**Adoption Policy**

**Policy wording**

If you are one of a couple jointly adopting a child, only one of you will be entitled to take adoption leave. The other parent may have the option to take paternity leave, provided that the relevant qualifying conditions are met.

The policy is not part of your employment contract, and we reserve the right to amend it anytime.

**Scope**

This policy applies to all employees employed by us.

**Entitlement to ordinary and additional adoption leave (adoption)**

There is no qualifying service requirement to be eligible for statutory adoption leave.

You are entitled to 26 weeks' ordinary adoption leave followed immediately by 26 weeks' additional adoption leave, provided that you have the following:

* been matched with a child for adoption (this includes the situation where a local authority places a child with you in a "foster to adopt" arrangement); and
* Notify the adoption agency that you agree that the child should be placed with you for adoption and on the placement date.

You can decide how much adoption leave you wish to take.

To exercise your right to take adoption leave, you must comply with the notification procedure.

**Entitlement to ordinary and additional adoption leave (surrogacy)**

There is no qualifying service requirement to be eligible for statutory adoption leave.

If you have a child through a surrogacy arrangement, you are entitled to 26 weeks' ordinary adoption leave followed immediately by 26 weeks' additional adoption leave, provided that:

* you adopt the child; or
* you intend to apply for a parental order within six months of the child's birth and expect the order to be granted.

You can decide how much adoption leave you wish to take.

To exercise your right to take adoption leave, you must comply with the correct notification procedure.

**Time off for adoption or antenatal appointments**

Once you have told us you are adopting a child, you will be entitled to time off work to attend your adoption appointments.

The right to time off work is limited to six-and-a-half hours for each appointment.

If you are adopting a child alone, you can take paid time off to attend up to five adoption appointments. If you are adopting a child jointly, one of you can elect to take paid time off to attend up to five adoption appointments. The other adoptive parent is entitled to take unpaid time off to attend up to two adoption appointments.

The parent who takes paid time off is not entitled, later on, to take paternity leave for 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 the child is placed with you for adoption.

The purpose of the adoption appointment is to enable you to have contact with the child (for example, to bond with them before the placement) and for any other reason connected with the adoption (for example, to meet with the professionals involved in the care of the child).

We may ask you to provide proof, such as a letter or email from the adoption agency confirming the date and time of the appointment and that the work has been arranged by, or at the request of, the adoption agency. In the case of joint adopters, we may also ask you to sign a declaration confirming your decision to take either paid or unpaid time off.

If you intend to apply for a parental order and expect to become the child's legal parent in a surrogacy arrangement, you are entitled to unpaid time off work to accompany the surrogate at up to two antenatal appointments.

It would be best if you gave as much notice as possible of your adoption or antenatal appointments and, wherever possible, try to arrange them near the start or end of the working day.

**Notice to take adoption leave (adoption)**

You need to give notice in writing within seven days of being matched with a child, or as soon as possible afterwards, of:

* your intention to take adoption leave;
* the date on which the child is excepted to be placed with you; and
* the date on which you wish your adoption leave to start.

We will write to you within 28 days of receipt of your notice confirming the date you are expected to return to work if you take your full 52-week entitlement to adoption leave.

We may ask you to provide evidence in the form of one or more documents issued by the adoption agency confirming the name and address of the agency, the date on which you were notified that you had been matched with the child, and the expected date of placement.

**Notice to take adoption leave (surrogacy)**

In the case of a surrogacy arrangement, you need to give [your line manager/the HR department] notice in writing by no later than the 15th week before the expected week of childbirth, or as soon as possible afterwards, of:

* your intention to take adoption leave; and
* the expected week of childbirth.

We may ask you to provide a statutory declaration confirming that you intend to apply for a parental order within six months of the child's birth and expect the order to be granted.

We will write to you within 28 days of receipt of your notice confirming the date you are expected to return to work if you take your full 52-week entitlement to adoption leave.

You must give further notice, as soon as reasonably practicable, of the child's date of birth.

**Starting your adoption leave**

You can choose to start your adoption leave on the day the child is placed with you for adoption or on a fixed date up to 14 days before this date.

If you have a child through a surrogacy arrangement, your adoption leave will start on the day the baby is born or the day after if you are at work.

**Changing your adoption leave start date**

If you are adopting a child and wish to bring forward your adoption leave start date, you must inform us in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

If you are adopting a child and wish to postpone your adoption leave start date, you must inform us in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

If you change your adoption leave start date, we will write to you within 28 days of your adoption leave, confirming the revised date on which you must return to work if you take your full 52-week entitlement to adoption leave.

If you have a child through a surrogacy arrangement, you cannot change your adoption leave start date.

**Adoption pay**

*Option 1 - statutory adoption pay*

Statutory adoption pay is payable for up to 39 weeks of your adoption leave.

The first six weeks are payable at 90% of your average weekly earnings. The remaining 33 weeks are expected at a rate set by the Government for the relevant tax year or at 90% of your average weekly earnings (whichever is lower).

You will qualify for statutory adoption pay if:

* you have been continuously employed for at least 26 weeks at the end of the week in which you were notified of being matched with the child for adoption (or in a surrogacy arrangement at the end of the 15th week before the expected week of childbirth);
* you have chosen to receive statutory adoption pay rather than statutory paternity pay;
* you have given the correct notice;
* you have stopped working; and
* your average weekly earnings are not less than the lower earnings limit for national insurance contributions.

If you become eligible for a pay rise between the start of the original calculation period and the end of your adoption leave, your statutory adoption pay will be recalculated to take account of your pay rise, regardless of whether statutory adoption pay has already been paid. This means that your statutory adoption pay will be recalculated and increased retrospectively or that you may qualify for statutory adoption pay if you did not previously. In these circumstances, you will be paid a lump sum to make up any difference between statutory adoption pay already paid and the amount payable due to the pay rise.

Statutory adoption pay is treated as earnings and subject to PAYE and national insurance deductions.

**Option 2 - enhanced adoption pay**

Enhanced adoption pay is payable for up to [insert number] weeks of your adoption leave.

This is paid at your average rate of pay.

OR

This is paid at [your average] rate of pay during the first [insert number] weeks followed by [half] pay for the following [insert number] weeks.]

You will qualify for enhanced adoption pay if [list the eligibility requirements that are suitable for your organisation - these are examples only]:

* [you have [one year's] continuous service [at the end of the week in which you were notified of being matched with the child for adoption (or in a surrogacy arrangement, at the end of the 15th week before the expected week of childbirth)];
* you have stopped working; and
* you undertake to return to work for a minimum period of [insert number] months after your adoption leaves ends. If you do not return to work for this minimum period, you will be required to repay any enhanced adoption pay, excluding statutory maternity pay, you have received.]

Payment of enhanced adoption pay includes any entitlement to statutory adoption pay that may be due to you for the same period.

**Your rights during adoption leave**

During ordinary and additional adoption leave, all the terms and conditions of your contract, except average pay, will continue. Your payment will be replaced with [statutory adoption/enhanced adoption] if you are eligible. However, other benefits, such as holiday entitlement and pension contributions, will continue as set out below.

**Holiday entitlement**

You will continue to accrue your holiday entitlement during your adoption leave.

It would be best if you made every effort to take any outstanding holiday entitlement before commencing adoption leave or immediately after your adoption leave has ended. Any holiday entitlement not accepted because of adoption leave may be carried over into the next holiday year with our agreement.

**Pension contributions**

We will continue to make pension contributions based on your average pay during ordinary adoption leave and any period of paid additional adoption leave. The gifts that you make will be based on the actual income that you receive during your adoption leave.

The organisation's pension contributions will cease during unpaid additional adoption leave.

**Contact during adoption leave**

We reserve the right to maintain reasonable contact with you during your adoption leave. This may be to discuss your plans for returning to work, any special arrangements to be made or training to be given to ease your return to work, or to update you on developments at work during your absence.

**Keeping-in-touch days during adoption leave**

You can agree to work (or attend training) for up to 10 days during your adoption leave without that work bringing your adoption leave or statutory adoption pay to an end. These are known as "keeping-in-touch" days. [Any work carried out on a keeping-in-touch day will count as a whole working day, and you will be paid your average rate.]

We have no right to require you to carry out any work, and you have no right to undertake any position during your adoption leave. Any work undertaken on keeping-in-touch days is a matter of agreement between you and your line manager.

**Notice for ending adoption leave**

You may take your entire period of adoption leave entitlement and return to work at the end of the additional leave period without having to provide notice.

If you wish to return to work earlier than the end of your additional adoption leave period, you must give at least eight weeks’ written notice confirming the date you intend to return.

If you have notified the organisation of an early return date but subsequently change your mind about returning to work on this date, you must give notice in writing to [your line manager/the HR department] at least eight weeks before the earlier of the date on which you intend to return and the date on which you had previously given the notice to produce.

**Returning to work after adoption leave**

You have the right to resume working in the same job and on the same terms and conditions if returning from ordinary adoption leave. If you have taken additional adoption leave, you have the right to return to the same job wherever possible. However, if this is not reasonably practicable, we will offer you a suitable alternative job on terms and conditions that are no less favourable.

We will write to you as the end of your adoption leave approaches to remind you of your expected return date and the arrangements for your first day back.

We recognise that returning to work from adoption leave after a significant period away from work can be challenging. We will take steps to ensure that your return to work is as smooth as possible, and work will be handed back to you gradually.

If you decide that you do not wish to return to work, you must give written notice of resignation as soon as possible by the terms of your contract of employment.

**Requests for flexible working**

If, following a period of adoption leave, you would benefit from a change to your working arrangement, you should request flexible working by our [flexible working requests policy](https://www.xperthr.co.uk/policies-and-procedures/flexible-working-requests-policy/153086/). Although we will take all reasonable steps to accommodate a request for flexible working, the full range of flexible working options will not be appropriate for all jobs across all areas of the organisation.

**Shared parental leave**

If you and your partner meet the eligibility and notice requirements, you may choose to end your adoption leave and pay early and take shared parental leave instead. This will enable you and your partner to take turns to have periods of rest to care for your child, return to work while your partner takes leave, or take exit simultaneously.

Further information can be found in our Shared Parental Leave Policy.