

## Adoption Policy

### Including:

- Adoption leave
- Adoption from overseas
- Adoption in surrogacy arrangements

### Adoption leave

#### Policy statement

This policy sets out the Company's entitlements for employees who are adopting a child, including notification requirements and rights to time off work.

If you are matched for adoption with a child, you may be entitled to either adoption leave or paternity leave. One parent cannot take both periods of leave, and it is up to you and your partner to decide who is the main adopter and so will take adoption leave. The main adopter's partner may be entitled to take paternity leave. You may also wish to refer to our paternity leave policy.

Main adopters are entitled to a total of 52 weeks' leave. We have set out below all of your rights and obligations should you be matched for adoption. We would ask that you notify us as soon as possible of your situation so that we can ensure you are fully aware of all your entitlements and obligations.

#### Time off for adoption appointments

You are entitled to time off to attend adoption appointments in the period between notification of a match and the date of placement. For single adopters or the main adopter in a joint adoption, you are entitled to paid time off to attend up to five appointments, with a maximum of six and a half hours per appointment. The adopter's partner in a joint adoption will be entitled to unpaid time off to attend up to two appointments.

Where the time is paid, you will be paid at your normal hourly rate for this time.

If the main adopter's partner wishes to attend more than two adoption appointments, they should speak to their line manager who will consider the request at their discretion.

#### Notification requirements

In order to take time off for adoption appointments, the Company may require employees to provide confirmation of the following to their line manager:

- whether this will be the paid or unpaid entitlement
- the date and time of the appointment
- that the appointment has been arranged by or at the request of the adoption agency.

#### Eligibility

You are entitled to adoption leave from the commencement of employment. You must have notified the adoption agency of agreement to the placement and of agreement to the date of the placement. Adoption leave is not available in circumstances where a child is not newly matched for adoption, e.g. when a step parent is adopting a partner's child/children.

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement. However, if an additional child is adopted at a later date as a separate agreement, then you could qualify again for a separate period of adoption leave.

## Ordinary and additional adoption leave

Adoption leave is divided into two categories, "ordinary" and "additional". Each is for 26 weeks, with additional leave following on from ordinary adoption leave, giving 52 weeks' leave in total. If you are eligible for ordinary adoption leave you will also qualify automatically for additional adoption leave.

During additional adoption leave the employment contract continues and you are entitled to the benefit of your normal terms and conditions of employment, except wages or salary (unless your contract of employment provides otherwise). However, in the majority of cases, you will be entitled to Statutory Adoption Pay during some of this period.

## Commencement of adoption leave

You can choose to start your adoption leave on the date of the child's placement (whether this is earlier or later than was expected), or on a predetermined fixed date no earlier than 14 days before the expected date of placement and no later than the date of placement. Adoption leave can start on any day of the week.

## Notification requirements

You are required to give us notice, in writing, of your intention to take adoption leave within seven days of being notified by the adoption agency that you have been matched with a child, unless this is not reasonably practicable. The notice must specify:

- the date the child is expected to be placed with you
- the date you want the adoption leave to start.

You should provide the "matching certificate" from the adoption agency. The certificate will include basic information on matching and expected placement dates.

You are able to change your mind about the date on which you want your adoption leave to start providing you inform us at least 28 days in advance, unless this is not reasonably practicable.

We will write to you to notify you of the date on which you are expected to return to work if the full entitlement to adoption leave is taken, within 28 days of the date on which you notified us of your intention to take leave, or, if you have varied the date originally chosen to start adoption leave, within 28 days of the date on which adoption leave began.

## Returning to work

If you are returning to work at the end of additional adoption leave, you should simply present yourself for work at the end of that period.

If you intend to return to work before the end of your additional adoption leave, you must give us at least eight weeks' notice of the date on which you intend to return. If you do not give us eight weeks' notice, we may postpone your return to a date ensuring that there has been eight weeks' notice.

Shortly before your return to work, we will be in touch with you to arrange an informal meeting with your line manager. The aim of this meeting is to discuss your return and to ensure it is as smooth a transition back to work as possible.

You have the right to return:

- with your seniority, pension rights and similar rights
- on terms and conditions no less favourable than those which would have applied if you had not been absent.

You will not be subject to any detriment by the Organisation because you took or sought to take adoption leave.

### **Keeping in Touch (KIT) days**

You can work for up to 10 days during your adoption leave period without losing statutory payments for that week or ending your entitlement to leave.

For this purpose, any work carried out on any day, even just an hour's work, is deemed to constitute "a day's work". Any days' work done under this provision will not have the effect of extending the total duration of the adoption leave period.

You will be paid at your normal rate of pay for a KIT day.

### **Adoption pay**

Dependent upon your length of service, you may be entitled to Statutory Adoption Pay (SAP). If you qualify for SAP this will be paid for the first six weeks at 90% of your normal weekly earnings in the eight-week period up to the date of notification of a match, with the remainder paid at the earnings-related limit or the statutory rate, whichever is lower. SAP will be paid in the same way as your wages would be paid if you were not on leave. If you do not qualify for such a payment, you may, dependent upon your circumstances, be eligible to receive allowances from the appropriate government departments.

Enhanced Adoption Pay is operated by the Company as follows:

The Company will top up the 90% of your average earnings SAP for the first 6 weeks of your leave to 100% of your basic pay.

To be entitled to receive EAP, you will need to have been employed for a minimum of 52 weeks by the date of notification of a match.

Once the entitlement to EAP has ended, you will revert to SAP or adoption allowance payments for your remaining entitlement. Once this entitlement has been exhausted, any remaining weeks of adoption leave will be unpaid.

A condition of the EAP scheme is that you must return to work after your adoption leave has ended for a minimum period of 6 weeks. Notice period or annual leave is not included in this minimum period.

Where you fail to return to work for this minimum period because you have resigned, the Company is entitled to recover any EAP paid to you that is in excess of SAP or adoption allowance. This clawback will be operated at the discretion of the Company.

### **Shared parental leave and pay**

You may be entitled to opt in to shared parental leave, sharing up to 50 weeks of leave and up to 37 weeks of pay (subject to availability). If you think you would like to take shared parental leave instead of adoption leave, please refer to our shared parental leave policy for more information.

### **Dual approved prospective adopters and adoption leave**

If you are a dual approved prospective adopter, a local authority foster parent who has a child placed with you with an expectation to adopt that child in accordance with s.22C of the Children Act 1989, you may be entitled to either adoption leave and pay or paternity leave and pay. One parent cannot claim entitlement to both periods of leave and pay, and it is up to you to decide which you wish to claim (subject to eligibility).

You are entitled to adoption leave from the start date of your employment. This will be for a total of 52 weeks, split in to two periods of “ordinary” and “additional” adoption leave of 26 weeks each.

Only one period of leave is available irrespective of whether you go on to adopt the same child or children placed with you under s.22C. However, if an additional child is placed with you under s.22C at a later date as a separate agreement then you could qualify again for a separate period of adoption leave.

You can choose to start your adoption leave on the date of the child's placement (whether this is earlier or later than was expected), or on a predetermined fixed date up to two weeks before the placement of the child and no later than the date of placement. Adoption leave can start on any day of the week.

You are required to give us notice, in writing, of your intention to take adoption leave within seven days of being notified of the child's placement by the local authority in accordance with s.22C, unless this is not reasonably practicable. The notice must specify:

- the date the child is expected to be placed with you
- the date you want the adoption leave to start.

If you have begun a period of adoption leave in respect of a child placed with you under s.22C, and this placement does not proceed to a formal adoption, your adoption leave period will end eight weeks after the child is removed or the end of the adoption leave period, if that is earlier.

### **Adoption Policy – Adopting from Overseas**

This policy sets out the Company's entitlements for employees who are adopting a child from overseas, including notification requirements and rights to time off work.

If you are matched for adoption with a child, you may be entitled to either adoption leave or paternity leave. One parent cannot take both periods of leave, and it is up to you and your partner to decide who is the main adopter and so will take adoption leave. The main adopter's partner may be entitled to take paternity leave. You may also wish to refer to our Paternity Leave policy.

Main adopters are entitled to a total of 52 weeks' leave. We have set out below all of your rights and obligations should you be matched for adoption. We would ask that you notify us as soon as possible of your situation so that we can ensure you are fully aware of all your entitlements and obligations.

### **Eligibility**

Employees who are adopting a child from overseas are entitled to take adoption leave if they:

- are the child's adopter, or a member of a couple who are jointly adopting and are the main adopter for the purposes of taking leave
- have received an official notification in relation to a child for adoption overseas.

For these purposes, an official notification is a written notification issued by a UK authority stating that the employee can adopt from overseas.

### **Employee notification**

In order to take time off for adoption appointments, the Company requires you to provide confirmation of the following to your line manager:

- the date on which you received an official notification of the adoption (within 28 days of receiving this notification)
- the date on which the child is expected to enter Great Britain (within 28 days of receiving this

- notification)
- the date on which adoption leave will begin (at least 28 days before this date)
- a declaration that you have chosen to receive statutory adoption pay and not statutory paternity pay (at least 28 days before SAP will begin)
- the date on which the child enters Great Britain (within 28 days of this date).

The employee must also provide the Company with a copy of the official notification.

### **Time off for adoption appointments**

You are entitled to time off to attend adoption appointments in the period between notification of a match and the date of placement. For single adopters or the main adopter in a joint adoption, you are entitled to paid time off to attend up to five appointments, with a maximum of six and a half hours per appointment. The adopter's partner in a joint adoption will be entitled to unpaid time off to attend up to two appointments.

Where the time is paid, you will be paid at your normal hourly rate for this time.

If the main adopter's partner wishes to attend more than two adoption appointments, they should speak to their line manager who will consider the request at their discretion.

### **Notification requirements**

In order to take time off for adoption appointments, the Company may require you to provide confirmation of the following to your line manager:

- whether this will be the paid or unpaid entitlement
- the date and time of the appointment
- that the appointment has been arranged by or at the request of the adoption agency.

### **Ordinary and additional adoption leave**

Adoption leave is divided into two categories, 'ordinary' and 'additional'. Each is for 26 weeks, with additional leave following on from ordinary adoption leave, giving 52 weeks' leave in total. If you are eligible for ordinary adoption leave you will also qualify automatically for additional adoption leave.

During ordinary adoption leave you are entitled to the benefit of your normal terms and conditions of employment, except wages and salary (unless your contract of employment states otherwise). However, in the majority of cases, you will be entitled to Statutory Adoption Pay during this period.

During additional adoption leave the employment contract continues and you are entitled to the benefit of your normal terms and conditions of employment, except wages or salary (unless your contract of employment provides otherwise). However, in the majority of cases, you will be entitled to Statutory Adoption Pay during some of this period.

### **Commencement of adoption leave**

You can choose to start your adoption leave on the date that the child enters Great Britain or on a predetermined fixed date no later than 28 days after that date. Adoption leave can start on any day of the week.

### **Statutory adoption pay (SAP)**

Dependent upon your length of service, you may be entitled to statutory adoption pay (SAP). If you qualify for SAP this will be paid for the first six weeks at 90% of your normal weekly earnings in the eight-week period up to the date of notification of a match, with the remainder paid at the earnings

related limit or the statutory rate, whichever is lower. SAP will be paid in the same way as your wages would be paid if you were not on leave. If you do not qualify for such a payment, you may, dependent upon your circumstances, be eligible to receive allowances from the appropriate government departments.

Enhanced Adoption Pay is operated by the Company as follows:

The Company will top up the 90% of your average earnings SAP for the first 6 weeks of your leave to 100% of your basic pay.

To be entitled to receive EAP, you will need to have been employed for a minimum of 52 weeks by the date of notification of a match.

Once the entitlement to EAP has ended, you will revert to SAP or adoption allowance payments for your remaining entitlement. Once this entitlement has been exhausted, any remaining weeks of adoption leave will be unpaid.

A condition of the EAP scheme is that you must return to work after your adoption leave has ended for a minimum period of 6 weeks. Notice period or annual leave is not included in this minimum period.

Where you fail to return to work for this minimum period because you have resigned, the Company is entitled to recover any EAP paid to you that is in excess of SAP or adoption allowance. This clawback will be operated at the discretion of the Company.

### **Disrupted placement**

If you have begun a period of adoption leave in respect of a child before the placement of the child has taken place, and you are subsequently notified that the placement will not be made, your adoption leave period will end eight weeks after the week of that notification.

If, during adoption leave, the child passes away or is returned to the adoption agency, the adoption leave period will end eight weeks after the week in which the child passes away; or is returned to the adoption agency; or at the end of the 26-week additional adoption leave period, if that is earlier.

### **Keeping in touch days**

You can work for up to 10 days during your adoption leave period without losing statutory payments for that week or ending your entitlement to leave.

For this purpose, any work carried out on any day, even just an hour's work, is deemed to constitute "a day's work". Any days' work done under this provision will not have the effect of extending the total duration of the adoption leave period.

You will be paid at your normal rate of pay for a KIT day.

### **Return to work**

If you are returning to work at the end of additional adoption leave, you should simply present yourself for work at the end of that period.

If you intend to return to work before the end of your additional adoption leave, you must give us at least eight weeks' notice of the date on which you intend to return. If you do not give us eight weeks' notice, we may postpone your return date ensuring that there has been eight weeks' notice.

Shortly before your return to work, we will be in touch with you to arrange an informal meeting with your line manager. The aim of this meeting is to discuss your return and to ensure it is as smooth a transition back to work as possible.

You have the right to return:

- with your seniority, pension rights and similar rights
- on terms and conditions no less favourable than those which would have applied if you had not been absent.

You will not be subject to any detriment by the Company because you took or sought to take adoption leave.

### **Failure to return to work**

The Company will inform you of your expected return to work date. If you fail to turn up for work on that day without notification of absence, the Company will treat this as an unauthorised absence from work. Where necessary, the Company will invoke the disciplinary procedure.

### **Resignation**

If you decide not to return to work during or after a period of adoption leave, you are required to notify us in writing, giving relevant notice as provided in your contract of employment.

### **Adoption in Surrogacy Arrangements**

#### **Policy statement**

This policy sets out the Company's entitlements for employees who are the intended parents in a surrogacy arrangement, including notification requirements and rights to time off work. The Company is committed to ensuring employees in such a position are provided with support and ensuring they are aware of the entitlements they will receive is one way that we endeavour to do this.

This policy applies to all employees who are the intended parents in a surrogacy arrangement and who intend to apply for a Parental Order.

#### **The right to adoption leave**

You are entitled to adoption leave from the commencement of employment.

Parents who are receiving a child via surrogacy ('intended parents') may be entitled to take adoption leave and paternity leave. Intended parents will decide between them which parent is to take which form of leave. It is not possible for one parent to take both periods of leave.

The right to take leave depends on the following:

- intended parents obtaining a Parental Order or applying for one within six months of the birth which they fully expect will be granted. Parental Orders are not obtainable in all surrogacy arrangements which means that some employees receiving a child in a surrogacy arrangement may not be eligible to take adoption leave, i.e. intended parents must be in a couple and have a genetic link to the child
- compliance with the required notification procedures including providing the Company with the child's date of birth as soon as reasonably practicable
- production of a statutory declaration regarding the receipt or the intention to obtain a Parental Order in respect of the child where requested.

Failure to obtain a Parental Order will result in the conclusion of any adoption leave that has already begun.

#### **Time off for ante-natal appointments**



Both intended parents are entitled to take unpaid time off work to attend ante-natal appointments with the birth mother, subject to the following:

- a maximum of two appointments may be attended
- the maximum amount of time off for each appointment is limited to six and a half hours

Although there is no statutory right to be paid for this time off, the Company will provide full pay in respect of each appointment permitted as above.

The Company will also enhance the statutory offering for the parent who has decided to take adoption leave, to be able to attend all ante natal appointments, subject to reasonable notice being given to your line manager.

### **Length of leave**

Adoption leave is divided into two categories, 'ordinary' and 'additional'. Each is for 26 weeks, with additional leave following on from ordinary adoption leave, giving 52 weeks' leave in total. If you are eligible for ordinary adoption leave you will also qualify automatically for additional adoption leave.

Adoption leave can start on any day of the week and will commence on the day the child is born. If you are at work on the day the child is born, leave will commence on the next day.

### **Adoption pay**

Dependent upon certain qualifying criteria, you may be entitled to receive statutory adoption pay (SAP). If you qualify for SAP this will be paid for the first six weeks at 90% of your normal weekly earnings in the eight-week period up to the date of notification of a match, with the remainder paid at the earnings related limit or the statutory rate, whichever is lower. SAP will be paid in the same way as your wages would be paid if you were not on leave. If you do not qualify for such a payment, you may, dependent upon your circumstances, be eligible to receive allowances from the appropriate government departments.

The qualifying criteria attached are:

- minimum 26 weeks' length of service counted back from the 15th week before the expected week of the child's birth (the 'qualifying week').
- average earnings meeting the lower earnings level. This level changes from time to time and so up to date information can be obtained from HR.
- compliance with all notification requirements.

Employees who have claimed statutory paternity pay in relation to the child will not be entitled to receive statutory adoption pay. In addition, your partner must not be claiming or have claimed statutory adoption pay in relation to the child.

Enhanced Adoption Pay is operated by the Company as follows:

The Company will top up the 90% of your average earnings SAP for the first 6 weeks of your leave to 100% of your basic pay.

To be entitled to receive EAP, you will need to have been employed for a minimum of 52 weeks by the date of notification of a match.

Once the entitlement to EAP has ended, you will revert to SAP or adoption allowance payments for your remaining entitlement. Once this entitlement has been exhausted, any remaining weeks of adoption leave will be unpaid.



A condition of the EAP scheme is that you must return to work after your adoption leave has ended for a minimum period of 6 weeks. Notice period or annual leave is not included in this minimum period.

Where you fail to return to work for this minimum period because you have resigned, the Company is entitled to recover any EAP paid to you that is in excess of SAP or adoption allowance. This clawback will be operated at the discretion of the Company.

### **Notification**

You are required to give the Company notice, in writing, by the 15<sup>th</sup> week before the baby is due of both your intention to take adoption leave, and the baby's expected week of childbirth. We then require a written follow up notification as soon as reasonably practicable after the birth confirming the date the baby was born.

Adoption leave for intended parents in a surrogacy arrangement is only permitted where it is the intention of the employee and the other intended parent to apply for a Parental Order in relation to the child within six months of the child's birth. As such, the Company may require evidence from you in the form of a statutory declaration that this is your intention and that you fully expect that the Order will be made. A valid statutory declaration must be witnessed by an appropriate person, who may be one of the following:

- a practising solicitor
- a notary public
- a justice of the peace
- a Commissioner for Oaths
- a Councillor (Scotland only)
- any other qualified person.

Adoption leave will end if, subsequent to an application for a Parental Order, the Order is refused. Leave will end eight weeks after the refusal, or at the end of the adoption leave period, whichever is the earlier.

### **Contractual benefits**

During adoption leave the employment contract continues and you are entitled to the benefit of your normal terms and conditions of employment, except wages or salary (unless your contract of employment provides otherwise). However, in the majority of cases, you will be entitled to Statutory Adoption Pay during some of this period.

For clarity, your holiday entitlement will continue to accrue in the same way as if you were not absent. Taking adoption leave can mean that you are out of the business for one year meaning that a year's worth of holiday entitlement will be accrued during this time. Prior to taking your leave, a discussion will take place between you and your line manager about arrangements on taking annual leave around your adoption leave.

If the need to make your role redundant arises during your adoption leave, you will be offered a suitable alternative role in preference to other employees.

### **Returning to work**

If you are returning to work at the end of additional adoption leave, you should simply present yourself for work at the end of that period. Shortly before your return, you will be invited to attend an informal meeting to discuss any points material to your return, for example:

- updating you on developments at work of which you have not already been made aware

- any learning needs that may need to be addressed due to any developments
- discussing any changes that have been made to your working hours or location as a result of a flexible working request.

The meeting will also provide you with an opportunity to discuss any other changes to your role or the Company in general.

If you intend to return to work before the end of your additional adoption leave, you must give us at least eight weeks' notice of the date on which you intend to return. If you do not give us eight weeks' notice, we may postpone your return to a date ensuring that there has been eight weeks' notice.

Your seniority, pension rights and similar rights will not be affected, and your terms and conditions will be no less favourable than those which would have applied if you had not been absent.

### **Shared parental leave and pay**

You may be entitled to opt in to shared parental leave, sharing up to 50 weeks of leave and up to 37 weeks of pay (subject to availability). If you think you would like to take shared parental leave, please ask HR for more information.

### **Keeping in touch days**

You can work for up to 10 days during your adoption leave period without losing statutory payments for that week or ending your entitlement to leave.

For this purpose, any work carried out on any day, even just an hour's work, is deemed to constitute "a day's work". Any days' work done under this provision will not have the effect of extending the total duration of the adoption leave period. A KIT day may be used, for example, to undertake training, to attend a conference, or simply to undertake normal tasks.

You will be paid at your normal rate of pay for a KIT day.