

Adoption Policy

This policy outlines the statutory rights and responsibilities of employees who adopt, and sets out the arrangements for adoption leave. It only applies to employees and does not apply to agency workers or the self-employed. This policy does not form part of any employee's contract of employment and we may amend it at any time.

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 after the child is placed with you. However, one of you must take at least two weeks' adoption leave first. Details of SPL are set out in the Shared Parental Leave Policy.

Entitlement to Adoption Leave

Adoption leave is only available if you are adopting through a UK or overseas adoption agency. It is not available if there is no agency involved, for example, if you are formally adopting a stepchild or other relative.

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

- a) An 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**).
- b) You have notified the agency that you agree to the child being placed with you on the Expected Placement Date.
- c) 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**) followed by 26 weeks' Additional Adoption Leave (**AAL**).

Notification of intention to take leave

You must give us notice in writing of:

- a) the Expected Placement Date; and
- b) your intended start date for adoption leave (Intended Start Date)

This notice should be given within seven days of the agency notifying you in writing that it has matched you with a child.

At least 28 days before your Intended Start Date (or, if this is not possible, as soon as you can), you must also provide us with:

- a) A Matching Certificate from the adoption agency confirming:
 - i. the agency's name and address;
 - ii. the date you were notified of the match; and
 - iii. the Expected Placement Date.
- b) Written confirmation that you intend to take adoption leave and not paternity leave.

Overseas adoptions

If you are adopting a child from overseas, the following will apply:

- You must have received notification that the adoption has been approved by the relevant UK authority (Official Notification).
- You must give us notice in writing of:
 - a) Your intention to take adoption leave;
 - b) The date you received Official Notification; and
 - c) The date the child is expected to arrive in Great Britain.

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This notice should be given as early as possible but in any case, within 28 days of receiving Official Notification (or, if you have less than 26 weeks' employment with us at the date of Official Notification, within 30 weeks of starting employment).

You must also give us at least 28 days' notice in writing of your Intended Start Date. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.

You must also notify us of the date the child arrives in Great Britain within 28 days of that date. We may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain.

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.

We will then write to you within 28 days of being notified of your Intended Start Date to inform you of the date we will expect you to return to work if you take your full entitlement to adoption leave (Expected Return Date).

You can postpone your Intended Start Date by informing us in writing at least 28 days before the original date or, if that is not possible, as soon as you can.

You can also bring forward your Intended Start Date by informing us in writing at least 28 days before the new start date or, if that is not possible, as soon as you can.

Shortly before your adoption leave starts we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave.

Occupational Adoption Pay (OAP)

We want to support parents in caring for their child and as such where an employee meets the requirements for Statutory Adoption Pay (SAP), Workday will top up their pay during the first 26 weeks of adoption leave to the amount of their contractual base pay. This is inclusive of the employee's statutory adoption pay (SAP) entitlement during that period.

For employees who meet this requirement, SAP will usually be payable for up to a further 13 weeks at the prescribed rate (see below).

Statutory Adoption Pay (SAP)

Statutory adoption pay (**SAP**) is payable for up to 39 weeks. It stops being payable if you return to work sooner or if the placement is disrupted. You are entitled to SAP if:

- a) you have been continuously employed for at least 26 weeks ending with the week in which the agency notified you that you had been matched with the child (Qualifying Week) and are still employed by us during that week;
- b) your average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the Government; and
- c) you have given us the relevant notifications.

SAP is calculated as follows:

- First six weeks: SAP is paid at the **Earnings-Related Rate** of 90% of your average earnings over the Relevant Period;

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- Remaining 33 weeks: SAP is paid at the **Prescribed Rate** which is set by the Government for the relevant tax year, or the Earnings-Related Rate if this is lower.

SAP accrues with each complete week of absence but payments shall be made on the next normal payroll date. Income Tax, National Insurance and pension contributions shall be deducted as appropriate.

If you leave employment for any reason (for example, if you resign or are made redundant) you shall still be eligible for SAP if you have already been notified by an agency that you have been matched with a child. In such cases, SAP shall start:

- a) 14 days before the Expected Placement Date; or
- b) the day after your employment ends,
whichever is the later.

If you become eligible for a pay rise before the end of your adoption leave, you will be treated for SAP purposes as if the pay rise had applied throughout the Relevant Period. This means that your SAP will be recalculated and increased retrospectively, or that you may qualify for SAP if you did not previously qualify. We shall pay you a lump sum to make up the difference between any SAP already paid and the amount payable by virtue of the pay rise. Any future SAP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

Terms and conditions during OAL and AAL

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

- a) benefits in kind such as life insurance, health insurance and use of a company vehicle if applicable shall continue;
- b) annual leave entitlement under your contract shall continue to accrue
- c) pension benefits continue if you are a member (see below for further details)

Annual leave

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 cannot reasonably be taken before starting your leave can be carried over. You should try to limit carry over to one week's holiday or less. Please discuss your holiday plans with your manager in good time before starting Adoption leave. All holiday dates are subject to approval by your manager.

Our holiday year runs from 1 January to 31 December.

Pensions

If you are a member of the pension scheme, we will make employer pension contributions during any 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 People and Purpose Department that you wish to make up any shortfall. Where pension contributions are made by salary sacrifice then different rules will apply, please contact the People and Purpose Department for details of the applicable rules at the time.

Redundancies during adoption leave

In the event that your role is affected by a redundancy situation occurring during your adoption leave, we will inform you of any proposals and invite you to a meeting before any final decision is reached as to your continued employment. Employees on maternity and adoption leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

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Disrupted adoption

Adoption leave is disrupted if it has started but:

- a) you are notified that the placement will not take place;
- b) the child is returned to the adoption agency after placement; or
- c) the child dies after placement.

In case of disruption, your entitlement to adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred, unless your entitlement to leave and/or pay would have ended earlier in the normal course of events.

Keeping in touch (KIT)

We aim to stay in touch with employees during adoption leave. You are welcome to contact your manager or People and Purpose Department at any time. Keeping in touch should be mutual and by agreement. If you feel that your contact is too little or too much, you should let your manager know.

You may also work (including attending training) for up to ten days during adoption leave without bringing your adoption leave or SAP to an end (**Keeping in Touch Days**). If you take this option up, the arrangements will be set by agreement with your line manager or the People and Purpose Department.

Payment during KIT days:

- If you are not eligible for Occupational Adoption Pay or Statutory Adoption Pay then for any KIT day you will receive a full day of normal/notional salary for the KIT day. If you are a pension member, employee and company pension contributions will be pro-rated for the days worked.
- Weeks 1 to 26 – during this time if you are in receipt of full pay (Occupational Adoption Pay) you will not receive additional salary for attending during a KIT day since you are already being paid in full and pension contributions being made in the usual way.
- Weeks 26 to 39 – during this time you will receive a full day of normal/notional salary which will include your SAP entitlement for the KIT day. The Company will already be continuing to make employer contributions to your pension during this time and if you attend a KIT day we will not deduct Employee contributions from your KIT day salary.
- Weeks 39 to 52 – during this time you will receive a full day of normal/notional salary for the KIT day. If you are a pension member, employee and company pension contributions will be pro-rata for each KIT day.

You are not obliged to undertake any such work during adoption leave.

Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return.

This may cover:

- a) updating you on any changes that have occurred during your absence;
- b) any training needs you might have; and
- c) any changes to working arrangements

Returning to work

It would help us if during your adoption leave you are able to confirm that you will be returning to work as expected. Once you have notified us in writing of your Intended Start Date, we will send you a letter, usually within 28 days to inform you of your Expected Return Date. We will expect you back at work on your Expected Return Date unless you tell us otherwise.

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You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment will be the same as they would have been had you not been absent.

However, if you have taken any period of AAL or more than four weeks' parental leave, and it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

Returning early

If you wish to return to work earlier than the Expected Return Date, you must give us eight weeks' prior notice. It is helpful if you give this notice in writing.

If not enough notice is given, we may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner.

Returning late

If you wish to return later than the Expected Return Date, you should either:

- request unpaid parental leave (see Parental Leave Policy), giving us as much notice as possible but not less than 21 days
- request paid annual leave in accordance with your contract, which will be at our discretion

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply.

In any other case, late return will be treated as unauthorised absence.

Deciding not to return

If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should give notice of resignation in accordance with your contract. The amount of adoption leave left to run when you give notice must be at least equal to your contractual notice period, otherwise we may require you to return to work for the remainder of the notice period.

This does not affect your right to receive SAP.

Returning to work part-time

We will deal with any requests by employees to change their working patterns (such as working part-time) after adoption leave on a case-by-case basis. There is no absolute right to insist on working part-time, but you do have a statutory right to request flexible working and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if requests are made as early as possible. The procedure for dealing with such requests is set out in our Flexible Working Policy.

Switching to Shared Parental Leave

In some cases, you and your spouse or partner may be eligible to opt into the SPL scheme which gives you more flexibility to share the leave and pay available in the first year after birth. Your partner should check with their employer whether they are eligible.

You would need to give us at least eight weeks' written notice to end your adoption leave and opt into SPL. You can give this notice before or after the birth, but you must take at least two weeks' adoption leave. You would then be able to share any remaining leave with your partner. For further information about how SPL works, see our Shared Parental Leave (Adoption) Policy.