

# ADOPTION POLICY

## TABLE OF CONTENTS

1. POLICY STATEMENT
2. WHO IS COVERED BY THIS POLICY?
3. DEFINITIONS
4. WHO IS RESPONSIBLE FOR THIS POLICY?
5. TIME OFF FOR APPOINTMENTS
6. ENTITLEMENT TO ADOPTION LEAVE
7. NOTIFICATION OF INTENTION TO TAKE LEAVE
8. STARTING ADOPTION LEAVE
9. STATUTORY ADOPTION PAY
10. TERMS AND CONDITIONS DURING OAL AND ALL
11. ANNUAL LEAVE
12. PENSIONS
13. REDUNDANCIES DURING ADOPTION LEAVE
14. DISRUPTED ADOPTION / SURROGACY ARRANGEMENTS
15. KEEPING IN TOUCH
16. RETURNING TO WORK
17. RETURNING EARLY
18. RETURNING LATE
19. DECIDING NOT TO RETURN
20. SHARED PARENTAL LEAVE
21. YOUR RIGHTS WHEN YOU RETURN
22. RETURNING TO WORK PART-TIME
23. MONITORING AND REVIEW OF THE POLICY

## 1. POLICY STATEMENT

- 1.1 This policy sets out the arrangements for Adoption Leave and pay for employees who are:
  - a) adopting a child through a UK adoption agency,
  - b) fostering a child with a view to possible adoption, or
  - c) having a child through a surrogate mother.
- 1.2 This policy does not form part of any employee's contract of employment and it may be amended at any time. We may also vary elements, such as any time limits, as appropriate in any case.
- 1.3 We are inclusive of all parents, irrespective of the means of becoming a parent, sexual orientations and gender identities.

## 2. WHO IS COVERED BY THIS POLICY?

- 2.1 This policy applies to all employees. It does not apply to workers, agency workers, consultants or contractors.

## 3. DEFINITIONS

- 3.1 The definitions in this section apply in this policy.

**Qualifying Week:** the week, starting on a Sunday, in which you are notified in writing by an adoption agency of having been matched with a child for adoption or, in the case of a surrogacy arrangement, the 15th week before the Expected Week of Childbirth.

**Expected Placement Date:** the date on which an adoption agency expects that it will place a child into your care with a view to adoption.

**Ordinary Adoption Leave (OAL):** a period of up to 26 weeks' leave available to all employees who qualify for Adoption Leave under section 6.

**Additional Adoption Leave (AAL):** a further period of up to 26 weeks' leave immediately following OAL.

## 4. WHO IS RESPONSIBLE FOR THIS POLICY?

- 4.1 While we ask all managers to take responsibility for making sure this policy is complied with, its successful operation also depends on you. Please take the time to read and understand it, and to go back to your manager with any questions you may have. We also ask you to support colleagues who are adopting or in a surrogacy arrangement to ensure the success of this policy.

## 5. TIME OFF FOR APPOINTMENTS

- 5.1 In an adoption or a fostering for adoption case:
  - a) if you are adopting on your own or have elected to be the primary adopter, you may take paid time off to attend an adoption appointment on up to five occasions in relation to any particular adoption, or

- b) if you are the secondary adopter, you may take unpaid time off to attend an adoption appointment on up to two occasions only.
- 5.2 In a surrogacy case, as one of the intended parents you may take unpaid time off to attend an antenatal appointment on up to two occasions.
- 5.3 You must not take more than six and a half hours off for each appointment, including travel and waiting time.
- 5.4 Please give us as much notice of the appointment as possible. You must provide your manager with a signed statement or an email confirming the nature of the appointment, the date and the time.

## 6. ENTITLEMENT TO ADOPTION LEAVE

- 6.1 In an adoption case or a fostering for adoption case, you are entitled to Adoption Leave if all the following conditions are met:
- a) you are adopting a child through a UK adoption agency, or you are a local authority foster parent who has been approved as a prospective adopter,
  - b) the adoption agency or local authority has given you written notice that it has matched you with a child and tells you the Expected Placement Date, and
  - c) you have told the agency or local authority that you agree to the placement.
- 6.2 Adoption Leave may be available if you are adopting through an overseas adoption agency, however the process is slightly different. Therefore, please contact your manager for information on eligibility and process.
- 6.3 In a surrogacy case, you are entitled to Adoption Leave if all the following conditions are met:
- a) a surrogate mother gives birth to a child, who is biologically the child of either you, or your spouse or partner (or both of you),
  - b) you expect to be given parental responsibility under a parental order from the court,
  - c) the child lives with you, and
  - d) you apply for the parental order within six months of the child's birth.
- 6.4 In either case, only one parent can take Adoption Leave. If your spouse or partner takes Adoption Leave with their employer you will not be entitled to Adoption Leave, but you may be entitled to Paternity Leave (see our Paternity Leave Policy). In some cases, you may also qualify for Shared Parental Leave (see our Shared Parental Leave Policy).
- 6.5 The maximum Adoption Leave entitlement is 52 weeks, consisting of 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption Leave (AAL).

## 7. NOTIFICATION OF INTENTION TO TAKE LEAVE

- 7.1 In an adoption or fostering for adoption case, you must tell us in writing of the Expected Placement Date, and your Intended Start Date for Adoption Leave, which can be either the Expected Placement Date or a date no more than 14 days before the Expected Placement Date. You must give this information not more than seven days after the agency or local authority notifies you in writing that it has matched you with a child, or if that is not reasonably practicable, as soon as you can.
- 7.2 Once you receive the written matching certification from the agency or local authority, you must provide us with a copy.
- 7.3 In a surrogacy case, you must tell us in writing of your intention to take Adoption Leave and give the Expected Week of Childbirth (EWC). You must give this information by the end of the 15<sup>th</sup> week before the EWC (the Qualifying Week), or if that is not reasonably practicable, as soon as you can. When the child is born, you must tell us the date of birth.
- 7.4 We will write to you within 28 days of receiving your notification to confirm your Expected Return Date, assuming you take your full entitlement to Adoption Leave.

## 8. STARTING ADOPTION LEAVE

- 8.1 In an adoption or fostering for adoption case, OAL may start on a date of your choosing no more than 14 days before the Expected Placement Date, or on the date of placement itself, but no later.
- 8.2 If you want to change your intended start date, please tell us in writing. You should give as much notice as you can, but wherever possible you must tell us at least 28 days before the original intended start date (or the new intended start date if you are bringing the date forward). We will then write to you within 28 days to tell you your new Expected Return Date.
- 8.3 In a surrogacy case, OAL will start on the day the child is born, unless you are at work, in which case it will start on the following day. You cannot change this start date.
- 8.4 Shortly before your Adoption Leave starts, we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave.

## 9. STATUTORY ADOPTION PAY

- 9.1 Statutory Adoption Pay (SAP) is payable for up to 39 weeks of your Adoption Leave. It stops being payable if you return to work (except where you are simply keeping in touch in accordance with section 15). It will also come to an end more quickly if the adoption or surrogacy is disrupted (see section 14). You are entitled to SAP if:
  - a) you have been continuously employed by us for at least 26 weeks at the end of your Qualifying Week and are still employed by us during that week,

- b) your average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the Government, and
- c) you have given us the relevant notifications under section 7.

9.2 SAP is calculated as follows:

- a) first six weeks: SAP is paid at the Earnings-Related Rate of 90% of your average weekly earnings calculated over the Relevant Period,
- b) remaining 33 weeks: SAP is paid at the Prescribed Rate which is set by the Government for the relevant tax year, or the Earnings-Related Rate if this is lower, and
- c) after 39 weeks, Adoption Leave is unpaid.

9.3 SAP accrues from the day on which you commence your OAL and thereafter at the end of each complete week of absence. SAP payments shall be made on the next normal payroll date and income tax, National Insurance and pension contributions shall be deducted as appropriate.

9.4 You shall still be eligible for SAP if you leave employment for any reason after the start of the Qualifying Week (for example, if you resign or are made redundant). In such cases, if your Adoption Leave has not already begun, you shall still be eligible for SAP in the following circumstances.

- a) In an adoption or fostering for adoption case, if you have already been notified by an agency that you have been matched with a child, SAP shall start to accrue in whichever is the later of:
  - (i) 14 days before the Expected Placement Date, or
  - (ii) the day after your employment ends.
- b) In a surrogacy case, SAP shall start to accrue on the day the child is born.

## **10. TERMS AND CONDITIONS DURING OAL AND ALL**

- 10.1 All the terms and the conditions of your employment remain in force during OAL and AAL, except for the terms relating to pay. In particular:
- a) benefits in kind shall continue,
  - b) annual leave entitlement under your contract shall continue to accrue (see section 11, Annual leave), and
  - c) pension benefits shall continue (see section 12 Pensions).

## **11. ANNUAL LEAVE**

- 11.1 During OAL and AAL, annual leave including bank holidays will accrue at the rate provided under your contract.
- 11.2 In many cases, a period of Adoption Leave will last beyond the end of the holiday year. Any annual leave for the year that cannot reasonably be taken before starting your Adoption Leave can be carried over to

the next holiday year and must be taken immediately before returning to work, unless your manager agrees otherwise. You should try to limit carry-over to one week's holiday or less. Carry-over of more than one week is at your manager's discretion.

- 11.3 Please discuss your holiday plans with your manager in good time before starting your Adoption Leave. All holiday dates are subject to approval by your manager.

## **12.PENSIONS**

- 12.1 During OAL and any further period of paid Adoption Leave, we shall continue to make any employer pension contributions that we usually make into the relevant pension scheme applicable to your employment, providing that you continue to make contributions based on the SAP you are receiving.
- 12.2 During unpaid AAL we shall not make any payments into the relevant pension scheme applicable to your employment. You do not have to make any contributions but may do so if you wish, or you may make up for missed contributions at a later date.

## **13.REDUNDANCIES DURING ADOPTION LEAVE**

- 13.1 In the event that your post is affected by a redundancy situation occurring during your Adoption Leave, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached regarding your continued employment. Employees on Adoption Leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

## **14. DISRUPTED ADOPTION / SURROGACY ARRANGEMENTS**

- 14.1 In an adoption or fostering for adoption case, Adoption Leave is disrupted if it has started but:
- a) you are notified that the placement will not take place, or
  - b) the child is returned to the adoption agency after placement, or
  - c) the child dies after placement and during Adoption Leave.
- 14.2 In a surrogacy case, Adoption Leave is disrupted if:
- a) you do not apply for a parental order within the relevant time limits (see section 6.3 above), or
  - b) the court does not grant a parental order and any time limit for appeal or a new application has expired, or
  - c) the child dies during Adoption Leave.
- 14.3 In the event of disruption, your entitlement to Adoption Leave and adoption pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred, unless your entitlement to Adoption Leave and/or adoption pay would have ended earlier in the normal course of events.

## 15.KEEPING IN TOUCH

- 15.1 We may make reasonable contact with you from time to time during your Adoption Leave.
- 15.2 You may work (including attending training) on up to 10 'keeping in touch' days (KIT days) during Adoption Leave without bringing your Adoption Leave or SAP to an end. KIT days are not compulsory and must be discussed and mutually agreed in advance with your manager.
- 15.3 You will be paid at your normal basic rate of pay for time spent working on a KIT day, and this will be inclusive of any adoption pay entitlement for that day. Alternatively, you may agree with your manager to receive the equivalent paid time off in lieu.

## 16. RETURNING TO WORK

- 16.1 Once you have notified us in writing of your Intended Start Date, we shall send you a letter within 28 days to inform you of your Expected Return Date. If your Intended Start Date changes, we shall write to you within 28 days of the start of your Adoption Leave with a revised Expected Return Date.
- 16.2 We will expect you back at work on your Expected Return Date unless you tell us otherwise. It will help us if, during your Adoption Leave, you are able to confirm that you will be returning to work as expected.
- 16.3 Support will be offered during the leave period to maintain contact, facilitate returning to work and ensure employees do not face discrimination or disadvantage for future career advancement.
- 16.4 Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may cover:
  - a) updating you on any changes that have occurred during your absence,
  - b) any training needs you might have, and
  - c) any changes to working arrangements (for example, if you have made a request to work part-time). See sections 21, Your rights when you return and 22, Returning to work part-time.

## 17.RETURNING EARLY

- 17.1 If you wish to return to work earlier than the Expected Return Date, you must give us at least eight weeks' prior notice. It is helpful if you give this notice in writing.
- 17.2 If not enough notice is given, we may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner.

## 18. RETURNING LATE

- 18.1 If you wish to return later than the Expected Return Date, you should either:

- a) request Unpaid Parental Leave in accordance with our Unpaid Parental Leave Policy, giving us as much notice as possible but not less than 21 days, or
  - b) request paid annual leave in accordance with your contract, which will be at our discretion.
- 18.2 If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply.
- 18.3 In any other case, late return will be treated as unauthorised absence.

## **19. DECIDING NOT TO RETURN**

- 19.1 If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return, you should give notice of resignation in accordance with your contract. The amount of Adoption Leave left to run when you give notice must be at least equal to your contractual notice period, otherwise we may require you to return to work for the remainder of the notice period.
- 19.2 Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.
- 19.3 This does not affect your right to receive SAP.

## **20. SHARED PARENTAL LEAVE**

- 20.1 If you wish to return to work and transfer part of your Adoption Leave to your spouse or partner, then this should be done using Shared Parental Leave (SPL), which is a form of leave available to working parents following the birth or adoption of a child. To use SPL you would need first to give us at least eight weeks' notice to end your Adoption Leave. Please refer to the separate Shared Parental Leave Policy for details.

## **21.YOUR RIGHTS WHEN YOU RETURN**

- 21.1 We do not tolerate discrimination in the workplace against people who have taken parental or carer's leave.
- 21.2 You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been had you not been absent.
- 21.3 However, if you have taken any period of AAL or have combined your Adoption Leave with more than four weeks' Unpaid Parental Leave, and it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

## **22. RETURNING TO WORK PART-TIME**

- 22.1 We will deal with any requests by employees to change their working patterns (such as working part-time) after Adoption Leave on a case-by-case basis. There is no absolute right to insist on working part-time, but you do have a statutory right to request flexible working,

and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business or operations. It is helpful if requests are made as early as possible. The procedure for making and dealing with such requests is set out in our Flexible Working Policy.

## **23. MONITORING AND REVIEW OF THE POLICY**

- 23.1 We will monitor staff usage of leave and analyse leave usage by gender.
- 23.2 We will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives.