

Adoption Leave and Pay Policy

Key to Abbreviations

EDP	Expected date of placement – date on which it is expected that the child will be placed for adoption
QW	Qualifying Week – this the 15 th week before the expected week of placement
SAP	Statutory Adoption Pay

This section sets out our current Adoption Leave and Pay Policy which is intended to reflect the statutory provisions and provides guidelines only. If there is any conflict between this Policy and the statutory provisions, the latter will prevail. This policy applies to employees only and does not apply to agency workers or self-employed contractors. This policy does not form part of any employee's contract of employment and may be amended at any time.

Arrangements for time off to attend adoption appointments are set out in the Time Off to Attend Ante-natal or Adoption Appointments.

Current Government advice and guidance is available at: <https://www.gov.uk/adoption-pay-leave/overview>.

You are entitled to adoption leave and pay in accordance with the current statutory provisions.

Please note that reference below to a “week” are references to a seven day period beginning with a Sunday (unless the context requires otherwise).

These notes are for guidance purposes only. They include a summary of complex law which may change from time to time. The notes deal with issues which commonly affect employees but may not be applicable to all personal circumstances. Guidance notes are not a substitute for individual advice and we are available to assist with individual queries. If you have any queries concerning your adoption benefits, please contact your Manager/Supervisor.

Only one parent can take adoption leave. The other parent may be eligible to take paternity leave. Please see our Paternity Leave and Pay Policy.

Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL)

Provided the conditions under Notification Requirements (see below) are satisfied, the period of OAL is 26 weeks, and the period of AAL is a further 26 weeks and is available for employees who have been notified as having been matched by a UK Adoption Agency with a child (under 18 years old) for the purposes of adoption, as well as individuals fostering under the Fostering for Adoption Scheme.

Adoption leave and pay may also be available to those adopting from overseas, or via a surrogate arrangement. Please contact your Manager/Supervisor for information about eligibility and any amendments to this Policy in those cases.

There is no minimum period of qualifying service in order to be entitled to OAL or AAL. If you are eligible for OAL, then you are also eligible for AAL, which if taken, must commence the day after the period of OAL has ended.

OAL and AAL are available to all employees, provided you have not elected to take paternity leave, or your spouse/civil partner/partner has not already elected to take OAL or AAL in respect of the same adoption process.

If the adoption leave is disrupted, by either the intended placement not taking place, or unfortunately during the placement the child dies or is returned to the adoption agency, adoption leave and pay will cease eight

weeks after the week in which the “disruption” event occurs, or the expected end date for AAL, whichever is earlier.

Notification Requirements

In order to qualify for adoption leave you must notify your Manager/Supervisor within seven days of being advised by the Adoption Agency that there has been a match with a child.

You must also produce a signed and dated 'Matching Certificate' provided by the Adoption Agency.

For parents who qualify for OAL as a result of a surrogacy arrangement; you must notify your Manager/Supervisor by the end of the 15th week before the expected week of childbirth (EWC) that you intend to take OAL, and specify the EWC. Your Manager/Supervisor may request a parental statutory declaration, which is a statutory declaration that the employee fulfils the criteria for a "parental order parent".

Time Off to Attend Adoption Appointments

The primary adopter is entitled to paid time off to attend up to five adoption appointments. The secondary adopter will also be entitled for unpaid time off to attend up to two adoption appointments.

Statutory Adoption Pay (SAP)

If you have been employed for at least 26 weeks up to and including the week the Adoption Agency told you that you had been matched with a child for adoption and your average earnings exceed the lower earnings limit, and you have complied with the relevant SAP notification requirements, you will be entitled to be paid statutory adoption pay (SAP) at the following rates:

- (a) for the first six weeks of your adoption leave - 90% of your average weekly earnings (higher rate SAP).
- (b) for the following 33 weeks - SAP at the current statutory rate (lower rate SAP) or 90% of your average weekly earnings, if lower.

SAP is available to all employees, so long as you have not elected to receive statutory paternity pay or your spouse/civil partner/partner has not elected to receive SAP.

For further information about your entitlement, please contact your Manager/Supervisor.

SAP is subject to Income Tax and National Insurance deductions in the same way as your normal pay.

If you are on adoption leave for more than 39 weeks, the right to receive any SAP ends after 39 weeks. Subject to Keeping in Touch Days (see below), SAP will also cease once you return to work.

Annual Leave Entitlement

Annual leave entitlement will accrue during adoption leave.

For the avoidance of doubt, please note that you will not be able to take annual leave whilst on adoption leave.

Pension Scheme

Your pension contributions will be paid into the scheme during OAL and during any part of paid AAL. Employee contributions will be based on SAP received. Employer contributions will be based on the salary you would have received had you not gone on adoption leave.

Alternatively, you can request that your employee contributions are maintained at the existing level of contribution paid prior to your period of OAL commencing, subject to you complying with the relevant Pension Scheme and HMRC rules relating to maximum contributions allowed under such arrangements.

After the period of paid adoption leave has ended, your contributions will cease. Upon returning to work you will have the option of paying the pension contributions you would have paid had you been working; in this case, the period for which you pay contributions will count as pensionable service.

Other Benefits

All contractual benefits (except for salary) will continue to be provided during both OAL and AAL.

Start of Adoption Leave

Your adoption leave will normally start on the date that you have notified the Company that you intend to start your leave. This can be the date of placement, or a date not more than 14 days before the expected date of placement. Adoption leave cannot start after the date of placement has passed.

If you want to vary the date on which your adoption leave will start, you must give at least 28 days' written notice of the new date (or 28 days' notice before the original start date, if earlier).

Contact During Adoption Leave

Shortly before your adoption leave starts, your Manager/Supervisor will discuss the arrangements for you to keep in touch during your adoption leave, should you wish to do so.

We reserve the right in any event to maintain reasonable contact with you from time to time during your adoption leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

Keeping in Touch Days

You may agree to work for the Company for up to a maximum of ten days during either your OAL or AAL without that work bringing the period of your adoption leave to an end and without loss of a week's SAP. These are known as 'keeping in touch' days. Any work that you agree to carry out on a keeping in touch day constitutes a day's work for these purposes.

We have no right to require you to carry out any work, and you have no right to undertake any work, during your adoption leave. Any work undertaken, including the amount of salary paid for any work done on keeping in touch days, is entirely a matter for agreement between us and you. Any Keeping in Touch Days that you do work do not extend the total period of your adoption leave. Once the ten Keeping in Touch Days have been used up, you would lose a week's SAP for any week in which you agree to work for the Company during your adoption leave.

Date of Return to Work

You do not need to give confirmation of your intention to return to work at the end of your period of AAL. This will be assumed. If, however, you wish to return before the end of OAL or AAL, you must give us at least eight weeks' written notice in advance.

Transfer of Adoption Leave

If you propose to return to work early without using your full 52-week entitlement to adoption leave you may be eligible to transfer the remainder of your untaken adoption leave entitlement (and outstanding SAP) to a

shared pot that can be used by you or your spouse, civil partner or cohabiting partner, if they have been matched with the child for adoption, to be taken by either parent (either separately or together) as shared parental leave (and shared parental leave pay) once you have brought your adoption leave to an end.

If you wish to exercise your right to shared parental leave then you will need to meet the eligibility requirements for doing so and follow the notification requirements in place. Please see the Shared Parental Leave Policy.

Rights After Return to Work

If you resume work after OAL you are entitled to return to the same job on the same terms and conditions as if you had not been absent unless a redundancy situation has arisen.

If you return to work after AAL you are also entitled to return to the same job on the same terms and conditions as if you had not been absent, unless a redundancy situation has arisen. If, however, there is some reason other than redundancy why it is not reasonably practicable for you to be taken back in your original job, you are entitled to be offered suitable alternative work.

Failure to Return to Work

Except where you are ill and have followed the normal procedures in relation to sickness absence, should you fail to return to work at the end of your adoption leave, you will be treated in the same way as any other employee who has failed to return to work after a period of authorised absence and consequently may be subject to disciplinary proceedings which could result in your summary dismissal.

Request for Flexible Working

It may be possible to return to work from adoption leave to either a part time position or a full time position that is shared with someone else, or some other flexible working arrangement. Please refer to the Flexible Working Policy for further details on how to apply for a flexible working arrangement.

Should we agree to you returning to a flexible working arrangement, then we will set out the terms and conditions in a letter to you.

Termination of Employment

If you do not wish to return to work following the end of your adoption leave (or indeed wish your employment to terminate during your adoption leave), please note that you are still required to give us notice of your intention to resign from your position, in line with your contractual notice period.