**Fostering Leave and Pay Policy**

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| **Risk Owner** | People Strategy & Projects Team |
| **Supported By** | Director of People and Culture |
| **Date Approved** | 6 April 2024  |
| **Date for review** | 5 April 2027 |
| **Distribution** | Internal - non confidential |

1. Purpose

This policy and procedure aims to:

* acknowledge the demands fostering places on colleagues and aims to provide support and flexibility to assist the process of fostering.
* provide information and support to colleagues and their manager, before, during and at the end of fostering leave
1. Policy

2.1 Main rights in fostering

While there is currently no legal right to fostering leave or pay[[1]](#footnote-1), Barnardo’s offers generous terms based in part on the arrangements for adoption leave and pay. These are the right to:

* not be dismissed or subjected to a detriment for a reason related to taking or seeking to take fostering leave
* reasonable time off for pre-fostering interviews/appointments
* fostering leave – up to 52 weeks (if eligible and subject to notification requirements)
* fostering pay – up to 26 weeks (if eligible)
* return to work
* Colleagues who are identified as at risk of redundancy through consultation who are on fostering leave, have the right to be offered any suitable alternative work available. For details see Q11 in the [Redundancy FAQ](https://barnardosorguk.sharepoint.com/%3Aw%3A/s/Employeeandvolunteersupport/EQZm6FtUUJJKqkC-zTuuowUB22GZKRWOh4acUsX_UV0yXg?e=VG1ded) document.
	1. **Two partners fostering and working for Barnardo’s**

Each partner is entitled to the pre-fostering leave as stated above. However, subject to meeting the eligibility criteria, only one partner is entitled to fostering leave and pay, and the other partner is entitled to support leave (fostering) and pay. Subject to eligibility, colleagues can choose which partner takes fostering leave and pay and which partner takes support leave (fostering) and pay. See [Support Leave policy and procedure](https://inside.barnardos.org.uk/support-leave-policy) on Inside.Barnardo’s for further details.

**2.3 Qualifying for fostering leave**

All colleagues are entitled to reasonable paid time off (‘pre-fostering leave’) for interviews/appointments with social workers, fostering agencies, etc. The colleague has to provide proof of attendance at these meetings to their line manager by way of an appointment card or letter.

Fostering leave is available to colleagues:

* who are fostering on a long-term basis through an approved fostering

service; and

* who have worked continuously with Barnardo’s for 26 weeks leading into the week in which they are notified of the long-term fostering placement; and
* who have notified the fostering service that they agree that the child should be placed with them and on the date of placement.

**2.4 Leave duration**

Only one period of leave is available irrespective of whether more than one child is placed for fostering as part of the same arrangement.

Eligible colleagues are entitled to take up to 52 weeks’ fostering leave, comprising 26 weeks’ Ordinary Fostering Leave and 26 weeks’ Additional Fostering Leave.

**2.5 Start of leave**

A colleague can choose to start their fostering leave:

* from the date the child is placed for long-term fostering, or
* from a predetermined date that can be up to 14 days before the expected date of placement (but no later than the date of placement)

Leave can start on any day of the week.

**2.6 Breakdown of fostering placement**

If the child's placement ends during the fostering leave period, the colleague will

be able to continue fostering leave for up to 8 weeks after the end of the week in

which the placement breaks down, as follows:

If the placement ends within 8 weeks of the end of Ordinary Fostering Leave, the colleague may continue with Additional Fostering Leave such that it provides for a total period of 8 weeks from the end of the week in which the placement ended.

If the placement ends within eight weeks of the end of Additional Fostering Leave, leave ends on the expiry of the 26-week period.

In all other cases leave will end 8 weeks after the end of the week in which the placement breaks down.

**2.7 Fostering Pay**

Entitlement varies according to length of service with Barnardo’s leading into the week in which notified of long-term fostering placement.

All payments are instead of, not addition to, normal pay, and will cease when the colleague returns to work. They are treated as earnings which means they are subject to deductions for tax and national insurance.

Fostering services pay foster carers an allowance which is payable to cover the costs of looking after a foster child. Such maintenance allowances do not affect Barnardo’s fostering pay entitlement. In addition, some fostering services pay fees to carers for their work, skills and experience; such payments will be offset against any Barnardo’s fostering pay outlined below

**2.8 Categories of Fostering Pay**

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| **Eligible****colleague** | **Type of Pay** | **Amount of Pay** |
| Under 26 weeks | Pre-fostering leave only | Paid time off for interviews/appointments  |
| Colleagues with a minimum of 26 weeks continuous service but less than 1 year leading into the week in which notified of long term fostering placement.  | 26 weeks’ Barnardo’s Fostering Pay (BFP) | 6 weeks @ 90% of average earnings, followed by 20 weeks at the rate of £184.03 (from 7 April 2024) or 90% of weekly pay, whichever is the lesser |
| Colleagues with more than 1 year’s continuous service leading into the week in which notified of matching | Barnardo’s Additional Fostering Pay (BAFP) | BFP as above for 26 weeks, plus 30% of weekly pay for the last 20 weeks (total not to exceed normal weekly pay) |

**2.9 Barnardo’s Fostering Pay (BFP)**

For fostering pay, Barnardo’s offers the same weekly rate as is used for Statutory Adoption Pay and Statutory Maternity Pay. This is set at £184.03 (from 7 April 2024).

Average earnings are calculated over a set period leading up to the date of receiving the ‘fostering agreement’.

BFP starts on the first day of fostering leave. Monthly payment will fluctuate i.e. payment will be made for either 4 weeks or 5 weeks, depending on the month.

BFP is dependent on the colleague returning to work for 3 months following the end of fostering leave. If the colleague fails to return to work Barnardo’s will reclaim BFP. A colleague who is uncertain whether they will be returning to work for 3 months can defer receipt of this payment until the return to work.

**2.10 Barnardo’s Additional Fostering Pay (BAFP)**

BAFP is calculated on salary immediately prior to fostering leave and is dependent upon the colleague returning to work for a minimum of 3 months following the end of fostering leave. If the colleague fails to do so, Barnardo’s will reclaim any BAFP paid. A colleague who is uncertain whether they will be returning to work may defer receiving payment of BAFP until they return.

A colleague who has received BAFP during fostering leave and does not return to work for the minimum 3 month period due starting another period of fostering leave will not be asked to repay BAFP at that time provided they intend to return to work following the subsequent fostering leave. No further BAFP will be paid and if the colleague does not return to work for a minimum of 3 months following the end of the subsequent fostering leave, Barnardo’s will reclaim the BAFP.

If a colleague on fostering leave is unable to return to work for three months’ due to redundancy, they will not be required to repay any BAFP they have received.

**2.11 Fostering to Adopt**

Colleagues approved as adopters and "fostering to adopt" will be entitled to

adoption leave and pay, subject to meeting the eligibility requirements. Please

refer to [Adoption leave and pay policy | Inside Barnardos](https://inside.barnardos.org.uk/employee-and-volunteer-support/taking-time/adoption-leave-and-pay-policy)

## **2.12 Other entitlements and conditions of service**

## While salary payments will cease, certain benefits will continue during fostering leave, and continuity of service is maintained.

**2.13 Childcare vouchers salary exchange**
Colleagues can opt to remain in this scheme only for as long as fostering pay is sufficient to cover continued payment. To stop or amend childcare vouchers, please contact Sodexo on telephone 01908 303 531.

### **2.14 Cycle to work salary exchange**

Colleagues cannot opt out of this scheme and deductions will be made for as long as fostering pay is sufficient to cover continued payment. Any outstanding payments and the transfer of ownership fee will need to be settled before going onto no pay.

### **2.15 Annual Pay Award**

A colleague's eligibility for any agreed annual pay award will not be affected by the

taking of fostering leave.

### **2.16 Pension scheme - Barnardo’s Retirement Savings Plan (BRSP)**

Colleagues will pay pension contributions based on the level of fostering pay they

receive, but employer contributions will continue to be based on the level of

earnings immediately prior to fostering leave. Contributions from both will

cease during any period of unpaid fostering leave and restart once the colleague

returns to work. Similar arrangements will apply for the salary exchange scheme,

although colleagues can choose to opt out of the scheme during their fostering

leave. Further details are available from the People Team.

**2.17 Benefits retained during Ordinary Fostering Leave i.e. the first 26 weeks**

Telephone allowance, Office at Home allowance and Fleet cars (personally assigned vehicles) can be retained during this period. The manager is responsible for making arrangements for the return of the car during Additional Fostering Leave.

**2.18 Keeping in Touch Days (KiT Days)**

Colleagues may work for up to 10 days during their fostering leave without ending or extending their fostering leave or affecting their fostering pay. Payment for these days will be at the colleague’s normal rate of pay. These days do not have to be worked concurrently.

‘Work’ means any work done under the contract of employment and may include training or attending meetings.

Any day on which work is carried out (regardless of the number of hours worked) counts as one of the 10 KiT days. Colleagues will be paid their normal rate of pay[[2]](#footnote-2) for the actual hours worked on the day.

The colleague and their manager must mutually agree that these days are to be worked. There is no obligation for managers to offer them or for colleagues to work them.

1. **Scope**

This policy applies to all colleagues directly employed by the charity. Eligibility to entitlements will vary according to each colleague’s length of continuous service with Barnardo’s.

1. **Definitions and Key Concepts**

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| **Fostering**  | is family based care of children/young people placed by local authorities or voluntary organisations. There are several types of fostering. They include short term fostering which can be for anything from an overnight stay to three months, and long-term foster care. A key difference between fostering and adoption is that foster carers do not acquire legal parental responsibility. |
| **Long Term Fostering**  | requires foster carers to make a commitment to care for a child or young person until they are able to live independently; a child or young person can remain with a foster carer up until 18 years of age. Children or young people are generally fostered on long term basis when they are unlikely to be able to return to live with their birth families. In some instances a change in circumstances may mean that a short term arrangement results in a long term fostering placement. |
| **OFL** | **Ordinary Fostering Leave** is the initial period of absence and lasts for up to 26 weeks. |
| **AFL** | **Additional Fostering Leave** follows immediately after Ordinary Fostering Leave and lasts for a further period of up to 26 weeks. It is unpaid. |
|  **BFP**  | **Barnardo’s Fostering Pay** refers to Barnardo’s payments made during ordinary fostering leave for colleagues with at least 26 weeks’ continuous service. |
| **BAFP** | **Barnardo’s Additional Fostering Pay** is an additional entitlement for colleagues with at least one year’s continuous service leading into the week in which they are notified of the long term fostering placement. |
| **KiT Days** | **Keeping in Touch (KiT) Days.** The days during fostering leave (up to a maximum of 10) when, if both manager and colleague agree, the colleague can work without losing their right to fostering leave or pay.  |

1. **Roles and Responsibilities**

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| Roles | Responsibilities  |
| Risk Owner | Ultimately accountable for ensuring the risk is managed appropriately and responsibilities include keeping this policy remains fit for purpose, ensuring training is delivered, risk reporting is undertaken and the risk register is kept current. |
| Colleagues | Are responsible for complying with the notification, certification and documentary evidence requirements within the deadlines set out in this policy. |
| Line Manager | Are responsible for discussing and agreeing any period of fostering leave with their colleague; ensuring any agreed periods of fostering leave are notified to their People Team. |
| People Teams | Are responsible for advising and guiding colleagues and line managers on this policy; confirming in writing any agreed periods of fostering leave and pay to the individual; and ensuring that the leave and pay details are correctly recorded and actioned. |
| People Strategy and Projects Team | Are responsible for reviewing this policy at 3 yearly intervals, however, any legal or organisational developments may prompt more frequent reviews.  Any statutory changes will be incorporated automatically. |

1. **Procedures**

**6.1 Notification requirements for fostering leave and pay**

To qualify for fostering leave and pay, an eligible colleague must inform their manager of their intention to take fostering leave within 7 days of being notified by the fostering service that they have been placed with a child for long-term fostering. If it is not reasonably practicable to meet this deadline, as much notice as possible must be provided.

* The colleague must complete the [Fostering Leave Planner & Application Form](https://inside.barnardos.org.uk/people-and-culture/taking-time/fostering-leave-and-pay-policy) (which can be found on Inside.Barnardo’s) and pass it to their manager in order to confirm the date when the child is expected to be placed with them and when they want their fostering leave to start; to confirm the fostering they must submit the Fostering Agreement. Failure to do this could jeopardise the rights to start fostering leave on the intended day and to receive BFP/BAFP (if entitled).
* The People Team must write back to the colleague within 28 days to confirm the latest date the colleague may be expected to return to work. This is 52 weeks from the date the leave period commences (although colleagues may wish to return sooner).
* A colleague may change the date on which they want fostering leave and pay to start, providing they tell their manager at least 28 days in advance.

## **6.2 Pre-Fostering Leave**

All colleagues are entitled to reasonable paid time off for interviews/appointments with social workers, fostering agencies and solicitors etc.

The colleague must show their appointment card (or other written confirmation of the appointment) to their manager.

The colleague must give their line manager as much notice as possible of pre-fostering appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

## **6.3 Reasonable contact**

Prior to a colleague starting fostering leave, the manager and colleague should

agree the appropriate level and methods of contact to be maintained between

 them during fostering leave. Contact can be used to discuss a colleague’s plans

for returning to work or to provide the colleague with an update on developments

at work during their absence.

Colleagues should be kept informed of any potential changes in the workplace that could affect them and be given the opportunity to be involved in any consultation that takes place whilst they are on fostering leave.

## **6.4 Returning to work**

Barnardo’s will assume the colleague will take their full 52 week period of fostering

leave and return to work at the end of this period.

If the colleague wishes to return to work early, they must give at least eight weeks’ notice in writing of the date they intend to return. Failure to provide this notice will enable Barnardo's to postpone the return date to allow for 8 weeks’ notice. Any further change requires the same notice.

The colleague may wish to take parental leave, if eligible, to extend their period of leave. A maximum of 4 weeks unpaid leave can be taken in any one year, with approval of the line manager – see [Parental Leave Policy & Procedure](https://inside.barnardos.org.uk/people-and-culture/taking-time/unpaid-parental-leave-policy) on Inside.Barnardo’s for further information.

Colleagues who are sick following the completion of fostering leave must submit a medical certificate and comply with Barnardo's absence from work procedure.

Where practicable, support will be provided to colleagues returning to work after fostering leave in order to assist their smooth transition back to work.

**6.5 Not returning from fostering leave/resignation**

If a colleague decides not to return to work from fostering leave, they must write to

their manager giving the period of notice set out in their contract of employment.

Notice can be given at any time before or during fostering leave.

1. **Associated Legislation, Guidance, References and Documents**

• Fostering Leave Planner and Application Form

• Support Leave Policy & Procedure

• Shared Support Leave Policy and Procedure

• Flexible Working Policy & Procedure

• Sources of Support

1. **Compliance and Oversight**

In addition to the compliance and oversight arrangements set out under Roles and Responsibilities, the following applies:

* The Risk Owner will ensure that management information demonstrating adherence to and compliance with this Policy is produced and provided to relevant parties as required and on request complete a business self-assessment;
* The Audit and Assurance Team will periodically and independently review adherence to and compliance with this Policy and associated procedures and processes across the Charity in line with their approved audit and inspection plans;
* People Teams monitoring of general adherence to policy;
* Feedback from UNISON and Barnardo’s Equality, Diversity & Inclusion (EDI) Networks.
1. **Version History**

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| Document History | Date | Author | Comments | Approval |
| 1 | 30.03.11 | Policy and Advice Team |  |  |
| 2 | 17.03.15 | Policy and Advice Team | New format; similar layout to Adoption leave policy |  |
| 3 | 01.04.16 | Policy and Advice Team | Updated to reflect BFP rate increase. |  |
| 4 | 02.04.17 | Policy and Advice Team | Updated to reflect BFP rate increase. |  |
| 5 | 04.04.18 | Policy and Advice Team | Updated to reflect BFP rate increase. |  |
| 6 | 06.04.19 | Policy and Advice Team | Updated to reflect BFP rate increase. |  |
| 7 | 02.08.22 | People Strategy & Projects Team | To reflect agreed review date |  |
| 8 | 01.04.23 | People Strategy & Projects Team | Policy transferred into new template |  |
| 9 | 06.04.24 | People Strategy & Projects Team | Update to include, new brand, BFP rate and reference to new redundancy protection legislation. |  |

1. Under the Children and Families Act 2014 and the Work and Families (Northern Ireland) Act 2015, foster carers who have children placed with them as part of the ‘fostering to adopt’ or ‘concurrent planning’ processes may be entitled to adoption leave and pay – see Adoption policy for further details. [↑](#footnote-ref-1)
2. For colleagues receiving BFP/BAFP this will involve their pay being ‘topped up’ to their normal pay rate. [↑](#footnote-ref-2)