

Adoption Leave

Section B – Non Contractual Policy

Adoption Leave

Adoption leave is similar to maternity leave and is intended to provide time off for parents who are adopting a child.

There are two types of adoption leave:

- Ordinary Adoption Leave, referred to as OAL; and
- Additional Adoption Leave, referred to as AAL.

Eligibility

You are entitled to adoption leave if:

- you are adopting a child under the age of 18 through an approved adoption agency for adoption in the UK or overseas; and
- you have been newly matched with a child for adoption by an adoption agency and have been given written notice of the date that the child is expected to be placed with you; and
- you have notified the agency that you agree to the child being placed with you on the date that the child is expected to be placed with you.
- you have been continuously employed by us for 26 weeks ending in the week in which you are notified of being matched with a child for adoption; and
- your spouse or partner will not be taking adoption leave with their employer (although they may be entitled to take paternity leave – see below).

Please note that you are only entitled to adoption leave if the child is newly matched for adoption.

This means that you are not entitled to adoption leave if you already know the child, for example, if you are a step-parent and want to adopt your partner's child or if you are a foster parent wanting to adopt your foster child.

Benefit

You can take 26 weeks' OAL immediately followed by another 26 weeks of AAL. This means that you can potentially take up to one year's adoption leave if you wish.

You are only entitled to one period of OAL and AAL if you adopt more than one child as part of the same arrangement. However, if you adopt more children at a later stage, you will be entitled to another period of adoption leave.

Adoption Pay

During OAL, we may offer enhanced adoption pay, at our discretion, dependent on your length of service as follows:

If you have 26 weeks but less than 1 year's continuous service by the end of the week in which you are notified of being matched with a child for adoption:

- 39 weeks of the fixed weekly Statutory Adoption Pay allowance (SAP) provided your average weekly earnings during the 8 weeks ending with the week in which you are notified in writing by an adoption agency of having been matched with a child are not less than the lower earnings limit set by the Government.
- Continued car/car allowance benefits (if applicable)

If you have 1 or more years' continuous service by the end of the week in which you are notified of being matched with a child for adoption:

- 6 weeks at 100% of your basic pay;
- 10 weeks at 50% of your basic pay;

- 23 weeks of SAP provided your average weekly earnings during the 8 weeks ending with the week in which you are notified in writing by an adoption agency of having been matched with a child are not less than the lower earnings limit set by the Government;
- continued car/car allowance benefits (if applicable).

All the above enhanced adoption payments are inclusive of any SAP entitlement.

If your employment terminates for any reason prior to the commencement of or during your adoption leave then your entitlement to enhanced adoption payments will cease on the termination date. However, you will still be eligible for SAP if you have already been notified by an agency that you have been matched with a child at or prior to the termination of your employment. In such cases SAP shall start 14 days from the date the child is expected to be placed or the date after your employment ends, whichever is the later.

SAP will stop being payable if you return to work except where you are using one of your “keeping in touch” days (see below).

Shared Parental Leave

Unfortunately only one parent is able to benefit from adoption leave. However, your partner may be entitled to other forms of leave, such as Shared Parental Leave.

Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner.

For more information, please see the Shared Parental leave Policy.

You can elect between you as to who will be the “adopter” for purposes of taking the leave and receiving the payment. We reserve the right to ask you to provide evidence that you are entitled to take the leave, this could include contacting your partner’s employers to check your partner’s leave requests.

Procedure

If you would like to take adoption leave and benefit from adoption pay you must do the following.

You must write to your local HR representative within seven days of being notified by your adoption agency that you have been matched with a child and inform them of the following:

- when your adopted child is expected to be placed with you, and
- when you want to start your adoption leave; and
- written confirmation that you intend to take statutory adoption pay and not statutory paternity pay.

If for some reason you cannot provide this information within seven days of being notified that you have been matched with a child, please provide this information as soon as possible.

At least 28 days before the date you want to start your adoption leave, you must also fill in a Matching Certificate and also confirm that you have elected to receive Statutory Adoption Pay rather than Paternity Pay.

A Matching Certificate can be obtained from the Directgov website www.direct.gov.uk and must be completed by your adoption agency. It must confirm the adoption agency's name and address, the date you were notified of the match and the date on which your adopted child is expected to be placed with you.

If you are adopting from overseas then you must have received notification that the adoption has been approved by the relevant UK authority. You must give notice of your intention to take adoption leave, the date you received the Official Notification and the date the child is expected to arrive in Great Britain.

Official Notification in relation to overseas adoption means a written notification that the relevant domestic authority is prepared to issue a certificate to the overseas authority concerned with the adoption or the child, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

The notice to us should be given as early as possible but in any case within 28 days of receiving Official Notification. You must also give your local HR representative at least 28 days notice in writing of the date you intend to start your 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.

You must also notify us of the date the child arrives in Great Britain within 28 days of that date and we may ask for a copy of the Official Notification and evidence of the date the child arrived.

Please note you must still be employed by us on the date your adopted child is placed with you or the day the child enters the country in relation to an overseas adoption.

Commencing Adoption Leave

The earliest date you can begin adoption leave is 14 days before your expected date of placement and the latest date that you can begin your adoption leave is the date your child is actually placed with you. In relation to an overseas adoption, the earliest date you can start your adoption leave is the date the child enters the country and the latest date that you can begin is 28 days from the date the child enters the country.

If you would like to change your adoption leave start date, you must provide us with 28 days' notice in writing before the earlier of the old and the new start date, or if that is not possible, as soon as reasonably practicable.

If in the event your adopted child's placement unexpectedly comes to an end, you may continue your adoption leave for up to 8 weeks from the end of the week in which the placement unexpectedly ends, after which your adoption leave will end.

Returning to Work

It will be assumed that you will be taking your full entitlement to adoption leave, including AAL, unless you inform us otherwise. Accordingly, you will be expected to return to work following the end of your AAL. Your return date will be confirmed to you in writing within 28 days of you applying to go on adoption leave.

If you want to return to work before the end of your AAL, you must write to your local HR representative giving them a minimum of 8 weeks' notice of your proposed date of return to work. If you do not give the required notice, we may delay your return to work until 8 weeks' notice has been given. It is important for us to know your return date in advance so that we can make arrangements for your return to work.

If you return to work after OAL, you normally have the right to return to your old job on the same terms and conditions.

If you return to work after AAL, you normally have the right to return to your old job on the same terms and conditions unless this is not reasonably practicable. If it is not reasonably practicable to return to your old job, you may be entitled to return to a similar job on terms and conditions that are the same as or better than your old job.

If you do not want to return to work after your adoption leave, you must give us notice that you are resigning in accordance with your contract of employment. If you fail to give notice in this way, your failure to return on your expected return date will be treated as an unauthorised absence and will be dealt with in accordance with our disciplinary procedure.

Keeping in touch

We believe it is important to maintain contact whilst you are on adoption leave.

Your Manager or local HR representative will therefore assign someone specifically to keep in touch with you during your adoption leave and will be responsible for:

- providing you with details of any company events that may be relevant to you and that you may wish to attend;
- keeping you up to date with significant developments within your team and our business; and
- supplying you with relevant publications and communications.

Your local HR representative will meet with you before you start your adoption leave so that you can agree on how to maintain regular contact.

Your Manager will also be in touch with you whilst you are on adoption leave and will be available to answer any questions that you may have. In particular, your Manager will contact you to plan and prepare for your return to work.

In addition you may, if you wish, work (including training) for up to 10 days during your adoption leave without bringing your adoption leave or SAP to an end. We would agree the arrangements between us and should be agreed in advance. You will be paid for such keeping in touch days at your normal daily rate (inclusive of SAP) subject to you attending work for a minimum of 3 hours in any given keeping in touch day.

Terms and conditions

During OAL and AAL, all your terms and conditions, except those relating to salary or remuneration, will continue. You should note the following in respect of the terms relating to pension and holiday:

Pension

During OAL and any further period of paid adoption leave we shall continue to make any employer contributions that we usually make into the pension scheme based on what your earnings would have been if you had not been on adoption leave provided that you continue to make contributions based on the adoption pay you are receiving. If you wish to increase your contributions to make up for any shortfall from those based on your normal salary then please contact your local HR representative.

During unpaid AAL we shall not make any payments into the pension scheme. You do not have to make any contributions but you may do so if you wish, or you may make up for missed contributions at a later date.

Holiday

During OAL and AAL, you will continue to accrue contractual holiday entitlement which shall not be less than the statutory minimum.

Holiday cannot usually be carried over from one holiday year to the next. If the holiday year is due to end during your maternity leave, you should ensure that you have taken the full year's entitlement before starting your maternity leave. Our holiday year runs from 1 January to 31 December.

Therefore, before going on OAL, and again when returning either after OAL or AAL, you should ensure that you have discussed how you will take your annual leave entitlement with your local HR representative.

Glossary

AAL	Additional Adoption Leave
OAL	Ordinary Adoption Leave
Matching Certificate	An official certificate that must be completed by the adoption agency and provides basic information on the matching of your adopted child and the expected placement dates.
SAP	Statutory Adoption Pay
Official Notification	An official notification in relation to overseas adoption means a written notification that the relevant domestic authority is prepared to issue a certificate to the overseas authority concerned with the adoption; or the child confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.