings, annual foster care review meetings, training – up to five days

Employees who are the **secondary** foster carer, where there is a joint application, may take up to two days unpaid leave to attend fostering meetings in relation to short term, intermediate and long term or permanent fostering arrangements prior to a child being placed with them.

All leave will be considered and approved on a **pro-rata** basis for part-time staff.

The line manager will approve and monitor the uptake of leave in line with the above provisions.

## 15 Childcare Advice

For **free** advice on childcare provision, please contact the Children's Information Service, on 0800 783 4645 or visit their website at [Families Information Service](#)

## 16 Our Council Values

Our Values are the things we most care about. In applying every policy and process, we must consider and uphold our [PROUD Values](#). These define what we stand for as an organisation, how we work and how we act.

- Professional – we uphold high standards.
- Respectful – we value people.
- Open and honest – we trust each other.
- Understanding and engaging – we care about people.
- Deliver what we say we will - we provide great services.

Under each Value is a set of guiding behaviours. These apply to every person who works for or represents South Tyneside Council. They are our promise to residents, each other and to all who interact with the Council.

## 17 Equality and Diversity Statement

South Tyneside is committed to promoting equality and valuing diversity. An equality check for HR Services was carried out in 2023 which included all the policies in the HR Manual. No equality implications were identified in this policy.

Date Approved: January 2026

Date of next review: January 2027

**Fostering Leave Form  
(for Foster Carers, Approved Kinship Carers, and Special Guardians)**



South Tyneside Council

<b>Name:</b>	<p>Staff should complete this form when they require leave of absence from work due to their fostering, approved kinship, or special guardianship commitments e.g.</p> <p>Assessment and training prior to approval as a foster carer Attendance at a panel for approval Child review meetings, annual foster review meetings, training etc.</p> <p>Please refer to the Council's Adoption and Fostering Leave Policy for further information.</p> <p>Please only send a copy to the Payroll Team if the Leave of Absence is without pay.</p> <p><a href="mailto:HR.Payroll@southtyneside.gov.uk">HR.Payroll@southtyneside.gov.uk</a></p> <p>The Payroll Team Hawthorne House Viking Business Park Rolling Mill Road NE32 3DP</p> <p>You can call us on (0191) 424 6630</p>
<b>Directorate/Service:</b>	
<b>Payroll No:</b>	
<b>Inclusive Dates of Absence Requested:</b>	
<b>Reasons for Absence:</b>	
<b>If you have taken fostering leave within the past 12 months, please list those dates here:</b>	
<b>Signed:</b>	
<b>Date:</b>	

Manager's Authorisation

<b>Approved: with pay</b> <input type="checkbox"/> <b>or without pay</b> <input type="checkbox"/>		
<b>Please sign &amp; print name:</b>		<b>Date:</b>
<b>Job Title:</b>	<b>Ops only</b>	