

Adopting a Child from within the UK Policy

22 Wilkinson Street, Sheffield, S10 2GB

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Last review	

1 Introduction

- 1.1 This policy sets out the rights of employees who are adopting a child through an approved UK adoption agency, including time off for appointments and entitlement to adoption leave and pay.
- 1.2 If you are one of a couple jointly adopting a child, only one of you will be entitled to take adoption leave. The other parent may have the option to take a period of paternity leave, provided that the relevant qualifying conditions are met.
- 1.3 The policy does not form part of your contract of employment, and we reserve the right to amend it at any time.

2 Scope

- 2.1 This policy applies to employees employed by us. It does not apply to workers, contractors, consultants, or any self-employed individuals working for us.

3 Entitlement to ordinary and additional adoption leave

- 3.1 There is no qualifying service requirement to be eligible for statutory adoption leave.
- 3.2 You are entitled to 26- weeks' ordinary adoption leave followed immediately by 26- weeks' additional adoption leave, provided that you have:
 - 3.2.1 been matched with a child for adoption (this includes the situation where a local authority places a child with you in a "foster to adopt" arrangement); and
 - 3.2.2 notified the adoption agency that you agree that the child should be placed with you for adoption and on the date of placement.
- 3.3 You can decide how much adoption leave you wish to take. To exercise your right to take adoption leave, you must comply with the correct procedure below.

4 Entitlement to ordinary and additional adoption leave (surrogacy)

- 4.1 There is no qualifying service requirement to be eligible for statutory adoption leave.
- 4.2 If you are having a child through a surrogacy arrangement, you are entitled to 26 -weeks' ordinary adoption leave followed immediately by 26-weeks' additional adoption leave, provided that:
 - 4.2.1 you adopt the child; or
 - 4.2.2 you intend to apply for a parental order within six months of the child's birth and expect the order to be granted.
- 4.3 You can decide how much adoption leave you wish to take. To exercise your right to take adoption leave, you must comply with the correct procedure below.

5 Time off for adoption appointments

- 5.1 Once you have told us that you are adopting a child, you will be entitled to time off work to attend your adoption appointments.

- 5.2 The right to time off work is limited to a maximum of six-and-a-half hours for each appointment.
- 5.3 If you are adopting a child alone, you are entitled to take paid time off to attend up to five adoption appointments.
- 5.4 If you are adopting a child jointly, one of you can elect to take paid time off to attend up to five adoption appointments.
- 5.5 The other adoptive parent is entitled to take unpaid time off to attend up to two adoption appointments.
- 5.6 The parent who takes paid time off is not entitled, later on, to take paternity leave in respect of the child.
- 5.7 The purpose of the adoption appointment is to enable you to have contact with the child and for any other reason connected with the adoption, for example, to meet with the professionals involved in the care of the child.
- 5.8 The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date on which the child is placed with you for adoption.
- 5.9 We may ask you to provide proof, such as a letter or email from the adoption agency confirming the date and time of the appointment and that the appointment has been arranged by, or at the request of, the adoption agency.
- 5.10 In the case of joint adopters, we may also ask you to sign a declaration confirming your decision to take either paid or unpaid time off.
- 5.11 If you intend to apply for a parental order and expect to become the child's legal parent in a surrogacy arrangement, you are entitled to unpaid time off work to accompany the surrogate at up to two antenatal appointments.
- 5.12 You should give your Line Manager as much notice as possible of your adoption or antenatal appointments and, wherever possible, try to arrange them outside your core hours.

6 Notice to take adoption leave (adoption)

- 6.1 You need to give your Line Manager notice in writing within 7- days of being matched with a child, or as soon as possible afterwards, of:
 - 6.1.2 your intention to take adoption leave;
 - 6.1.3 the date on which the child is expected to be placed with you; and
 - 6.1.4 the date on which you wish your adoption leave to start.
- 6.2 We will write to you within 28 -days of receipt of your notice confirming the date on which you are expected to return to work if you take your full 52 -week entitlement to adoption leave.
- 6.3 We may ask you to provide evidence in the form of one or more documents issued by the adoption agency confirming the name and address of the agency, the date on which you were notified that you had been matched with the child, and the expected date of placement.

7 Notice to take adoption leave (surrogacy)

- 7.1 In the case of a surrogacy arrangement, you need to give your Line Manager notice in writing by no later than the 15-weeks before the expected week of childbirth, or as soon as possible afterwards, of:
 - 7.1.1 your intention to take adoption leave; and
 - 7.1.2 the expected week of childbirth.

7.2 We may ask you to provide a statutory declaration confirming that you intend to apply for a parental order within 6-months of the child's birth and expect the order to be granted.

7.3 We will write to you within 28-days of receipt of your notice confirming the date on which you are expected to return to work if you take your full 52 -week entitlement to adoption leave. *You must give your Line Manager further notice, as soon as reasonably practicable, of the child's date of birth.*

8 Starting your adoption leave

8.1 You can choose to start your adoption leave on the day the child is placed with you for adoption or on a fixed date up to 14-days before this date.

8.2 If you are having a child through a surrogacy arrangement, your adoption leave will start on the day on which the baby is born or the day after if you are at work on that day.

9 Changing your adoption leave start date

9.1 If you are adopting a child and you wish to bring forward your adoption leave start date, you must inform your Line Manager in writing at least 28-days before the new start date or, if that is not possible, as soon as reasonably practicable.

9.2 If you are adopting a child and you wish to postpone your adoption leave start date, you must inform your Line Manager in writing at least 28-days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

9.3 If you change your adoption leave start date, we will write to you within 28-days of the start of your adoption leave confirming the revised date on which you must return to work if you take your full 52-week entitlement to adoption leave.

9.4 If you are having a child through a surrogacy arrangement, you cannot change your adoption leave start date.

10 Adoption pay

10.1 Option 1 – statutory adoption pay

10.1.1 Statutory adoption pay is payable for up to 39-weeks of your adoption leave.

10.1.2 The first six weeks is payable at 90% of your average weekly earnings. The remaining 33-weeks is payable at a rate set by the Government for the relevant tax year, or at 90% of your average weekly earnings, whichever is lower.

10.1.3 You will qualify for statutory adoption pay if:

10.1.3.1 you have been continuously employed for at least 26 -weeks at the end of the week in which you were notified of being matched with the child for adoption or in a surrogacy arrangement, at the end of the 15th-week before the expected week of childbirth;

10.1.3.2 you have chosen to receive statutory adoption pay rather than statutory paternity pay;

10.1.3.3 you have given the correct notice;

10.1.3.4 you have stopped working; and

10.1.3.5 your average weekly earnings are not less than the lower earnings limit for national insurance contributions.

10.2 If you become eligible for a pay rise between the start of the original calculation period and the end of your adoption leave, your statutory adoption pay will be recalculated to take account of your pay rise, regardless of whether statutory adoption pay has already been paid.

- 10.3 This means that your statutory adoption pay will be recalculated and increased retrospectively, or that you may qualify for statutory adoption pay if you did not previously.
- 10.4 In these circumstances, you will be paid a lump sum to make up any difference between statutory adoption pay already paid and the amount payable as a result of the pay rise.
- 10.5 Statutory adoption pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

11 Your rights during adoption leave

- 11.1 During ordinary adoption leave and additional adoption leave, all the terms and conditions of your contract except normal pay will continue.
- 11.2 Your pay will be replaced with statutory adoption pay if you are eligible for it. However, other benefits such as holiday entitlement and pension contributions will continue as set out below.

12 Holiday entitlement

- 12.1 You will continue to accrue your holiday entitlement during your adoption leave. You should make every effort to take any outstanding holiday entitlement before commencing adoption leave or immediately after your adoption leave has ended.
- 12.2 Any holiday entitlement that has not been taken because of adoption leave may be carried over into the next holiday year with the agreement of your Line Manager.

13 Pension contributions

- 13.1 We will continue to make pension contributions based on your normal pay during ordinary adoption leave and any period of paid additional adoption leave.
- 13.2 The contributions that you make will be based on the actual pay that you receive during your adoption leave.
- 13.3 Our pension contributions will cease during any period of unpaid additional adoption leave.

14 Contact during adoption leave

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

15 Keeping-in-touch days during adoption leave

- 15.1 You can agree to work or attend training for up to 10-days during your adoption leave without that work bringing your adoption leave or statutory adoption pay to an end. These are known as 'keeping-in-touch' (KIT) days.
- 15.2 Any work carried out on a keeping-in-touch day will count as a whole working day and you will be paid your normal rate of pay.
- 15.3 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.
- 15.4 Any work undertaken on keeping-in-touch days is entirely a matter for agreement between you and your Line Manager.

16 Notice for ending adoption leave

- 16.1 You may take your full period of adoption leave entitlement and return to work at the end of the additional leave period without having to provide notice.
- 16.2 If you wish to return to work earlier than the end of your additional adoption leave period, you must give at least 8-weeks' notice in writing to your Line Manager confirming the date on which you intend to return.
- 16.3 If you have notified us of an early return date, but subsequently change your mind about returning to work on this date, you must give notice in writing to your Line Manager at least 8-weeks before the earlier of the date on which you intend to return and the date on which you previously gave notice to return.

17 Returning to work after adoption leave

- 17.1 You have the right to resume working in the same job and on the same terms and conditions if returning to work from a period of ordinary adoption leave.
- 17.2 If you have taken a period of additional adoption leave, you have the right to return to the same job wherever possible.
- 17.3 However, if this is not reasonably practicable, we will offer you a suitable alternative job on terms and conditions that are no less favourable.
- 17.4 We will write to you as the end of your adoption leave approaches to remind you of your expected date of return and the arrangements for your first day back.
- 17.5 We recognise that returning to work from adoption leave after a significant period of time away from work can be challenging. We will take steps to ensure that your return to work is as smooth as possible and work will be handed back to you on a gradual basis.
- 17.6 If you decide that you do not wish to return to work, you must give written notice of resignation as soon as possible in accordance with the terms of your contract of employment.

18 Requests for flexible working

- 18.1 If, following a period of adoption leave, you feel that you would benefit from a change to your working arrangement, you should make a request for flexible working in accordance with our flexible working requests policy.
- 18.2 Although we will take all reasonable steps to accommodate a request for flexible working, the full range of flexible working options will not be appropriate for all jobs across all areas of the business.

19 Shared parental leave

- 19.1 If you and your partner meet the eligibility and notice requirements, you may choose to end your adoption leave and pay early and take shared parental leave instead.
- 19.2 This will enable you and your partner to take it in turns to have periods of leave to care for your child, return to work while your partner takes leave, or take leave at the same time as each other.

20 Data protection

- 20.1 When dealing with adoption leave and pay, we will process any personal data collected in accordance with our data protection policy and policy on processing special categories of data. In particular, we will record only the personal information required and keep the information only for as long as necessary.

21 Review

- 21.1 This policy may be reviewed at any time at the request of any member of staff, but it will be automatically reviewed two years after initial approval and thereafter on a biennial basis unless organisational changes, legislations, guidance, or non-compliance prompt an earlier review.

22 Definitions

- 22.1 Ben's Centre ("we", "us", "our")
22.2 The Employee ("you")

Document control box

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