

# Adoption Leave and Pay Policy

*We will provide this policy on request at no cost, in large print, in Braille, on tape or in another non-written format.*

We can produce information on request in large print, Braille, tape and on disk. It is also available in other languages. If you need information in any of these formats please contact us on Freephone 0800 479 7979.

如果你向我們提出要求，我們可以為你提供本資訊的其他語言的版本，或者是盲文或磁帶。如果你需要本資訊的任何一種這些版式的版本，請聯繫我們，電話號碼是 0800 479 7979。

Si vous nous le demandez, nous pouvons vous remettre ces informations en d'autres langues, en braille ou sur cassette. Si vous souhaitez que ces informations vous soient fournies sous l'un de ces formats, contactez-nous en composant le 0800 479 7979.

چنانچه مایل باشید می‌توانید این مطالب را به فارسی یا زبان‌های دیگر و همچنین بریل و یا بر روی نوار کاست دریافت دارید. در صورت نیاز خواهشمندیم با شماره تلفن 0800 479 7979 با ما تماس بگیرید.

ਜੇ ਤੁਸੀਂ ਸਾਨੂੰ ਬੇਨਤੀ ਕਰੋ ਤਾਂ ਅਸੀਂ ਤੁਹਾਨੂੰ ਇਹ ਜਾਣਕਾਰੀ ਹੋਰ ਭਾਸ਼ਾਵਾਂ, ਬ੍ਰੇਲ (ਨੋਤ੍ਰੀਟਾਂ ਲਈ ਭਾਸ਼ਾ) ਵਿੱਚ, ਜਾਂ ਟੇਪ ਉੱਪਰ ਦੇ ਸਕਦੇ ਹਾਂ। ਜੇ ਤੁਹਾਨੂੰ ਇਨ੍ਹਾਂ ਵਿੱਚੋਂ ਕਿਸੇ ਰੂਪ ਵਿੱਚ ਚਾਹੀਦੀ ਹੋਵੇ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ 0800 479 7979 ਨੰਬਰ ਤੇ ਸੰਪਰਕ ਕਰੋ।

Na Pana/Pani życzenie możemy zapewnić te informacje w innych językach, alfabetem Braille'a lub na kasecie. Jeśli chciał(a)by Pan(i) uzyskać te informacje w którejś z tych form, prosimy skontaktować się z nami pod numerem telefonu 0800 479 7979.

Haddii aad na weydiisato waxaanu warbixintan kugu siin karaa iyadoo ku qoran luuqad kale, farta ay dadka indhaha la' akhriyaan ama cajalad ku duuban. Haddii aad jeclaan lahayd in warbixintan lagugu siiyo mid ka mid ah qaababkaas, fadlan nagala soo xidhiidh telefoonka 0800 479 7979.

По вашей просьбе данная информация может быть предоставлена на других языках, шрифтом Брайля или в аудиозаписи. Если вам требуется информация в одном из этих форматов, позвоните нам по номеру 0800 479 7979.

Approval body	<i>Executive Team</i>
Date of approval	<i>October 2022</i>
Review Year	<i>October 2025</i>
Customer engagement required	<i>No</i>
Trade union engagement required	<i>Yes - For Consultation</i>
Equality Impact Assessment	<i>No</i>

## INTRODUCTION

- 1.1 This policy is designed to inform employees of their rights in respect to a period of adoption leave and detail an employee's entitlement to adoption pay.

## SCOPE

- 2.1 This Policy and Procedure applies to all employees. It does not apply to self-employed contractors or agency workers except in relation to clause 5.1.5 (time off to attend adoption appointments) which also applies to agency workers.
- 2.2 This Policy and Procedure is non-contractual and may be amended or withdrawn at any time at the discretion of Wheatley Homes South Limited (WHS), following consultation with the Trades Unions.

## BASIC PRINCIPLES

- 3.1 It is WHS's policy to comply with current legislation on adoption leave and pay.
- 3.2 This Policy is for guidance only and does not form part of an employee's contract of employment. WHS may alter the terms of this policy from time to time and details of any alterations or additions will be notified to employees.
- 3.3 In circumstances where there has been a legislative update that is not reflected in this policy, the statutory position will prevail and apply to employees.

## RESPONSIBILITIES

General responsibilities are outlined in this section for:

### *4.1 Responsibilities of EMT and / or Board*

The Board and Executive Management Team's responsibilities include, but are not to be limited to:

- Reviewing this Policy in line with the policy review dates and ensure that it is reflective of WHS values and practice

### *4.2 Responsibilities of the Line Managers*

The line managers' responsibilities may include, but will not be limited to:

- Bringing any breach of this policy to the attention of the Human Resources department and forwarding any queries about this policy to the Human Resources department (as required).

### *4.3 Responsibilities of the Employees*

The employees' responsibilities may include, but will not be limited to:

- Bringing any behaviour in breach of this policy to the attention of the line manager or where appropriate to the Human Resources department

## POLICY

### 5.1 *Policy Summary*

- 5.1.1. WHS's Policy is to comply with current legislation on adoption leave and pay. Its aim is to inform employees of their statutory entitlement to adoption leave and pay. Please note, however, that certain eligible employees have an entitlement to enhanced adoption pay (i.e., over and above the statutory entitlement) under this Policy.
- 5.1.2 If a couple are jointly adopting a child under the age of 18, one person may be eligible to adoption leave and pay and the other to paternity leave. Alternatively, if you are eligible you may opt into the Shared Parental leave and pay scheme (which enables eligible adoptive parents to share leave and pay). Please see WHS Paternity and Maternity Support Leave and Pay Policy and Shared Parental Leave and Pay Policy). The same principle applies to surrogate parents.
- 5.1.3 Eligible employees have the right to 26 weeks' ordinary adoption leave and 26 weeks' additional adoption leave.
- 5.1.4 Eligible employees have the right to receive 39 weeks of paid adoption leave and 13 weeks' unpaid leave. This will be made up of 6 weeks at 9/10th of salary plus 12 weeks' half pay plus SAP and 21 weeks at SAP (as described fully in clause 5.3.6)
- 5.1.5 Eligible employees and agency workers (with sufficient qualifying service as per clause 5.1.6 below) will also be able to take paid time off for up to five adoption appointments provided that they are the main adopter. Eligible employees who are the secondary adopter will be entitled to take unpaid time off for up to two appointments. The time off to attend an appointment is the time taken to attend the appointment and the relative travel time but not longer than 6.5 hours. They will need to agree this with the line manager on the basis of the employee's requirements. A surrogate parent is entitled to take unpaid time off to attend two antenatal appointments with the woman carrying the child.
- 5.1.6 Agency workers will only qualify for the rights set out in clause 5.1.5 above if they have worked in the same role with WHS for at least 12 continuous weeks (which may include more than one assignment).
- 5.1.7 Foster parents who go on to adopt may also be entitled to adoption/paternity/shared parental leave and pay. Please contact the HR Department for further details.

## PROCEDURE

### 5.2 **Adoption Leave**

#### 5.2.1 To be eligible for adoption leave:

- Employees must have been matched with a child to be placed with them by a UK adoption agency.
- Employees must have notified the agency that they agree that the child should be placed with them and have agreed on a date of placement.

- Employees must notify WHS when they want to take their adoption leave within 7 days of the date on which they are notified of having been matched with the child or, where that is not reasonably practicable, as soon as reasonably practical.

5.2.2 Employees must tell WHS in writing:

- That they intend to take adoption leave;
- The date on which the child is expected to be placed for adoption with them and
- The date they intend to start their adoption leave.

5.2.3 WHS requires copies of the documents issued by the Adoption Agency which may be the Matching Certificate, giving information including:

- The name and address of the Adoption Agency;
- The date of notification of having been matched with the child; and
- The date on which the child is expected to be placed for adoption.

5.2.4 In the case of an overseas adoption, the employee must also give the date the child is expected to enter Great Britain and within 28 days of the child's entry, provide evidence of this date in the form of a plane ticket or copies of entry clearance.

5.2.5 The earliest an adopter can begin their adoption leave is 14 days before the expected date of placement and the latest is the expected date of placement.

5.2.6 The employee can change the date on which they want their leave to start as long as they give WHS 28 days' notice in writing or, where that is not reasonably practicable, as soon as reasonably practical.

5.2.7 WHS will notify you in writing about the date your adoption leave should end. This will be the first day after the 52 weeks from the start of it. WHS will do this within 28 days from receiving your notice and, if you give notice to change the date, 28 days before the new date.

### 5.3 **Adoption Pay**

5.3.1 To be eligible for Statutory Adoption Pay (SAP):

- Employees must have been matched with a child to be placed with them by a UK adoption agency.
- Employees must have notified the agency that they agree that the child should be placed with them and have agreed on a date of placement.
- Employees must notify WHS when they want to receive SAP at least 28 days before the date they want it to begin or, if that is not reasonably practicable, as soon as reasonably practicable.

5.3.2 Employees must have provided the documents/information at clauses 5.2.2 and 5.2.3 above.

5.3.3. If the average weekly earnings are not less than the National Insurance Lower Earnings Limit, employees are entitled to 39 weeks' SAP at the

prevailing statutory rate. Details of the current rate can be found at:  
<https://www.gov.uk/employers-adoption-pay-leave/entitlement>

- 5.3.4 Any employee not entitled to SAP will not be entitled to Enhanced Adoption Pay. In this case they will be sent a SAP1 form from WHS payroll and advised to contact their adoption agency to see if other financial help is available.
- 5.3.5 If an eligible employee leaves their job with WHS for any reason (including dismissal) they are still entitled to SAP, but not Enhanced Adoption Pay. However, if they start work for a different employer (one they weren't employed by in the week they were notified of having been matched with the child) they won't be able to receive SAP.
- 5.3.6 Employees with 26 weeks' service ending with the week in which they are notified of being matched with a child for adoption are entitled to 39 weeks' paid leave as follows: -
- 6 weeks at 9/10ths of salary based on their average earnings over an 8-week period ending with the week in which they are notified of being matched with a child for adoption or 9/10ths of their contractual pay, whichever is the higher. (Enhanced WHS payment)
  - 12 weeks at half pay plus basic rate SAP subject to the proviso that the total cannot be more than your full pay. (Enhanced WHS payment)
  - 21 weeks at basic SAP (Statutory Payment)
- 5.3.7 Any employee who takes any of the 12 weeks' half pay plus SAP must return to work for a minimum period of 3 months or they will be required to repay to WHS the amount of half pay received.
- 5.3.8 If an employee adopts more than one child at the same time, entitlement to SAP is exactly the same as if there were one child.

#### **5.4 Additional Unpaid Adoption Leave**

- 5.4.1 Employees will have the right to take 13 weeks' additional unpaid adoption leave, starting immediately after 39 weeks' paid adoption leave (making 52 weeks in total i.e., encompassing the ordinary and additional adoption leave periods).
- 5.4.2 Employees can take only one period of adoption leave even if more than one child is placed for adoption at one time.

#### **5.5 Adoption or Paternity Leave**

- 5.5.1 Employees can choose to take adoption, paternity, or shared parental leave when a child is placed with them for adoption provided that they meet the eligibility requirements.
- 5.5.2 Where a couple is adopting jointly, they must decide which of them is going to take adoption leave and which of them is going to take paternity leave. Alternatively, qualifying adoptive parents may opt to take shared parental leave. Please see the WHS policy on Shared Parental Leave and Pay.

- 5.5.3 For employees who choose to take paternity leave to support a partner who is the lead adopter please see the WHS policy on Paternity Leave and Pay.

## **5.6 If Placement is Disrupted During Leave**

- 5.6.1 If an employee begins a period of adoption leave before the placement of the child and is then told that the placement will not be made, or in the unfortunate circumstance that during adoption leave the child dies, or if the child returns to the Adoption Agency, then the employee's leave will normally finish eight weeks after the end of the week in which the disruption took place.
- 5.6.2 Payment of Adoption Pay continues for eight weeks after the end of the week in which the disruption took place or until the end of the adopter's 39-week SAP period if that is sooner.
- 5.6.3 Employees must remember to give WHS 8 weeks' notice if they are to return to work earlier than expected because of a disruption.
- 5.6.4 If the placement is delayed for whatever reason and the employee has already begun their adoption leave, they cannot stop leave and start it again at a later date.

## **5.7 Pension Contributions during Adoption Leave**

- 5.7.1 Employees in the Local Government Pension Scheme (Scotland) will be sent a form to complete with regard to pension contributions. Employee pension contributions are automatically deducted from the employees pay during adoption leave but, in accordance with the provisions of the pension regulations, employees may elect to pay pension contributions during a period of unpaid adoption leave.
- 5.7.2 Anyone opting to pay contributions during the unpaid adoption leave period will have arrears deducted from their pay at regular intervals on their return to work.
- 5.7.3 Employer's contributions will be paid at the normal percentage rate for the LGPS scheme during the period of your leave which is paid (i.e., up to 39 weeks), subject to 5.7.4.
- 5.7.4 In the LGPS scheme if the employee elects to pay contributions during the additional unpaid adoption leave period, then the employer will pay contributions for that period at the normal percentage rate. If no employee contributions are made, then no employer contributions will be made.
- 5.7.5 Employees who elect to pay contributions during the unpaid additional adoption leave period will have their contributions based on the last pay received immediately prior to not receiving pay.
- 5.7.6 Employees in the Group Personal Pension Scheme can choose to pay or not to pay contributions throughout the periods of paid adoption leave and unpaid adoption leave. The employer will pay contributions at the normal percentage rate only throughout the period of your leave which is paid (i.e., up to 39 weeks).

- 5.7.7 Members of the Standard Life Money Purchase Scheme will be sent a form to complete regarding their wishes in respect of their contributions during adoption leave.

## **5.8 Returning To Work**

- 5.8.1 Employees may choose to return to work at any time within 52-weeks of them beginning their adoption leave, provided they have given at least 8 weeks' written notice to their line manager. If the appropriate notice is not given WHS may postpone the return date until the required 8 weeks' notice has expired. If an employee is unable to return because of illness the normal rules on sick leave will come into effect. This will be dealt with as though the employee had returned from adoption leave and then gone on sick leave and the usual arrangements on notification and sick pay will apply.
- 5.8.2 Any employee not returning to work must give the appropriate notice in writing according to their terms of employment. If an employee does not return for a minimum of 3 months, they will be required to repay the 12 weeks' half pay (see clause 5.3.7 above).
- 5.8.3 Employees returning during or at the end of the first 26 weeks' ordinary adoption leave are entitled to return to the same job on the same terms and conditions as if they had not been away.
- 5.8.4 If the returning employee has taken more than the 26 weeks' ordinary adoption leave then they are entitled to return to the same job on the same terms and conditions or, if that is not reasonably practicable, then they are entitled to return to another job which is both suitable for them and appropriate for them to do in the circumstances.
- 5.8.5 Any employee wishing to return to work part-time or on a job share basis or otherwise flexibly, may make a flexible working request in accordance with the Flexible Working Policy. WHS supports flexible working including job sharing and all requests will be considered.
- 5.8.6 You are encouraged to notify WHS as soon as possible if you decide not to return to work following adoption leave. If you decide not to return, you should give notice of resignation to WHS in accordance with your contract of employment. When you give notice to WHS you should ensure that you have sufficient adoption leave left to run (i.e., at least equal to your contractual notice period) otherwise you might be required to return to work for the remainder of the notice period.

## **5.9 Holiday Entitlement**

- 5.9.1 During periods of ordinary and additional adoption leave, holiday entitlement will continue to accrue in the usual way.
- 5.9.2 Holiday entitlement should be taken, pro-rata to the number of completed months worked, before the employee commences adoption leave. The outstanding balance can be taken on returning to work.



- 5.9.3 If an employee returns to work in a new holiday leave year any outstanding balance from the previous year will be carried forward and added to the current holiday leave entitlement.
- 5.9.4 In the event that the employee does not return to work after adoption leave, their annual leave entitlement will be calculated pro rata to the date their employment terminates. In these circumstances, the employee will be required to repay the appropriate amount of annual leave taken in excess of their entitlement.
- 5.9.5 In the event that the employee returns to work on a part-time basis, annual leave accrued whilst working full time must be taken before they return to work.
- 5.9.6 The employee should discuss holiday arrangements with their Line Manager and request holidays as per normal working arrangements and policy.
- 5.9.7 Bank Holidays accrue during the whole period of adoption leave.

#### **5.10 Car Allowances**

- 5.10.1 Employees in receipt of an Essential Car User Allowance will continue to be paid throughout adoption leave.

#### **5.11 Redundancy during Adoption Leave**

- 5.11.1 Notwithstanding the terms of clauses 5.8.3 and 5.8.4, if a redundancy situation arises during an employee's ordinary or additional adoption leave which makes it impracticable for WHS to continue to employ them under their existing contract of employment, the employee will be entitled to be offered (before that contract ends) a suitable alternative vacancy, where one is available. This will include a vacancy with any successor to the original employer. The new contract will take effect immediately on the ending of the original one and will be work both suitable in relation to the employee and appropriate for the employee to do in the circumstances; and on terms and conditions of employment that are not substantially less favourable than if the employee had continued to be employed under their previous contract.

#### **5.12 Contact During Adoption Leave**

- 5.12.1 The employer may make contact with the employee (and vice-versa) while they are on adoption leave, as long as the amount and type of contact is not unreasonable, to discuss a range of issues – e.g., to discuss their plans for returning to work or to keep them informed of important developments at the workplace.
- 5.12.2 The employee should be informed of any relevant promotion opportunities or job vacancies that arise during adoption leave.

#### **5.13 Contractual Rights During Adoption Leave**

- 5.13.1 During adoption leave, employees will continue to receive all their contractual benefits as set out in their contracts of employment (with the exception of any sums payable by way of wages and salary) and will be expected to continue to comply with the terms of their contracts of employment as well as their

statutory obligations. Employees will remain bound by the implied obligations including trust and confidence, good faith, loyalty, and fidelity, and bound by the terms in their contracts relating to giving notice of resignation and disclosure of confidential information and the acceptance of gifts or other benefits and participation in any other business.

#### **5.14 Keeping In Touch Days**

5.14.1 Up to 10 days covered by the contract of employment may be used at any stage during the adoption leave period, by agreement between the employee and their line manager. These days are referred to as Keeping In Touch days.

5.14.2 The employee or their line manager may suggest Keeping In Touch days. The objective is to assist with the eventual reintroduction of the employee into the workplace and help maintain contact between the teams, the organisation, and the employee.

5.14.3 These may be beneficial on training days for example where new technology or processes are being undertaken by groups of staff, or a team event which has been arranged. Work will be carried out on Keeping in Touch days.

5.14.5 Any work done on a particular day will count as a whole Keeping in Touch day. So, if a part day is worked it will count for a whole Keeping in Touch day.

5.14.6 Payment for Keeping in Touch days will be in accordance with the employee's contract of employment.

5.14.7 Both the employer and the employee have the right to refuse the Keeping in Touch provision and there will be no detriment to either if they exercise this right.

#### **5.15 Transfer of Adoption Leave – Shared parental Leave**

5.15.1 Eligible employees may opt to take advantage of shared parental leave and pay. Full details are in WHS's Shared Parental Leave and Pay Policy.

5.15.2 Employees are entitled to other related Parental Rights. For more information on Family Friendly rights see the WHS Family Pack of policies or contact the HR Department.

5.15.3 Alternatively you may find further information from the following websites:

- Directgov – A public service information website – [www.direct.gov.uk](http://www.direct.gov.uk)
- Acas – Independent advice for employees and employers – [www.acas.org.uk](http://www.acas.org.uk)

## **GOVERNANCE AND REGULATION**

This policy is the responsibility of the Human Resources Department.

The policy is due for formal review every three years and the next review will occur in 2022.

## SANCTIONS

Any breaches of this policy may be subject to disciplinary action under WHS's Disciplinary Policy.

## RELATED / REFERENCED POLICIES

Paternity Leave Policy  
Shared Parental Leave Policy  
Flexible Working Policy