

Adoption Policy

1. Introduction

The organisation wishes to support all those who choose to adopt a child during their employment. This policy is designed to outline the process for staff to request adoption leave and define eligibility in terms of Statutory Adoption Pay (SAP) and rights.

This document does not form part of a contract of employment and may be changed from time to time in line with current best practice and statutory requirements, and to ensure business needs are met. Staff will be consulted and advised of any changes as far in advance as possible of the change being made, unless the change is required by statute.

2. Eligibility

All staff are entitled to Adoption Leave from day one of employment. To qualify for adoption leave, staff must:

- Be matched with a child for adoption by an approved adoption agency or be one part of a couple who have been jointly matched with a child for adoption.
- Have notified the adoption agency they agree the child should be placed with them for adoption and on the date of placement.

Staff who adopt individually are entitled to adoption leave and pay. Where staff are part of a couple who wish to adopt together, one member of the couple is entitled to adoption leave and pay. The couple can decide which will take adoption leave (the 'primary adopter'). Paternity leave and pay and Shared Parental leave and pay may be available to the other partner.

3. Pre-Adoption Time Off

The primary adopter can take paid time off during working hours to attend any appointment arranged by or at the request of the adoption agency. The primary adopter may attend up to five appointments and each of those appointments may last up to 6.5 hours.

The primary adopter's partner (where their partner is adopting the child jointly) can take unpaid time off during working hours to attend up to two such appointments.

4. Adoption Leave

Staff can choose to commence adoption leave on the day on which the child is placed for adoption or a date within the 14 days before the child is expected to be placed.

Eligible staff are entitled to take up to 52 weeks' adoption leave made up of 26 weeks Ordinary Adoption Leave (OAL) immediately followed by 26 weeks Additional Adoption

Leave (AAL). All contractual rights, apart from remuneration, apply throughout the entire period of adoption leave.

5. Giving Notice of taking Adoption Leave

If staff wish to take adoption leave they must notify their Line Manager in writing, normally within seven days (or earlier by agreement) of the date on which they have been notified of having been matched with a child or as soon as is reasonably practicable. Evidence must be in the form of one or more documents (e.g. a matching certificate) issued by the adoption agency and should include:

- The name and address of the adoption agency.
- The date on which they were notified they had been matched with the child.
- The date on which the agency expects the child to be placed.

Staff should provide this information by completing the appropriate form (Appendix A). The line manager will record the request using the document shown at Appendix B.

6. Changing the Date of Adoption Leave

Staff can change the date on which they want adoption leave to start as long as notice is given in writing to the organisation at least 28 days before the date on which leave will begin.

7. Confirming Adoption Leave and Pay

Following receipt of the intention to take Adoption leave, the line manager will confirm in writing, (see Appendix C) within 28 days:

- The statutory entitlements.
- Unless an earlier return date has been given, the expected return date based on 52 weeks paid and unpaid leave entitlement.
- The need for the staff to give at least eight weeks' notice if they intend to return to work before the expected return date.

8. Disruption to Adoption

If staff begin a period of Adoption leave before the placement of the child and are then told the placement will not be made or if during adoption leave the child dies or returns to the adoption agency, the leave will normally finish eight weeks, or earlier by agreement, after the end of the week in which the disruption takes place, unless staff's entitlement to adoption leave and/or pay would have ended earlier in the normal course of events.

9. Statutory Adoption Pay (SAP)

Staff working full-time or part-time will be entitled to Statutory Adoption Pay (SAP) if they meet all of the following criteria:

- Is the person with whom a child is, or is expected to be, placed for adoption.
- Has at least 26 weeks' continuous service with the organisation ending with the week in which they are notified of having been matched with the child.
- Have average weekly earnings which are not less than the lower earnings limit for National Insurance contributions purposes over the eight-week period ending with the week in which they are notified of being matched with the child for adoption.
- Notifies the line manager in writing by completing 'Notification of Intention to take Adoption Leave Form' (attached as Appendix A) 28 days before the start of the period of SAP or if this is not possible, as soon as is reasonably practicable thereafter.

SAP is payable for up to 39 weeks and comprises

- Six weeks at 90% of average weekly earnings.
- 33 weeks at a flat rate set by the Government (or 90% of average weekly earnings if this is less than the flat rate).

Payment of SAP is made in the same way and at the same frequency as the normal wages or salary and is subject to NI and PAYE deductions.

Where more than one child is placed for adoption at the same time, entitlement to statutory adoption pay is the same as if there were one child.

If staff meet the other conditions but earn less than the lower earnings limit (LEL) for National Insurance contributions, they can still take unpaid adoption leave. They should contact their local Department for Work & Pensions to determine whether they may be eligible for any benefits.

10. Termination of Employment Before Start of SAP Pay Period

Where the employment of staff who are entitled to statutory adoption pay is terminated before the start of the pay period, the pay period begins 14 days before the expected date of placement. Where the termination occurs within this 14day period, the pay period begins on the day immediately following their last day of employment. This applies regardless of the reasons for the termination. In such cases, the notification requirements for taking statutory adoption pay do not apply.

11. Keeping in Touch Days (KIT)

There may be occasions when it would be beneficial for the line manager to make reasonable contact with staff during adoption leave. This may include for example, writing to update on changes affecting their work.

Staff may work for up to a maximum of ten KIT days without bringing their adoption leave to an end. Any days of work will not extend the adoption leave period. The work can be consecutive or not and can include training or other activities which enable staff to keep in touch with the workplace.

Any such work must be by agreement and neither the Line Manager nor the staff can insist upon it.

Staff will be paid at their basic daily rate for the hours worked less appropriate adoption leave payment for KIT days worked. Payment will not exceed normal full pay. If staff choose to work for less than a day, it will count as one KIT day for purposes of calculating the ten days allowed.

12. Returning to Work

It will be assumed staff are taking both OAL and AAL leave unless they notify the organisation to the contrary.

After OAL, staff are entitled to return to the same job on the same terms and conditions as before the adoption leave.

After AAL, staff are entitled to return to the same job or, if this is not reasonably practicable, to a suitable alternative job on terms and conditions which are no less favourable than the original job.

If staff intend to return to work from adoption leave earlier than previously agreed, they must provide eight weeks' notice in writing.

13. Returning on Flexible Working Arrangements

If at the end of adoption leave staff wish to return to work on different hours the organisation must consider facilitating this wherever possible, with the staff returning to work on different hours in the same job. Staff should make a formal Flexible Working request.

14. Annual Leave

Annual leave including public holidays will continue to accrue during paid or unpaid adoption leave. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both the organisation and staff for the staff to take annual leave before and/or after the formal (paid and unpaid) adoption leave period. The amount of annual leave to be taken in this way should be discussed and agreed between the staff and Line Manager. Annual leave entitlement cannot be lost even if it cannot be used due to adoption leave and must be carried forward to the next leave year period.

15. Overseas Adoptions

If staff are adopting a child from overseas this policy applies with the following amendments:

- Staff must have received official notification the adoption has been approved by the relevant UK authority.
- Staff must give the organisation notice in writing of:
 - Their intention to take adoption leave.
 - The date they received Official Notification.
 - The date the child is expected to arrive in Great Britain.
- This notice should be given as early as possible but in any case within 28 days of receiving Official Notification (or if staff have less than 26 weeks' employment with the organisation at the date of Official Notification, within 30 weeks of starting employment).
- Staff must also give the organisation at least 28 days' notice in writing of the date they intend to start adoption leave. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.
- Within 28 days of the child arriving in Great Britain staffs must also notify the organisation of the date.
- The line manager may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain.

16. Shared Parental Leave

Staff may be eligible to take Shared Parental Leave. This allows parents to share leave and statutory pay entitlements for the first year of the child's adoption. The parents may be off consecutively or both at the same time and the leave can potentially be taken in non-continuous blocks. In order to benefit from Shared Parental Leave staff must give notice to end (curtail) adoption leave. Further details are set out in the Shared Parental Leave Policy.

17. Data Protection Act 2018

The organisation will treat all personal data in line with obligations under the current data protection regulations.

Appendix A: Notification of Intention to take Adoption Leave

STAFF MEMBER TO COMPLETE

| | | |
|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--|
| Name and address | | |
| Adoption Agency Name and Address | | |
| Start Date with organisation: | Contracted Hours: | |
| Date of notification from the adoption agency a child has been matched | Date on which the agency expects the child to be placed (adoption leave start date) | |
| I wish to receive Statutory Adoption Pay and NOT Statutory Paternity Pay (Adoption) starting on: | | |
| Staff Signature | | |
| Date | | |

This completed form should be sent to the line manager within seven days of you being notified by an approved adoption agency you have been newly matched with a child for adoption.

Note – If you wish to receive Statutory Adoption Pay, you must submit this form no less than 28 days before you wish your SAP to begin.

The line manager will write to you within 28 days of receiving this notification, telling you your adoption leave and pay entitlements. If you wish to change the date you wish to go on Adoption Leave you should notify the Line manager in writing 28 days before the changed date.

LINE MANAGER TO COMPLETE

| | |
|-----------------------------------------|------|
| I Confirm NAME | |
| will be starting Adoption Leave on DATE | |
| Signed | Date |

The line manager should ensure this form is completed and sent to the Finance Department / Payroll provider no later than four weeks before the Adoption Leave Start Date. A copy should be held on the staff members' personal file.

Appendix B Adoption Leave Recording Form

To be completed by the line manager before the staff goes on adoption leave

| | |
|--------------|-----------|
| Name | |
| Post | |
| Line manager | Signature |

| | |
|------------------------------------------------------------------------------|--|
| Annual Leave due | |
| Annual leave including Public Holidays taken before Adoption Leave commences | |
| Annual Leave carried over until return from Adoption Leave | |
| Adoption Leave start date: | |
| Amended date: | |
| Actual start date: | |
| End date of Adoption leave: | |
| Staff entitled to Statutory Adoption Pay? | |
| Date entitlement letter sent to staff: | |
| Keeping in Touch days agreed: | |
| Any other comments: | |

Appendix C

Sample Letter – Line manager to Acknowledge Notification of Adoption Leave (must respond within 28 days of receipt of notification).

DATE

NAME

ADDRESS

Dear NAME

Confirmation of Adoption Leave and Pay Entitlements

Congratulations and thank you for telling me you will be adopting a child. I am writing to confirm your adoption leave and pay entitlements.

As discussed, you are eligible for 52weeks' adoption leave.

Given your chosen start date of DATE, your adoption leave will end on DATE.

If you wish to change the start date of your adoption leave you must provide at least 28 days' notice of the new start date, if possible.

If you wish to return to work sooner than the end date noted above, you must provide at least eight weeks' notice.

You are eligible for 39 weeks Statutory Adoption Pay (SAP) OR you are not eligible for Statutory Adoption Pay [delete as appropriate]

Your adoption pay will be
AMOUNT, DATES FROM AND TO
OR

The enclosed SAP1 form explains why you are not entitled to SAP. You should contact your adoption agency to find out if you can get any other financial help.

You are eligible to work for the organisation for up to ten days (known as "keeping-in-touch" days) during your adoption leave without bringing your adoption leave or adoption pay to an end. These can be used, for example, to attend training or meetings. However, you are under no obligation to agree to attend work and we are under no obligation to offer you keeping-in-touch days.

In any event, the organisation reserves the right to maintain reasonable contact with you from time to time. 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 in your absence.



Finally, if you decide you do not wish to return to work at the end of your adoption leave, you must still give us proper notice of termination of your employment in accordance with your contract of employment.

If you have any questions about any aspect of your adoption leave or pay entitlements, please get in touch.

Yours sincerely

NAME
TITLE