

ADOPTION POLICY

PURPOSE

This policy aims to promote a consistent and supportive approach to adoption. It sets out the entitlements and provisions for employees who are adopting children, in compliance with legal requirements, and to facilitate the new family relationships.

The policy is part of our strong commitment to creating a supportive and inclusive workplace for all. We want to enable everyone to contribute fully and develop professionally at work, whilst also managing their wider family needs and responsibilities effectively.

POLICY

Introduction

The policy outlines the statutory rights and responsibilities of staff who are adopting children. It describes how we will manage the period of Adoption Leave and pay, and sets out the arrangements for Adoption Appointments and what happens if the placement ends. It also covers requests for time off to accompany your partner at Adoption Appointments.

There are a number of terms which are used throughout this policy. These are the terms used in UK legislation and across all organisations in relation to adoption policy.

OAL – Ordinary Adoption Leave (26 weeks)

AAL – Additional Adoption Leave (26 weeks)

The 'Qualifying Week' – the week, starting on a Sunday, in which you are notified in writing by an adoption agency of having been matched with a child

'Expected Placement Date' – the expected date on which the adoption agency will place the child into your care for adoption

SAP – Statutory Adoption Pay

OAP – Occupational Adoption Pay

Eligibility

The following conditions apply to Adoption Leave and pay:

- They are available to individuals who adopt, and to one member of a couple where they adopt jointly. Note that the couple must decide which partner takes the Adoption Leave and pay. This policy is written primarily for the person taking the Adoption Leave.

- You must have been notified by the adoption agency that they have matched you with a child for adoption, and you have confirmed to them in writing that you agree to the child being placed with you on the Expected Placement Date.
- You must be newly matched with a child for adoption by an adoption agency. Note that 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 children.
- Note that the adoption agency must be recognised in the UK. If you are adopting from overseas, you must have Official Notification that the adoption is approved by the relevant UK authority. We will need to see proof of this.

The partner of an individual who adopts, or the other partner in a couple who are adopting jointly may be entitled to Paternity Leave and pay as set in the Paternity Policy.

Couples who adopt are also eligible for Shared Parental Leave as set out in the Shared Parental Leave Policy.

Key Points

- We're committed to supporting you whilst you adopt the child and following placement. Some of the regulations and procedures around Adoption Leave and pay can be quite complicated, and we recognise that you will need time to think about them and to understand the implications. Your line manager and HR will help to clarify these issues with you, provide you with the necessary forms and paperwork, and will try to make the process as smooth and positive as possible.
- All eligible adopting employees are entitled to up to 52 weeks of Adoption Leave consisting of 26 weeks of OAL immediately followed by up to 26 weeks of AAL. The Adoption Leave period must be continuous and unbroken.
- Staff who are eligible will receive up to 39 weeks SAP and OAP.
- You have the right to return to the same job and the same terms and conditions after OAL. If this is not reasonably practical following AAL, you are entitled to return to a suitable job with similar terms and conditions.
- During Adoption Leave all contractual rights, except pay, will continue as if you were still at work. This includes employment benefits, annual leave entitlement and pension. Your period of continuous employment is not affected by being on Adoption Leave.
- You are protected in law against any detriment, disadvantage, unfair treatment or dismissal arising from your Adoption Leave.
- If you are adopting with your partner and they are taking Adoption Leave, you have the right to request paid time off work to accompany them in to up to 2 introductory appointments.
- If the child's placement ends during the Adoption Leave period, you can continue Adoption Leave for up to 8 weeks after the end of the placement.

Notification of starting Adoption Leave

You are required to notify us in writing of your intention to take Adoption Leave. This must happen within 7 days of being notified by the adoption agency that you have been matched with a child for adoption. This should be supported by documentary evidence provided by the adoption agency as proof of your entitlement to Adoption Leave and pay. This is likely to be in the form of a Matching Certificate. The Matching Certificate should specify the name and address of the agency, the date you were notified of the match and the Expected Placement Date.

You will also need to tell us at the same time when you want your Adoption Leave to start. You can choose to start the leave from either of:

- The date of the child's placement with you
- From a set date which can be up to 14 days before the Expected Placement Date.

You may postpone or bring forward the date you wish the leave to start by writing to us giving at least 28 days' notice of the original start date or new date whichever is earlier.

Within 28 days of receiving your written notice about when you want to start your Adoption Leave, we will write to you confirming the expected date of your return from Adoption Leave.

Adoption Appointments

The main adopter may take paid time off during working hours for up to 5 Adoption Appointments with the adoption agency. The secondary adopter can take paid time off to attend up to two appointments. Please give your manager as much notice as possible about these appointments. We may ask for proof of appointment.

Contractual Rights during Adoption Leave

Whilst you are on Adoption Leave all of your contractual rights, except pay, will continue as if you were still at work. When you return to work following Adoption Leave, you will be considered to have been continuously employed for the purposes of seniority, pension, redundancy and other similar rights.

- Pension rights and contributions will be dealt with in line with the rules of the pension scheme.
- You will be entitled to receive any normal annual increment on your pay scale due to you, in accordance with your contract of employment, and at the normal incremental date.
- Annual leave entitlement, as set out in your contract, accrues during Adoption Leave.
- However, any Public or UoNSU-declared holidays falling during the period of Adoption Leave will not be added as additional days of leave.

Childcare Vouchers are a non-cash benefit and will continue to be provided throughout the period of Adoption Leave. Once there is no contractual pay from which to deduct the cost of the vouchers, UoNSU will continue to provide them.

If it happens that your post is affected by a redundancy situation during your Adoption Leave, we will write to inform you of any proposals and invite you to a meeting before any final decision is reached about your continued employment. Employees on maternity, paternity and Adoption Leave will be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

Keeping in Touch (KIT)

The regulations enable us to keep in reasonable contact with each other over the duration of your Adoption Leave, and this can be done through so-called KIT days. These are typically to cover a range of issues such as joining training courses or meetings, keeping you informed of important developments at work or discussing plans for your return from leave. It is not intended that KIT days are used to continue your work during Adoption Leave. Note that a KIT 'day' can be anything from a 1-hour meeting to a 'full' day however the deduction of time will be in days only and payment will be for time actually worked.

KIT days are by mutual agreement – we will agree between us if and when they will take place, what they will be used for, what work is to be done and how much you will be paid for them. Pay will be arranged by your line manager and HR. Note that we cannot require you to come into work for a KIT day, and neither are you entitled to KIT days. However we will encourage and support KIT days where possible, as a way of keeping you involved in what's happening at the workplace, showing our support for you and for smoothing the path of your return to work.

You may do up to 10 days' work (KIT days) under your contract of employment, without breaking the period of Adoption Leave or affecting your entitlement to Adoption Pay.

Returning to Work

We will look forward to your return to work on the expected date unless you tell us otherwise. To help us prepare for that, we ask that you confirm that you will be returning to work as expected.

If you wish to return to work before this date, you must tell us in writing giving at least 8 weeks' notice of the date you would like to return. If you don't give us enough notice of your wish to return earlier, we may need to postpone your return date until 8 weeks after you contact us, or the expected return date if this is sooner.

If you wish to return to work later than this date, you must contact us in writing to either request unpaid parental leave or to request paid annual leave in line with your contract of employment. Note that 21 days' notice must be given for a request for unpaid parental leave. Paid annual leave would be at our discretion.

If you decide not to return to work after Adoption Leave, you must give us notice in line with the resignation period in your contract of employment. Please note that the amount of Adoption Leave you have left must be at least equal to your contractual notice period, or we may require you to work the difference.

You may be considering returning to work part-time. We will consider requests to change working patterns (such as working part-time) after Adoption Leave on a case-by-case basis. It is helpful if requests are made as early as possible to help us review and plan things. We will always try to accommodate your wishes, but there is no absolute right to insist on working part-time. You do have a statutory right to ask for flexible working, but we may need to refuse if there is a justifiable reason based on the needs of our union. The procedure for dealing with such requests is set out in our Flexible Working Policy.

Your Rights on Return to Work

In general you have the right to return to the same job after your Adoption Leave and on the same terms and conditions. You will normally return to work into the same position as before you went on Adoption Leave. As mentioned above, your terms of employment will be the same as they were before you left.

If you have taken AAL or more than 4 weeks Parental Leave, and it's not feasible for us to enable you to return to the same position because the nature of a department or organisation has changed, we may give you another suitable role with conditions which are not less favourable.

Adoption Pay

If you have at least 26 weeks continuous service in the Qualifying Week, you will qualify for up to 39 weeks Statutory Adoption Pay (SAP). Please note that SAP stops being payable if you return to work sooner or if the placement is disrupted.

SAP is calculated as follows:

- First 6 weeks – the Earnings-Related Rate which is calculated at of 90% of your average weekly earnings.
- Remaining 33 weeks - the Prescribed Rate which is set by the Government for the relevant tax year, or the Earnings-Related Rate if this is lower.

Occupational Adoption Pay (OAP) is paid to employees who have 26 weeks continuous service at the date they are notified of being matched with a child for adoption and who qualify for Statutory Adoption Pay.

- 8 weeks leave on full pay (including SAP)
- Plus 16 weeks leave at 50% (plus any SAP not exceeding normal weekly wages)
- Plus 15 weeks SAP
- Plus up to 13 weeks of unpaid leave.

Payment is conditional upon your average earnings being at or above the lower earnings limit set by the Government. If you don't qualify for SAP, you may be entitled to some financial support through the adoption agency or the Benefits Agency.

Please contact the HR team for details of SAP and earnings limits.

UoNSU reserves the right to reclaim all or part of the non-statutory element of Adoption Pay if you fail to return to work after Adoption Leave and continue in employment for at least 3 months. If you choose to withhold the enhanced entitlement the whole amount will be paid upon completion of you physically returning to work and completing at least 3 months service.

Time Off to Accompany Your Partner at Adoption Appointments

We appreciate that the partner of the person taking Adoption Leave will want the opportunity to share the adoption experience. Attending Adoption Appointments together with your partner, to find out about and to meet the child, and to support your own transition to welcoming them is something we will support you with.

To complement the time off which the person taking Adoption Leave can have to attend Adoption Appointments, all employees who are the partner in the couple adopting will have the right to unpaid time off work to accompany them to up to 2 Adoption Appointments.

The conditions are:

- Time off for each appointment is for a maximum of six hours and 30 minutes of working time, defined as when you would be required to work. The time for the appointment includes travel time, waiting time and attending the appointment.
- In cases where there is adoption of more than one child, the entitlement is based on each child.

How to Request Attendance at an Adoption Appointment

We want to support you taking time off and to help make the process easy for you. Please complete the 'Absence Form' under 'Other Unpaid Absence' – in doing this you are declaring you meet the criteria as set out in this procedure for taking the time off.

Your manager may like to have a further discussion with you about when you would like to take the time off. This would typically be for work reasons. We will not unreasonably refuse a request for time off and we would always seek to achieve a mutually agreeable outcome to support you.

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