

# AGE UK EXETER

## Controlled Document

**Document Name: Adoption Policy**

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Owner (Responsibility): Chief Executive Officer

Revision History: See appendix

Document Location: [www.ageuk.org.uk/exeter/about-us/policiesandguidelines/](http://www.ageuk.org.uk/exeter/about-us/policiesandguidelines/)

## Document Description

This document sets out the arrangements for adoption leave and pay for employees who are adopting a child through a UK adoption agency and the procedures to follow.

## Implementation & Quality Assurance

Implementation is immediate and this policy shall stay in force until any alterations are agreed.

The policy will be reviewed every year by the Board of Trustees, sooner if legislation, best practice, or other circumstances indicate this is necessary.

All aspects of this document shall be open to review at any time. If you have any comments or suggestions on its content, please contact Chief Executive Officer at [info@ageukexeter.org.uk](mailto:info@ageukexeter.org.uk)

# **Adoption policy**

## **1. About this policy**

This policy sets out the arrangements for adoption leave and pay for employees who are adopting a child through a UK adoption agency. If you are adopting through an overseas adoption agency the Chief Executive Officer will advise you of the relevant requirements.

Arrangements for time off for adoption appointments are set out in our Time off for Adoption Appointments Policy.

In some cases, you and your spouse or partner may be eligible to opt into the shared parental leave (SPL) scheme which gives you more flexibility to share the leave and pay available in the first year. You will need to give us at least eight weeks' notice to opt into SPL, and one of you must take at least two weeks' adoption leave. For information about SPL, see our Shared Parental Leave (Adoption) Policy.

This policy only applies to employees and does not apply to agency workers or self-employed contractors. This policy does not form part of any employee's contract of employment, and we may amend it at any time.

## **2. Entitlement to adoption leave**

You are entitled to adoption leave if you meet all the following conditions:

- You are adopting a child through a UK or overseas adoption agency.
- The adoption agency has given you written notice that it has matched you with a child for adoption and tells you the date the child is expected to be placed into your care with a view to adoption (Expected Placement Date).
- You have notified the agency that you agree to the child being placed with you on the Expected Placement Date.
- Your spouse or partner will not be taking adoption leave with their employer (although they may be entitled to take paternity leave).

The maximum adoption leave entitlement is 52 weeks, consisting of 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption Leave (AAL).

## **3. Notification requirements**

Not more than seven days after the agency notifies you in writing that it has matched you with a child (or where that is not reasonably practicable, as soon as reasonably practicable), you must give us notice in writing of the Expected Placement Date, and your intended start date for adoption leave (Intended Start Date).

We will then write to you within 28 days to inform you of your expected return date assuming you take your full entitlement to adoption leave.

Once you receive the matching certificate issued by the adoption agency, you must provide us with a copy.

#### **4. Starting adoption leave**

OAL may start on a predetermined date no more than 14 days before the Expected Placement Date, or on the date of placement itself, but no later.

If you want to change your Intended Start Date, please tell us in writing. You should give us as much notice as you can, but wherever possible you must tell us at least 28 days before the original Intended Start Date (or the new start date if you are bringing the date forward). We will then write to you within 28 days to tell you your new expected return date.

#### **5. Adoption pay**

Statutory adoption pay (SAP) is payable for up to 39 weeks provided you have at least 26 weeks' continuous employment with us ending with the week in which the agency notifies you in writing of the match (Qualifying Week) and your average earnings are not less than the lower earnings limit set by the government each tax year. The first six weeks SAP are paid at 90% of your average earnings and the remaining 33 weeks are at a rate set by the government each year. For further information please speak to the Finance Department.

You will qualify for company adoption pay if you have been continuously employed during the 12-month period ending with the Qualifying Week and have not received any company paternity pay, maternity pay, adoption pay, or shared parental pay from our employment during the 12 month period ending with the Qualifying Week. This is paid at the rate of your normal basic salary during your adoption leave and includes any SAP that may be due for that period.

In order to receive company adoption pay you must first confirm in writing that you intend to return to work for at least six months after your adoption leave (and any shared parental leave in respect of the same child), and that you agree to repay any company adoption pay (but not SAP) if you later decide not to work this minimum period.

#### **6. During adoption leave**

All the terms and conditions of your employment remain in force during OAL and AAL, except for the terms relating to pay.

Annual leave entitlement will continue to accrue at the rate provided under your contract. If your adoption leave will continue into the next holiday year, any holiday entitlement that is not taken or cannot reasonably be taken before starting your adoption leave can be carried over and must be taken immediately before returning to work or within three months of returning to work unless your manager agrees otherwise. You should try to limit carry over to one week's holiday or less. Carry-over of more than one week is at your manager's discretion. Please discuss your holiday plans with your manager in good time before starting your adoption leave. All holiday dates are subject to approval by your manager.

If you are a member of the pension scheme, we shall make employer pension contributions during OAL and any further period of paid adoption leave based on your normal salary, in accordance with the pension scheme rules. Any employee contributions you make will be based on the amount of any adoption pay you are receiving, unless you inform the HR and Finance Manager that you wish to make up any shortfall.

## **7. Keeping in touch**

We may make reasonable contact with you from time to time during your adoption leave although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.

You may work (including attending training) on up to ten “keeping-in-touch” days during your adoption leave. This is not compulsory and must be discussed and agreed with your line manager.

You will be paid at your normal basic rate of pay for time spent working on a keeping-in-touch day and this will be inclusive of any adoption pay entitlement. Alternatively, you may agree with your line manager to receive the equivalent paid time off in lieu.

## **8. Returning to work**

You must return to work on the expected return date unless you tell us otherwise. If you wish to return to work early, you must give us at least eight weeks’ notice of the date. It is helpful if you give this notice in writing. You may be able to return later than the expected return date if you request annual leave or parental leave, which will be at our discretion.

You are normally entitled to return to work in the position you held before starting adoption leave, on the same terms of employment. However, if you have taken AAL and it is not reasonably practicable for us to allow you to return to the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

If you want to change your hours or other working arrangements on return from adoption leave you should make a request under our Flexible Working Policy. It is helpful if such requests are made as early as possible.

If you decide you do not want to return to work, you should give notice of resignation in accordance with your contract.

## **Revision History**

| <b>Revision date</b> | <b>Summary of Changes</b>              | <b>Other Comments</b>                           |
|----------------------|--|---|
| 10.2.2022            | New document using HR Express template | Approved by Board of Trustees 10 February 2022. |

|          |   |                              |
|----------|---|------------------------------|
|          |   | Next review due January 2025 |
| 24.01.25 | Formatting and administrative changes to reflect current processes. |                              |