

## **Adoption Leave Policy**

### **Purpose**

This policy recognises the statutory requirement to provide adoption leave and reasonable unpaid time off in order to attend meetings associated with the matching process, and in some cases adoption pay, in line with Department for Work and Pensions (DWP) regulations.

The rights outlined in this policy are dependent upon the employee having worked continuously for the Company for the 26 weeks ending with the week in which the adopter is notified of being matched with a child and compliance with specific notification procedures.

### **General**

Adoption leave is available to an employee once they have been notified by an adoption agency that a child will be newly placed with them for adoption.

Where two employees jointly adopt, one member of the couple will be entitled to adoption leave. The other member of the couple will be entitled to Paternity Leave.

### **Adopting a child within the UK**

#### **Meetings associated with the Adoption**

Adoptive employees have the right to reasonable unpaid time off in order to attend meetings associated with the forthcoming adoption. Wherever possible, employees should schedule these meetings outside of working hours. Employees must provide documentation to confirm the meeting and as much notice as possible of the impending meeting.

#### **Confirmation of Adoption Rights**

Once the employee has notified the Company that they have been matched with a child and documented evidence has been provided, the Company will write to the employee confirming their adoption rights and the date on which their adoption leave may commence.

#### **Notification**

In order to take advantage of the right to take adoption leave and to qualify for Statutory Adoption Pay (SAP) an adoptive employee must;

- have notified the Company, in writing, of their intention to adopt a child and the expected date that they wish their adoption leave and SAP to commence, at least 28 days in advance of any anticipated match
- have notified the Company, in writing, no more than 7 days after being notified of a match of;
  - the expected date of the child's placement
  - the date they intend to commence their adoption leave
  - the date they wish their SAP to commence
- enclosed with the above letter must be a copy of the matching certificate

#### **Adoption Leave**

Adoptive employees have the right to take adoption leave of up to 52 weeks. Leave cannot commence any earlier than 14 days prior to the expected date of child placement. The latest date that leave can commence is the actual date of placement. An adoptive employee is only entitled to one period of adoption leave, at any one time, irrespective of how many children are being adopted.

An adoptive employee will continue to accrue contractual benefits, except salary, during all of the adoption leave. Pensionable service will continue during the full length of adoption leave. If the adoptive employee is a member of the Pension Scheme and contributing then the Company will continue to contribute to their pension, whilst they are receiving Statutory Adoption Pay (SAP) which is for the first 39 weeks.

#### **Statutory Adoption Pay (SAP)**

Statutory adoption pay rates are defined by both legislative and Department for Work and Pensions (DWP) regulations.

Employees who qualify for adoption leave will also qualify for statutory adoption pay, provided that their average weekly earnings are not less than the lower earnings limit for national insurance contributions. Statutory adoption pay is payable for up to 39 weeks at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. Statutory adoption pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

### **Qualifying Criteria for Statutory Adoption Pay**

To qualify for SAP an employee must have;

- already worked for the Company for 26 weeks before they were notified of being matched with a child who will be placed with them by a UK adoption agency
- have provided the 'matching certificate' as documented evidence
- have complied with notification procedures as outlined within this policy

Employees who do not qualify for SAP may be able to claim Adoption Allowance from the Job Centre Plus.

### **Transferring part of Adoption Leave**

An employee may choose to transfer some of the adoption leave to the other adoptive partner, if they wish to return to work. The adoptive partner will be entitled to up to 26 weeks additional paternity leave (APL) which in many cases will be paid at the same rate and in the same way as statutory adoption pay. For more information on APL please refer to the Company's Paternity Leave Policy.

### **Holiday Accrual during Adoption Leave**

Statutory holiday will continue to accrue during adoption leave. Further clarification on how this will be managed and recorded will be confirmed to the employee prior to commencement of the adoption leave.

### **Keeping in Touch Days**

If both parties, the employee and the Company, agree, the employee will be able to work for up to 10 days during the adoption leave. These 10 days may be used for training or other events that may take place during the adoption leave. There is no obligation for either party to participate in any 'Keeping in Touch Days'. If part of the adoption leave transfers to the other adoptive partner, then the keeping in touch days, or the remaining keeping in touch days will also transfer. Both parties need to be in agreement.

### **Returning to Work**

The employee has the right to return to the same or similar job with the same terms and conditions of employment that they had prior to the commencement of their adoption leave.

The employee is required to give 28 days notice in writing of the date on which they wish to return to work. If an employee wishes to return to work earlier than the natural end of their adoption leave, then they must give the Company 8 weeks notice in writing, of the date on which they wish to return to work.

### **Disrupted Placement**

If an adoptive employee begins their adoption leave before the actual matching date and they are subsequently notified that the matching will not commence, or if the matching has commenced and the child dies or is returned to the adoption agency, then the adoption leave will finish 2 months after the end of the week in which the disruption occurred. If however the adoption leave was due to end before this time, then it will end, as expected, at the end of the natural 52 week period.

**Delayed Placement**

If a placement is delayed for whatever reason and the adoptive employee has commenced their adoption leave, they will not be able to stop their leave and start it again at a later date, unless it becomes a disrupted placement. It is important therefore that any adoptive employees planning to start their adoption leave period before the actual date of placement are sure that the placement is going to go ahead.

**Adopting a child from Overseas**

Adoption leave and pay is available to an eligible employee who adopts a child from overseas. The guidelines for adopting a child from overseas predominantly mirrors the guidelines for adopting a child in the UK, except in the following areas;

**Notification**

- an adoptive employee must inform the Company of their intention to take adoption leave within 28 days of receiving official notification, confirming the date on which they received this notification. Official notification means a written notification, issued by or on behalf of the relevant domestic authority (usually the Department of Health), which confirms that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and has sent it to that authority, confirming, in either case, that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent
- an adoptive employee must give the Company 28 days notice of the date they wish their adoption leave and/or SAP to commence. Adoption leave cannot begin before the child enters the UK. The latest adoption leave can commence is 28 days after the date of entry to the UK.