

ADOPTION LEAVE POLICY

Title: Adoption Leave Policy

Abstract: This policy details the arrangements, responsibilities and procedures for parental adoption leave. The policy is mandatory.

Author: [Author Name]

Business Approval: [Approver Name]

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AMENDMENT RECORD

Issue Number	Date Issued	Description and Author
001		Original Issue

ADOPTION LEAVE POLICY

It is the policy of [Business Name] in the UK to:

1. Provide support and guidance in relation to employment matters to employees who are adopting a child;
2. Fully comply with all of an employee's statutory rights in relation to adoption and;
3. Support the employee's return to work following the adoption of their child.

Objectives

To provide policy guidance to managers and employees in employment matters affected by adoption; to ensure a consistent and fair basis for decisions and to ensure the Company complies with the relevant legislation (Employment Act, 2002).

Applicability

This policy applies to all Company UK-based employees, where a child is matched and placed for adoption within the UK.

For employees adopting a child from another country the rights are identical, however secondary legislation may be applicable to deal with the leave and pay scheme for inter-country adopters.

Adoption Rights Explained

Adoption rights are protected in law. These include:

1. The right to Adoption Leave;
2. The right to Statutory Adoption Pay;
3. The right to return to work after the adoption and;
4. The right to protection from detriment or dismissal in connection with taking Adoption Leave.

Adoption rights are determined in relation to length of service. Length of service is determined by an employee's contract of employment with the Company.

Adoption Leave

With effect from 6 April 2003, employees who have completed 26 weeks continuous service in the week in which the approved match is made are statutorily entitled to 26 weeks paid Ordinary Adoption Leave, and a further 26 weeks unpaid Additional Adoption Leave. Where a couple adopt a child, only one of the parents can take Adoption Leave – the couple can choose. If the mother elects to take Adoption Leave, the father can still take Paternity and Parental Leave. If the father elects to take Adoption Leave, he is still entitled to Parental Leave, but not Paternity Leave.

The right to Adoption Leave only applies where a child is newly placed for adoption. It does not apply to step family adoptions or adoptions by a child's existing foster carers.

The right to Adoption Leave will apply to those employees whose children are placed with them on or after 6 April 2003.

Required Notification for Adoption Leave

Employees will be required to inform the Company of their intention to take Adoption Leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable.

The employee will need to advise the Company in writing:

- When the child is expected to be placed with them, and
- When they want their Adoption Leave to start.

Employees will be able to change their mind about the date on which they want their Adoption Leave to start providing they tell their employer at least 28 days in advance (unless this is not reasonably practicable). The employee will have to advise the Company the date that they expect any payments of Statutory Adoption Pay to start at least 28 days in advance (unless this is not reasonably practicable).

The Company will respond within 28 days in writing to confirm the date that the employee is expected to return to work if the full entitlement to Adoption Leave is taken.

Starting Adoption Leave

The employee can choose to start their Adoption Leave:

1. From the date of the child's placement (whether this is earlier or later than expected), or
2. From a fixed date which can be up to 14 days before the expected date of placement

Adoption Leave can start on any day of the week.

If the child's placement ends during the Adoption Leave period, the adopter will be able to continue Adoption Leave for up to eight weeks after the end of the placement.

Statutory Adoption Pay

With effect from 6th April 2003, employees who have completed 26 weeks continuous service in the week in which the approved match is made are entitled to receive 26 weeks Statutory Adoption Pay.

The rate of Statutory Adoption Pay is determined by the government and amended from time to time. The rate with effect from 6th April 2003 is £100 per week.

In order to receive entitlement to Statutory Adoption Pay, an employee is required to provide the Company with a 'matching certificate', which the Company will wish to see as proof of entitlement to Adoption Leave.

A matching certificate which includes basic information on matching and expected placement dates is provided by the employee's adoption agency.

Holiday Entitlement

Under the terms of the Working Time Regulations, holiday entitlement continues to accrue during the full period of Adoption Leave.

If the period of Adoption Leave is expected to end within the current leave year, the employee must take their accrued entitlement prior to going on Adoption Leave. The majority of holiday accrued whilst on Adoption Leave should be taken prior to return to work. However, the employee should ensure that they have sufficient leave for the remainder of the leave year to cover planned and unexpected events.

If the period of Adoption Leave spans 2 leave years, then the employee must take the full annual entitlement for the current year before commencing their Adoption Leave. Any leave accrued in the next leave year should be taken prior to return to work, in consultation with the Line Manager.

Performance and Pay Review

If an employee's performance and pay review occurs during his/her Adoption Leave period a full appraisal should be undertaken before the start of his/her Adoption Leave. Any pay changes that would ordinarily occur as a result of the appraisal should be held by the relevant Human Resources department and processed at the time of the normal pay review. The employee's AFF will also be recalculated at this time. This is to ensure the employee benefits from his/her appraisal and its outcomes; any such changes will be communicated to the employee in the normal manner.

Bonus or Incentive Scheme Payments

Any bonus or incentive payments that are applicable will continue to be paid/accrued only during the period of Ordinary Adoption Leave while the employee is receiving pay. The accrual/payment will be on the same basis as that prior to the start of Adoption Leave. On return from Additional Adoption Leave the employee will resume eligibility for participation in the bonus or incentive scheme. On return from Ordinary or Additional Adoption Leave, the new bonus criteria will be discussed and agreed with his/her Line Manager.

Company Car

Employees who are eligible for and have elected to receive a car are entitled to retain the car during the whole Adoption Leave period. No changes can be made to car elections whilst on Ordinary or Additional Adoption Leave.

Company Property

Employees should return any Company property to their Line Manager (such as mobile phone, laptop, keys, manuals, etc.) during the period of Ordinary and Additional Adoption Leave.

Returning to Work after Adoption Leave

Employees have the right to return from Ordinary Adoption Leave to the same role on the same terms and conditions of employment.

Employees returning to work after Additional Adoption Leave have the right to return to the same role, or if that is not possible to a similar role, on no less favourable terms and conditions of employment than if they had not been absent.

An employee who intends to return to work at the end of their full Adoption Leave entitlement will not have to give any further notification to the Company.

An employee who wants to return to work before the end of either Ordinary or Additional Adoption Leave must provide the company with 28 days written notice of his/her intended date of return.

The date on which an employee returns to work following Adoption Leave is counted from the Sunday at the beginning of the week in which the child was placed for adoption:

1. For return from Ordinary Adoption Leave, this is the first working day after the end of 26 week's Ordinary Adoption Leave

or;

2. For return from Additional Adoption Leave, this is the first working day after the end of the 52nd week' Additional Adoption Leave.

Adoption Leave cannot be extended beyond the Additional Adoption Leave period. Employees may wish to take their accrued holiday at this point, or Parental Leave.

Should an employee be unable to return to work following either Ordinary or Additional Adoption Leave for the reason of illness or injury, the period of absence will be treated as sick leave in accordance with the Sickness Absence Procedure.

Should an employee not return to work at the end of either Ordinary or Additional Adoption Leave, and not communicate with the company the company disciplinary procedures will be invoked.

Return to work before the end of Ordinary or Additional Adoption Leave

An employee who intends to return to work before the end of his/her Ordinary or Additional Adoption Leave must give 28 days' notice of the date of his/her return.

If the employee attempts to return to work earlier than the end of his/her Ordinary or Additional Adoption Leave without giving 28 days' notice, the Company may postpone his/her return until 28 days' notice has been given. This postponement will not be to a date later than the end of the Ordinary or Additional Adoption Leave. Should s/he return to work during the period of postponement there is no entitlement to receive pay.

Where an employee qualifies for Additional Adoption Leave, but only wishes to take the 26 weeks Ordinary Adoption Leave she must give 28 days' notice of his/her return to work because s/he will be returning to work before the full Adoption Leave entitlement has ended.

Changing Hours on Return to Work

Should an employee be interested in returning to work on different hours, s/he should raise this in the first instance with his/her appropriate Line Manager and Human Resources Representative prior to going on Adoption Leave. Raising such a request does not affect his/her right to return to work on his/her previous hours. Every request for a change to working hours on return will be carefully considered, however, the business and operational needs of the company will dictate whether this is feasible.

A return to work on changed hours is a variation to the employee's contract of employment and any such changes will be mutually agreed and confirmed in writing; any bonus entitlements and benefits such as core holiday entitlement, will be pro-rated accordingly.

Protection from dismissal and detriment

Dismissing an employee for any reason associated with his/her adoption is automatically unfair. An employee who believes s/he has been unfairly treated on any of these grounds should raise the matter in accordance with the company grievance procedure.

Parental Leave

An employee who has adopted a child who is less than five years old is entitled to Parental Leave. Parental Leave can be added to the end of a period of Adoption Leave.

Parental Leave is an employee's statutory entitlement to take unpaid time off work to look after a child or make arrangements for their child's welfare. Parents can use Parental Leave to spend time with children and achieve a better balance between their work and family commitments.

Employees are entitled to the benefit of their normal terms and conditions of employment, except for pay, during Parental Leave. Parental leave is authorised unpaid time off work.

Please refer to the Company Parental Leave Policy for further details.

Deciding not to return to work

If an employee decides not to return to work at the end of his/her Ordinary or Additional Adoption Leave period, s/he should confirm his/her decision in writing. The employee's contract of employment with the Company will end and all benefits will cease. The Company will confirm receipt of the employee's resignation and any final details concerning pay or benefits.

Extended Sick Pay (ESP)

If an employee is on ESP prior to commencing Adoption Leave all ESP payments will cease during the 26 weeks Ordinary Adoption Leave period. Re-commencement of ESP payments may be subject to medical evidence.

Advice and Guidance

Legislation concerning adoption is complex, and still evolving. This policy incorporates all existing statutory provisions. Employees should contact their HR representative to discuss queries concerning relevant legislation or further information concerning rights and benefits.