



# Adoption Leave Policy

This policy applies to all companies within the Relyon Group.

The aim of this policy document is to set out clearly the Company's policies in respect of adoption leave and pay in order to ensure consistency of approach in line with employment legislation and the Company's commitment to family-friendly policies and good employment practice.

Adoption leave provides an adoptive parent with the right to take paid time off to care for a child who has been placed with them.

In a couple only one parent may take adoption leave, however the other may be entitled to paternity leave (whether male or female). The period is normally divided into 26 weeks ordinary adoption leave and 26 weeks additional adoption leave.

## Qualification

In order for an employee to qualify for adoption leave they must;

- Be matched for adoption through a UK adoption agency
- Have agreed to the placement and have date set for it
- Have 26 weeks continuous service with the employer by the week on which the child is matched
- Be able to provide the Company with a matching certificate from the adoption agency confirming the date of the placement

## Leave

Eligible employees are entitled to 52 weeks adoption leave provided they have complied with the notification procedures.

This period is normally divided into 26 weeks ordinary adoption leave (OAL) and 26 weeks additional adoption leave (AAL).

It is for the Employee to decide how much adoption leave they wish to take.

## Notification

In order for an employee to claim their right to adoption leave they must comply with a basic procedure for notifying the Company.

Any employee intending to take adoption leave should notify the Company within 7 days of the notification of match of;

- The date on which the child was placed or is expected to be placed to be with them and
- The date on which they would like the adoption leave to start

Once the Company is in receipt of the notification from the employee, they will respond in writing within 28 days confirming the expected return date, which generally will be the first working day after 52 weeks from the start of the maternity leave.

## **Ordinary Adoption Leave**

All eligible employees have the right to 26 weeks ordinary adoption leave which will normally commence from the date of the child's placement with the employee or from a date up to 14 days before the expected placement date.

The contract of employment continues throughout ordinary adoption leave and the employee is entitled to continue to benefit from all the terms and conditions under that contract, with the exception of any clauses relating to wages and salary.

## **Additional Adoption Leave**

If an employee was entitled to ordinary adoption leave then they will be equally entitled to additional adoption leave.

Additional adoption leave will normally commence on the day after the last day of ordinary maternity leave and run for a further 26 weeks.

The terms and conditions of the employee's contract may continue throughout the period of additional adoption leave dependant on the date of the adoption. Employees who adopt prior to the 5th October 2008 may not have the right to all the same benefits as they did on ordinary leave. If an employee is due to adopt on or after the 5th October 2008 they will receive all benefits of their contract throughout additional adoption leave except for those relating to remuneration.

## **Annual Leave Entitlement During Adoption Leave**

Throughout their period of adoption leave an employee has the right to continue to accrue annual leave.

During the period of ordinary adoption leave, as stated, the employee is entitled to all their contractual benefits (barring wages and salary) as a consequence they will accrue holiday at their contractual rate.

During additional adoption leave the holiday entitlement that the employee will accrue will depend on the date of adoption. In the case of an employee who adopts prior to the 5th October 2008 they will not be entitled to all their contractual benefits and will therefore accrue holidays at the statutory rate during this period. Employees who adopt on or after the 5th October 2008 will be entitled to all contractual benefits on additional adoption leave and will therefore accrue holidays at the contractual rate.

This means at the minimum annual leave the employee will accrue is 4.8 weeks across both periods of adoption leave.

An employee cannot be on adoption leave and on annual leave at the same time.

Normally an employee would arrange with the Company to take their annual leave either before or after the adoption period.

Employees should be aware that they may be limited in the amount of leave they can carry over from one holiday year to the next (in line with the contract of employment). Residual untaken holiday may be lost.

## **Statutory Adoption Pay (SAP)**

Statutory Adoption pay guarantees qualifying employees on Adoption leave to a basic payment for up to 39 weeks.

### **Qualification**

In order to qualify for SAP an employee must have been employed by the Company for 26 weeks ending with the week in which they are notified of having been matched with the child.

Further the employee must meet or exceed the Lower Earnings Limit for National Insurance Contributions (£87 per week).

### **Notice**

For an employee to take the benefit of SAP they must notify the Company in 28 days in advance of the date they expect payment to start.

The employee may also be required to provide evidence of;

- The name and address of the adoption agency
- The date the employee was notified of the match
- The date of placement or expected placement
- A declaration the employee is taking SAP and not statutory Paternity Pay

This Evidence may be covered within the matching certificate.

### **Amount**

If an employee satisfies the qualifying criteria for SAP they will be entitled up to a maximum of 39 weeks pay at the current rate or at 90% of average weekly earnings whichever is the lesser. #

### **Amount**

During the period of leave which is paid (i.e., up to 39 weeks) the Company will continue to make contributions, based on your usual salary (i.e., the pay the employee would have received had they been working normally) on the employee's behalf into the pension scheme.

## **Contact During Adoption Leave**

There is no prohibition on contact between the Company and the employee during adoption leave and reasonable contact may be beneficial for both employee and employer.

Provision for reasonable contact will be agreed with the Employee prior to the beginning of their adoption leave.

The Company will contact an employee during any adoption leave period to inform them off;

- Promotion Opportunities
- Changes which may affect the employee upon their return
- Any news they would normally be kept aware off

## **Keeping In Touch Days**

Keeping in Touch Days (KIT days) allow employees to return to work for up to 10 days while out on adoption leave without losing their right to SAP.

It will be for the Company and employee to agree as to when these days would be taken.

It will also be for the Company and employee to decide what work will be undertaken on KIT days, however it should reflect the ordinary work activity of that employee.

KIT days can only be arranged with the agreement of both the Company and the employee neither can be compelled by the other.

Employees who do not want to attend KIT days will not be placed at any detriment because of that decision.

## **Returning to Work**

### **Notice**

The Company will, within 28 days of receiving the employee's notification of intended absence, respond in writing, setting out the expected date of return (i.e., 52 weeks after the date the employee intends to start their leave).

If you intend on returning to work on this date, you are not required to give any further notification to us.

However, after that date has been given the employee can return early to work if they serve the Company with eight weeks' notice of the date on which they wish to return.

Eight weeks is the maximum notice the Company can require in exceptional circumstances a shorter period can be agreed with the employee.

Should an employee be too ill to come back to work at the end of their adoption leave the Company's normal sickness procedure will apply.

### **Rights**

An employee taking Ordinary Adoption Leave has the right to return to the same job and work under the same terms and conditions that they enjoyed before going on maternity leave, save where a redundancy situation has arisen.

An employee returning from Additional Adoption Leave has the right to return to the same job and work under the same terms and conditions that they enjoyed before going on maternity leave provided that is reasonably practicable.

If that has become impossible then the employee should return to a similar role on no less favourable terms and conditions than her previous position.

## **Not Returning to Work after Adoption Leave**

If, while on adoption leave, the employee decides that they do not wish to return to work, the Company should be notified as soon as possible by contacting their line manager. A notice of resignation to the Company in accordance with their contract of employment.

When notice is given, the employee should ensure they have sufficient leave left to run (i.e., at least equal to their notice period), as otherwise the Company may require the employee to return to work for the remainder of their notice period.

## Further information

Further information on maternity pay and leave, including notification requirements, certification requirements and return to work, are available from your line manager.



