



ADOPTION LEAVE POLICY

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Destroy All Previous Issues

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Approval

Version	Name	Position	Signature	Approved Date
V2.0	S Longland	HR Employee Relations manager		13 Jan 2011
V2.0	Nick Farmer	CEO		
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Glossary

Term	Description

1 POLICY STATEMENT

This policy sets out the rights of employees to statutory adoption leave and pay.

On or after 5 April 2015, an employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave from day one of his/her employment.

Before 5 April 2015, an employee who adopted a child through an approved adoption agency was entitled to up to 52 weeks' adoption leave provided that he/she had at least 26 weeks' continuous service calculated as at the week in which notification of matching was given by the adoption agency.

The employee's entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. The employee's maximum entitlement is therefore to take up to 52 weeks' adoption leave.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to their following the correct notification procedures as set out below.

2 WHO QUALIFIES FOR STATUTORY ADOPTION PAY AND HOW MUCH WILL THE EMPLOYEE RECEIVE?

Employees who take adoption leave will also qualify for statutory adoption pay (SAP) provided that they have 26 weeks' service calculated as at the week in which notification of matching was given by the adoption agency and have average weekly earnings not less than the lower earnings limit for national insurance contributions. SAP is payable for up to 39 weeks. In relation to adoption pay periods beginning on or after 5 April 2015, SAP is payable at 90% of normal earnings for the first six weeks, following which it is payable at the rate set by the Government for the relevant tax year (or 90% of normal earnings, if that is lower than the Government's rate).

Parents who will become the legal parents of a child under a surrogacy arrangement are entitled to take statutory adoption leave if the child's expected week of birth begins on or after 5 April 2015. Local authority foster parents who are also prospective adopters ("foster to adopt") are entitled to take ordinary adoption leave in relation to children matched for adoption on or after 5 April 2015.

SAP is treated as earnings and is therefore subject to PAYE and national insurance deductions.

3 INTRODUCTION TO ADOPTION RIGHTS AND BENEFITS

This policy sets out the rights of employees to statutory adoption leave and pay.

On or after 5 April 2015, an employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave from day one of his/her employment.

Before 5 April 2015, an employee who adopted a child through an approved adoption agency was entitled to up to 52 weeks' adoption leave provided that he/she had at least 26 weeks' continuous service calculated as at the week in which notification of matching was given by the adoption agency.

The employee's entitlement is to take up to 26 weeks' ordinary adoption leave (OAL) followed immediately by up to 26 weeks' additional adoption leave (AAL). The employee's maximum entitlement is therefore to take up to 52 weeks' adoption leave.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to their following the correct notification procedures as set out below.

4 TIMING OF ADOPTION LEAVE

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier.

To make administration as easy as possible, the employee should discuss the timing of his/her adoption leave with his/her immediate manager as early as possible

5 NOTICE REQUIREMENTS

To be entitled to take adoption leave and receive SAP, the employee is required to give the organisation written notification of his/her intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. Notice, which must be in writing must specify:

- the date the child is expected to be placed with the employee for adoption and
- the date the employee intends his/her adoption leave to start.

The employee is permitted to bring forward his/her adoption leave start date, provided that he/she advises the organisation in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone his/her adoption leave start date, provided that he/she advises the organisation in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. The employee must also provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.

Within 28 days of receiving the employee's notice of intention to take adoption leave, the organisation will write to the employee confirming the latest date on which the employee must return to work after adoption leave.

The employee is entitled to return after AAL to the same job or, if it is not reasonably practicable for us to provide that, to a job which is both suitable for him/her and appropriate for him/her to do in the circumstances. The terms and conditions of such employment will be the same as would have been applied to him/her if s/he had not been absent.

The employee is required to give no notice of his/her intention to return if s/he returns at the end of the 26 week period of AAL but must give 8 weeks' notice of an intention to return early. This notice should be given in writing. If the employee fails to give the requisite notice, we reserve the right to postpone his/her return so as to obtain a maximum of 8 weeks' notice.

Throughout both OAL and AAL, the employee:

- Retains the right to notice, right to redundancy pay, access to disciplinary and grievance procedures and the employer's implied obligation of trust and confidence.
- Remains bound by the implied obligation of good faith and any express terms about termination, disclosure of confidential information, acceptance of gifts and his/her participation in any business.

6 TIME OFF TO ATTEND ADOPTION APPOINTMENTS

From 5 April 2015, employees who are adopting a child are entitled to take time off to attend adoption appointments.

An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). The other can elect to take unpaid time off to attend up to two adoption appointments (under s.57ZL of the Employment Rights Act 1996).

The purpose of the appointment is to enable the employee (and his/her partner) to have contact with the child (for example, to bond with him/her before the placement) and for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.

Badger will ask the individual for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).]

In addition, if the employee is adopting jointly, the organisation will ask the individual to sign a declaration, to be submitted alongside the documentary evidence, confirming that he/she has elected to exercise his/her right under either s.57ZJ or s.57ZL of the Employment Rights Act 1996 to take time off to attend an adoption appointment. The organisation will ask for the declaration on the first occasion on which the individual asks for time off to attend an adoption appointment.

7 WORK AND CONTACT DURING ADOPTION LEAVE

Badger reserves the right to maintain reasonable contact with employees during adoption leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

During OAL and AAL, all terms and conditions of the employee's contract except normal pay will continue. Salary/wages will be replaced by SAP if the employee is eligible for it.

This means that, while sums payable by way of wages/salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid.

Employees are encouraged to take any outstanding holiday due to them before the commencement of adoption leave. Employees are reminded that holiday must be taken in the year that it is earned.

8 KEEPING IN TOUCH (KIT) DAYS

The employee may keep in reasonable contact with us during his/her Adoption Leave without bringing his/her Adoption Leave to an end or losing his/her SAP.

The employee is entitled to work during his/her Adoption Leave on a "keeping-in-touch" ("KIT") day without bringing his/her Adoption Leave to an end or losing his/her SAP. The employee may take up to a total of 10 KIT days during his/her Adoption Leave.

The employee is not obliged to take any KIT days and the decision to do so remains at the employee's discretion. No detrimental action shall be taken against the employee if no KIT days are taken.

Work undertaken on a KIT day may include training or other events and is not limited to the normal job performed by the employee.

If the employee wishes to work on a KIT day this must be agreed with us.

Before working on a KIT day the amount of pay that the employee will receive for working on that day must be agreed, as must the weekly pay for a week during which the employee works on a KIT day. Payment cannot be lower than the weekly rate of SAP to which the employee is entitled.

The total Adoption Leave period will be unaffected whether the employee works on a KIT day or not.

9 RETURNING TO WORK AFTER ADOPTION LEAVE

The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that he/she gives the appropriate notification. Alternatively, the employee may take his/her full period of adoption leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of adoption leave has elapsed, he/she must give at least eight weeks' notice in writing to the organisation of the date on which he/she intends to return.

The employee has the right to resume working in the same job if returning to work from ordinary adoption leave. If the employee returns to work after a period of additional adoption leave, he/she is entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the adoption leave period.

If the employee decides during adoption leave that he/she does not wish to return to work, he/she should give written notice of resignation to the organisation as soon as possible and in accordance with the terms of his/her contract of employment.

10 TRANSFER OF ADOPTION LEAVE

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, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date. See Badger's Shared Parental Leave Policy.

11 POST ADOPTION LEAVE

The opportunities for flexible working will depend on the needs of the business but we recognise that many employees will be interested in reducing their working hours for a while after their return from Adoption Leave. We will make every effort to accommodate requests for part-time working and other forms of flexible work arrangements, provided that the employee's duties can still be effectively carried out on such a basis. See Badger's Work-Life Balance Policy.



ADOPTION LEAVE APPLICATION FORM

This form should be completed by the employee and returned to the Human Resources Department 28 days before commencement of adoption leave.

a) Application for: (Please tick as appropriate)

- i) Statutory Adoption Pay 39 weeks @ prevailing statutory rate or 90% of average earnings if less than £ prevailing statutory rate (employee has been with Badger for at least 39 weeks service)
- ii) Unpaid adoption leave (employee has less than 39 weeks service)
- iii) 39 weeks unpaid adoption leave in addition to SAP of 13 weeks

b) Please complete the following details:

Full Name:		
Job Title:		
Contracted Hours:		
Location:		
Expected date of Adoption:		
Commencement of Adoption Leave:	From:	To:
Last Working Day:		
Home phone number:		
Mobile phone number:		
Signed		
Date		

Approval

Approval is given for the above request:

Signed by Manager authorising the request:
 _____ Date _____

I understand that if I provide inaccurate or false information about my adoption leave, this may lead to disciplinary action being taken.

Signed by member of staff requesting the adoption leave
 _____ Date _____



Non Approval

This request is not approved:

Reason(s) for the request not approved:

Signed by manager making the decision
 _____ Date _____

Signed by member of staff confirming acknowledgement of above decision
 _____ Date _____

For Office Use Only:

Date Received by HR: ___/___/___ By Whom: _____

Date Given to Payroll: ___/___/___ To be Signed by Payroll: _____

39 weeks Statutory Adoption Pay Unpaid Adoption Leave

39 weeks Unpaid Adoption Leave in addition to SAP of 13 weeks

No. Of Days Paid: _____ from: _____ to: _____