

## Adoption Policy

Version Number	3.0
Date Revision Complete	December 2016
Policy Owner	Head of HR & OD
Author	Human Resources Officer
Reason for Policy/ Revision	Standard periodic review and to incorporate new legislation
Data Protection	Data protection principles have been incorporated
Equalities Impact Assessment  Is it required? Yes/No	N/A
Proof Read	Yes - external HR consultant and Law at Work
Date Approved	February 2017
Approved by	People and Resources Committee
Next Review Due	
Audience – Training and Awareness Method	May be applicable to any employees when the correct circumstances are in place. Guidance and further information will be available on request.
Effective Date	February 2017
Internal References	Blackwood policies as identified throughout the policy
External References	
<p>Comments</p> <p>This document should be used in conjunction with the supporting guidance documents designed specifically for the employee and Manager.</p>	

## 1.0 POLICY STATEMENT

Blackwood wishes to support employees through the adoption process, adoption leave and their continued career.

This policy outlines the statutory rights of Blackwood employees in relation to adoption. These comply with the current legislation on Adoption.

The policy also outlines the procedure that Blackwood will follow in relation to Adoption and leave.

Blackwood recognises the value of any legislation which enhances the work-life balance of employees and will offer support to any employee involved in the adoption process through the operation of this policy. The policy applies to all employees irrespective of marital/civil status and includes same sex couples.

## 2.0 PRINCIPLES AND SCOPE OF THE POLICY

Any employee who commences the adoption process will receive written guidance on their entitlement to adoption pay and leave arrangements from the Human Resources (HR) Team. As this will relate to the individual circumstances, employees are advised to contact HR as soon as they know they are adopting so we can discuss what is best for them in their situation.

Blackwood follows statutory provisions and guidance in relation to adoption pay and leave.

Blackwood will provide these guidelines for all employees who have commenced the adoption process with separate guidance notes also being issued to Managers.

## 3.0 KEY OPERATIONAL FRAMEWORK

Employees qualify for 52 weeks' Statutory Adoption Leave (SAL) when they adopt a child in the UK if they:

- Are the Childs Adopter (This is the person who will adopt or has adopted the child or, in a case where the child will be or has been adopted by two people jointly, whichever of the joint adopters has chosen to take statutory adoption leave in respect of the child.) Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's child or children.
- Have been matched with a child to be placed with them by a UK adoption agency. The definition of 'matched for adoption' includes arrangements under the 'fostering for adoption' scheme, whereby a child is placed with prospective adopters by a local authority.

- Have notified the agency that they agree that the child should be placed with them and agree with the date of placement.
- Have been employed for a continuous period of at least 26 weeks up to and including the week in which they are notified of having been matched with the child (the 'matching week'). The matching week starts on a Sunday and ends on a Saturday.
- Have complied with the relevant notice requirements and where applicable, evidential requirements.

### **3.1 Statutory Adoption Leave**

Statutory Adoption Leave is made up of two components. It includes two types of Adoption leave, these being Ordinary Adoption Leave and Additional Adoption Leave.

Both types of adoption leave are explained in the sections below.

#### **3.1.1 Ordinary Adoption Leave**

All employees are entitled to a 26 week period of ordinary adoption leave, regardless of length of service.

To qualify for ordinary adoption leave, the employee must give notice of their intention to take ordinary adoption leave in respect of a child; specifying:

- The date on which the child is expected to be placed with them for adoption; and
- The employee's chosen start date. This date can be the date on which the child is placed with the employee for adoption or a pre-determined date no earlier than 14 days before the expected date of placement. If the employee chooses to begin their period of leave on the date on which the child is placed with them and they are at work on that date, the period of leave will begin the following day.

This notice must be in writing to the HR Team no more than seven days after the date in which the employee is notified of having been matched with the child for the purpose of adoption, or as soon as is reasonably practicable

An employee who had given notice of their intention to take leave may vary the chosen start date provided that he/she gives 28 days' notice of the variation. If it is not reasonably practicable to give the notice 28 days before whichever date is relevant the date should be given as soon as is reasonably practicable.

If an employee gives Blackwood notice of their chosen start date (or variation date), Blackwood will notify the employee, within 28 days of receipt of the notice, of the date on which the employee will be expected to return to work.

### **3.1.2 Evidential Requirements for Ordinary Adoption Leave**

An employee must provide evidence, in the form of one or more documents issued by the adoption agency that matched the employee with the child, of:

- the name and address of the agency;
- the name and date of birth of the child;
- the date on which the employee was notified that he had been matched with the child; and
- the date on which the agency expects to place the child with the employee.

### **3.1.3 Additional Adoption Leave**

All employees are entitled to additional adoption leave. This commences the day after the last day of his/her ordinary adoption leave and continues for an additional 26 weeks. Employees do not need to do anything to apply for this leave.

An employee who returns to work at the end of their full adoption leave period need not notify Blackwood in advance of their return. Should the employee wish to return to work prior to the end of the additional adoption leave period, he/she must give Blackwood at least 8 weeks notice. Section 13.9 covers return to work arrangements in more detail.

## **3.2 Statutory Adoption Pay**

In order to qualify for SAP, employees must:

- Have been continuously employed for a continuous period of at least 26 weeks up to and including the week the employee was informed that they had been matched with a child for adoption.
- Have normal weekly earnings of not less than the Lower Earnings Limit for National Insurance Contributions.
- Given at least 28 days' notice to Blackwood that he/she intends to be absent from work to due adoption leave
- Fulfilled the qualifying criteria for statutory adoption leave.
- Have commenced statutory adoption leave

SAP is payable for a 39 week period. It is paid at 90% of normal weekly earnings for the first six weeks, followed by thirty three weeks at the standard SAP rate. Any remaining leave is unpaid.

### **3.3 Time Off to Attend Appointments**

If an employee is adopting a child alone, they are entitled to paid time off to attend up to five adoption appointments. If an employee is adopting a child with their partner, they may elect for one of the two to take paid time off for up to five appointments while the other person may take unpaid time off to attend up to two appointments. The employee may be required to provide a signed declaration stating which of the two adopters has elected to take paid/unpaid time off.

The maximum time off for each appointment is six and a half hours, including travelling and waiting time. If possible, appointments should be made close to the beginning or end of the working day to minimise disruption, and the employee's manager should be given as much notice as possible of forthcoming appointments. If an employee intends to make a request, they should provide an appointment card or other relevant documentation confirming the date and time of the appointment. Requests for time off may be refused if it is reasonable to do so.

### **3.4 Benefits**

Whilst on adoption leave employees are entitled to the benefits of their normal terms and conditions (other than remuneration). In particular, employees will continue to accrue annual holiday entitlement, will retain any right to the Essential Car User's Allowance/mobile phones that have been allocated to them and employer pension contributions will be made based upon the employee's normal salary. Arrangements for the employee's contributions will be agreed on an individual basis.

### **3.5 Leave**

In order for Managers to manage their employee's annual leave, an employee should take all holiday entitlement accrued before commencing his/her adoption leave where possible. If circumstances do not allow the employee to take all leave accrued before commencing adoption leave then the balance should be taken before they return to work.

On this basis the employee is expected to take all accrued holidays before returning to work. The employee may choose to officially return to work before the year is finished but remain on annual leave or the annual leave may be added to the end of employee's adoption leave.

Managers should try where possible to ensure that an employee takes any flexi or TOIL before they commence adoption leave. This should be agreed between the Manager and the employee and any arrangements should be documented as part of the process.

All types of leave, including annual, flexi and TOIL should be documented on the adoption form.

### **3.6 Return to Work**

An employee who returns to work at the end of his/her adoption leave period need not notify Blackwood in advance of their return. If an employee intends to return to work before the end of her ordinary or additional adoption leave period he/she must inform Blackwood in writing at least 8 weeks before their date of return.

Blackwood is entitled to write to the employee to ask for written notification of the date in which the child was placed and to ask also for a statement of whether he/she intends to return to work at the end of the extended leave period. The individual must answer such request within 28 days.

An employee returning to work after the 26 weeks' ordinary adoption leave period is entitled to return to the same job, on the same terms and conditions as if he/she had not been absent. If he/she takes more than 26 weeks leave the individual is entitled to return to the same job on the same terms and conditions but if this is not reasonably practicable he/she is entitled to return to a suitable job on terms and conditions at least as good as his/her previous job.

An employee returning to work after adoption leave has the right to apply to work flexibly. Employees who wish to alter their hours of work following adoption leave, should contact Blackwood at the earliest opportunity prior to returning to work. This should be a minimum of three months before their agreed return date. Requests should be put in writing and should specify clearly the employee's proposal.

Blackwood will view each request and will, if necessary, meet with the employee to discuss any proposals. Blackwood may require a temporary arrangement to be put into place to allow it to monitor the effectiveness of any proposed changes. Any alterations to hours of work will comply with the flexible working policy and will be subject to Blackwood's operational needs.

### **3.7 Keeping in Touch Days**

Blackwood and the employee are entitled to a reasonable amount of contact with each other during adoption leave to discuss aspects such as plans to return to work, important developments at work, promotional opportunities or job vacancies.

Keeping in touch days allow employees to attend work for up to ten days during their period of Statutory Adoption Leave. These days are known as 'KIT' days.

KIT days enable the employee to participate in appropriate work or training on a particular day. However, this must be the type of work or duties that the employee would normally undertake.

These days may be taken singly or in blocks of days. The payment for such days will be at the employee's normal hourly/daily rate. Regardless of the length of time that an employee is in work on that specific KIT day, this will be classed as one KIT day used from the ten. Keeping in touch days are a useful way of ensuring the employee is not isolated completely from what is happening within Blackwood.

It is important to note that an employee is not obliged to undertake KIT days. It is the Manager's responsibility to establish whether the employee is happy to participate in KIT days. It would therefore be helpful if the discussion took place before the leave commences and the employee is in agreement with the Manager's approach.

### **3.8 Overseas Adoption**

Official notification is written notification issued by or on behalf of the relevant domestic authority stating that the authority either is prepared to issue a certificate to the overseas authority dealing with the adoption of the child, or has issued a certificate and sent it to that authority.

In either case, the certificate confirms that the adopter has been approved by them as being a suitable adoptive parent to adopt a child from overseas.

Please contact the HR Team for further information.

### **3.9 Joint and Individual Adoption**

Where a couple are adopting jointly, they can choose who will take SAL and who (regardless of gender) will take statutory paternity leave (SPL). They cannot both take SAL or SPL.

If an employee is adopting individually, only they are eligible for SAL - although their partner (regardless of gender) may be eligible for SPL.

### **3.10 Adoption of a Foster Child**

A foster parent may be able to take Statutory Adoption Leave (SAL) if they go on to adopt a child, but only in circumstances if:

- The child that the employee fostered is then matched with them for adoption by a UK adoption agency. Employees are advised that adoption via a court order does not count.
- The child is then placed with them for adoption.

All usual notification and service criteria still apply as stated above. Employees should note that adoption leave only relates to the **actual** placement for adoption - any period of foster caring does not count.

### **3.11 Special Guardians**

Statutory Adoption Leave is not available to special guardians.

### **3.12 Surrogacy Arrangements**

An employee who becomes a parent through an arrangement with a surrogate mother is not normally entitled to SAL.

In such circumstances an employee could take parental leave (if they qualify) and/or annual leave.

## **4.0 ADOPTION PROCEDURE**

When HR are notified of an employee commencing the adoption process they will write to the employee and provide the Adoption Policy. They will also provide the employee's Manager with general information about these same rights.

At this stage the employee will also be provided with a form to formally notify Blackwood of the adoption (see form 'Notification of Adoption').

The employee is encouraged to contact the HR Officer with any questions that they may have. They should then discuss their plans with their Manager.

Once the employee has received information from HR, they should agree more formal arrangements with their manager and confirm these in writing to HR on the 'Notice of Intention to Commence Adoption Leave' form.

HR will then write to the employee, within 28 days of the notification, confirming all of the arrangements, advising of the date that he/she is expected to return to work should the employee take his/her full entitlement, and providing an outline of the pay he/she can expect to receive, where appropriate.

HR will also write to the Manager and confirm all of these arrangements.

## **5.0 CHILDCARE VOUCHERS**

Employees should also be aware that Blackwood can offer a Childcare Voucher scheme which allows employees to purchase vouchers for childcare through deductions from payroll which are made before deductions for income tax and national insurance. Details of this will be provided to employees who are adopting a child.

## **6.0 OTHER RELEVANT POLICIES**

Other policies which may be useful during the employee's adoption process and once they have adopted a child include:

- Shared Parental Leave Policy
- Maternity Leave
- Paternity Leave Policy
- Flexible Working Policy
- Parental Leave Policy
- Emergency Time Off for Dependents Policy
- Home Working Policy
- Holidays and Other Leave

## **7.0 REVIEW**

This policy will be reviewed every 3 years unless required by sooner by legal or best practice developments.