

Fostering and Adoption Leave and Pay Policy

1. About this Policy

This policy sets out entitlements around fostering/adoption leave and pay. It applies only when fostering/adoption occurs through an official agency, for example there is no provision in the instance of adopting a stepchild.

The Diocese recognises and respects the rights of clergy holders taking time away from their ministry in connection with fostering to adopt/adoption. No one will be subjected to a detriment for exercising their right to take this leave or for seeking to do so.

This is a statement of policy and does not form part of clergy Statement of Particulars. We may amend this policy at any time at our discretion.

2. Definitions

The following key definition is used in this policy:

Expected Placement Date (EPD): the date on which an agency expects that it will place a child into the office holder's care with a view to adoption.

3. What is fostering leave and who is eligible to take it?

There is no provision for office holders who wish to foster a child unless there is a formalized commitment to later adopt the same child. If the placement is made with this intention, entitlement to adoption leave and pay will apply.

4. What is adoption leave and who is eligible to take it?

When a child is placed with an individual for adoption, it is the primary adopter who is entitled to take 52 weeks adoption leave, while his/her spouse or partner may be eligible for paternity leave. In the case of a joint adoption, it is up to the couple to decide which of them takes the adoption leave. In this case, the other parent may be entitled to a period of paternity leave.

To be eligible for you must:

- a. be an office holder (full or part time), and not a self-supporting minister.
- b. be newly matched with a child for adoption by an approved adoption agency and an EPD agreed by all parties.
- c. comply with the notification requirements set out in this policy.

Leave may start on any day of the week, which may be:

- on the EPD date or;
- on a fixed date which can be up to 14 days before the EPD.

The right to take adoption leave and pay is not dependent on tenure as an office holder.

5. Taking time off for adoption appointments

The main adopter will be able to take paid time off for up to five adoption appointments. The secondary adopter may take unpaid time off for up to two appointments.

6. Giving notice

UK adoptions

At least 28 days before the intended start of adoption leave (or if this is not possible, as soon as possible), office holders should share the adoption/fostering to adopt “Matching Certificate” with their Incumbent/Bishop confirming:

- the agency’s name and address
- the name and date of birth of the child
- the date that the match was notified
- the EPD
- preferred date for adoption leave start
- confirmation of desire to take adoption, and not paternity, leave.

Overseas adoptions

If adopting from overseas, an office holder must have received notification that the adoption has been approved by the relevant UK authority (Official Notification). They should inform their Incumbent/Bishop in writing of:

- their intention to take adoption leave
- the date they received the Official Notification and
- the date the child is expected to arrive in Great Britain.

This notice must be given as soon as possible and at least within 28 days of receiving the Official Notification and of when they wish to start adoption leave. This may be the date that the child arrives in Great Britain, or a pre-determined date no later than 28 days after the child arrives.

Changing the dates of adoption leave

Incumbents/Bishops will respond to an office holder’s notification within 28 days to confirm the leave. The return date must not fall later than 52 weeks from the start of the leave.

Dates can subsequently be altered as long as the change is notified at least 28 days before the new start or return date.

7. Adoption leave pay

As with maternity leave, office holders who are the primary adopter, are entitled to receive up to 39 weeks leave, paid at full stipend. Any additional time taken (taking leave up to a maximum of 52 weeks) will be unpaid.

8. Rights during adoption leave

During a period of leave, all terms and conditions outlined in individual Statement of Particulars, except stipend payments, will continue (see section 8). For example, housing, use of parish laptops, annual leave accrual, and pension contributions will continue as usual.

9. Taking holiday

Office holders are reminded that, wherever possible, holiday should be taken in the year that it accrued. Where an adoption leave period overlaps two calendar years the office holder should consider how their annual leave entitlement can be used to ensure that it is not undertaken at the end of the holiday year.

Where possible, accrued annual leave should be taken before adoption leave commences. It will continue to accrue throughout the leave but cannot be taken whilst away; it should instead be scheduled for a date after the leave has ended. Where it is not possible to take annual leave in the year it accrues (due to being on adoption leave) it will be carried over into the next year.

10. Working during adoption leave

10 days may be worked without bringing adoption leave to an end enabling office holders to “keep in touch” (KIT). Any work during leave must be by agreement and cannot be forced. KIT days do not need to be consecutive but should be used for any work-related activity including retreats or meetings. Working for part of a day will count as one day’s work.

Any KIT days worked will not extend the adoption leave period beyond 52 weeks and will not bring total pay beyond 39 weeks’ full stipend.

An Incumbent and/or Bishop may also make reasonable contact with an office holder during their leave, for example, to discuss return to work.

11. Disrupted adoption leave

Adoption leave is disrupted if it has started but an office holder is later notified that the placement has been cancelled, the child is returned to the adoption agency after placement, or the child dies. In these situations, the office holder’s entitlement to adoption leave and pay will continue for a further 8 weeks from the end of the week in which the disruption occurred.

12. Shared parental leave

Adopters have the option of applying for Shared Parental Leave (SPL). More details of this scheme can be found in our SPL policy

13. Data Protection (GDPR)

When managing clergy adoption leave and pay, the Diocese processes personal data collected in accordance with its data protection/processing special categories of personal data policies. Data collected from the point that adoption is announced is held securely and accessed by, and disclosed to, individuals only for the purposes of managing adoption leave and pay. Inappropriate access or disclosure of data constitutes a data breach and should be reported in accordance with the Dioceses’ data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.