

Strata Service Solutions Ltd

Adoption Leave Policy

1 Aims of the policy

1.1 This policy sets out the rights of employees in relation to statutory and occupational adoption leave and pay.

1.2 The Company has attempted to outline a clear adoption policy. However, as the adoption leave provisions are complex, if you are adopting a child you are encouraged to clarify the relevant procedures with your HR Business Partner to make sure that these are covered correctly.

1.3 This policy is supported by other policies and procedures such as the Absence Management Policy, Maternity Leave Policy, Flexible Working Policy, Unpaid Parental Leave Policy and the Shared Parental Leave policy.

2 What is the company's policy

2.1 An employee who has been notified of having been matched with a child under the age of 18 years for adoption by an adoption agency and has been elected as the child's adopter will have the following entitlements as set out below, provided the qualification criteria have been met.

2.2 Eligibility for Adoption Leave

2.2.1 An employee who adopts a child is entitled to up to 52 weeks' adoption leave (regardless of their length of service). This also applies to intended parents in surrogacy and 'foster to adopt' arrangements.

2.3 Notice requirements

2.3.1 If you are adopting a child from the UK you should inform the Company in writing of your intention to take adoption leave no later than 7 days after the date on which you receive notification of the match with the child from the adoption agency. You should include the following pieces of information:

- the fact that you are adopting a child
- the date the child is to be placed with you for adoption
- the date on which you intend to start your adoption leave.

2.3.2 You must also provide a 'matching certificate' which will be given to you by the adoption agency which should also include the name and address of the adoption agency.

2.3.3 If you are adopting a child from overseas you should inform the Company in writing of your intention to take adoption leave within 28 days of the official notification.

You should include the following pieces of information:

- the fact that you are adopting a child
- the date the child is expected to enter Great Britain

You must give at least 28 days notice of when you wish to start your adoption leave.

2.3.4 If adopting a child from overseas you must provide a copy of the official notification and evidence of the child's date of entry into Great Britain.

2.4 Adoption Leave

2.4.1 Adoption leave can start on the day the child is placed for adoption or up to 14 days earlier for a child adopted within the UK. If you are adopting a child from overseas your adoption leave can start on the day the child enters Great Britain or on a predetermined date that is no later than 28 days after the date on which the child enters Great Britain.

2.4.2 You are entitled to 52 weeks adoption leave. This is made up of 26 weeks ordinary adoption leave and 26 weeks additional adoption leave irrespective of the number of hours you work each week. A week is a period of 7 days beginning with a Sunday. You are only entitled to one period of leave even if more than one child is being adopted at the same time.

2.4.3 You are permitted to bring forward your adoption leave start date provided that you advise the organisation at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your Adoption leave start date, provided that you advise the Company at least 28 days before the original proposed start date, or if that is not possible as soon as reasonably practicable.

2.4.4 The Company will respond formally in writing to your notification of your leave plans within 28 days, confirming the date on which you are expected to return to work if you take your full 52 week entitlement of adoption leave.

2.5 Adoption Pay

2.5.1 **Statutory adoption pay entitlement (SAP)** is payable, provided you qualify, for 39 weeks. In order to qualify for SAP you must:

- have at least 26 weeks' continuous service by the end of the week you received notification of a match
- in the case of an adoption from overseas, an employee only need be employed for at least 26 weeks

- have average weekly earnings over the eight week period ending with the relevant week of not less than the lower earnings limit for the payment of National Insurance Contributions (NIC). In the case of an adoption from overseas, the relevant week is the week in which the official notification is sent to the adopter or the week which the employee has been continuously employed for at least 26 weeks whichever is the later
- have notified Strata Service Solutions in writing 28 days before the start of the SAP period or as soon as practicably possible and of the date the child is to be placed for adoption. Additional information is required for a child adopted from overseas, the official date on which notification was received and the date on which the child enters the UK
- have provided a matching certificate provided by the adoption agency, this should include details of the name and address of the adoption agency
- take statutory adoption leave
- not take paternity pay

2.5.2 SAP is payable whether or not you intend to return to work and is not repayable if you do not return to work for any reason.

2.5.3 SAP is payable for a maximum of 39 weeks and is only payable if you are absent from work on adoption leave. The SAP pay period generally starts on the Sunday following the day on which you last worked before starting your adoption leave.

2.5.4 The exact amount of the SAP that you are entitled to receive will vary depending on your earnings and the amount of adoption leave you take. As a general rule you can expect to receive the following:

- higher rate SAP for the first 6 weeks (equal to 90 per cent of your average earnings in the qualifying period. The qualifying period is the 8 week period prior to the relevant week of adoption).
- lower rate SAP for up to 33 weeks thereafter.

2.5.5 SAP will be paid into your bank account on the same date that your salary would have been payable and will be subject to deductions for tax and national insurance in the usual way.

2.5.6 If you are employed on a fixed term contract and your contract is not extended beyond the end date of the contract for an objective reason such as lack of funding you *may* still be entitled to SAP. SAP payments are made for a maximum of 39 weeks and any outstanding SAP payments that you *may* be due will be paid to you in your final salary. If you take up any form of employment in the intervening period that SAP payments apply you will have received monies that are not due and there will be a requirement to repay the Company. You will be advised in writing if a final SAP payment is due to be made to you.

2.5.7 Statutory adoption allowance (SAA) is payable to some employees who do not qualify for SAP. If you do not qualify for SAP because you do not meet the lower earnings limit or because you do not have sufficient service to qualify Payroll Services will be able to advise you of how to claim SAA and issue you with a SAP1 which you will need to take to your local social security office.

2.5.8 Whilst receiving adoption pay, you will continue to make pension contributions on the revised pay. This reduced payment will not affect your pension benefits as these will be based on the normal pay you would have received. This is known as 'assumed pensionable pay'. When you commence the additional unpaid adoption leave period, your pension benefits will be reduced unless you opt to make up the lost pension. Payroll Services will advise the cost of this and agree a repayment period. You will have 1 month from the date of return to work to make a decision.

2.6 Time Off for before the adoption placement begins

2.6.1 As the child's primary adopter you are entitled to take paid time off of work to attend up to 5 appointments arranged by, or at the request of the adoption agency for the purpose of having contact with the child or for any purpose connected with the adoption. Paid time off for these appointments will be limited to 6.5 hours per appointment.

2.6.2 You should endeavour to give your line manager as much notice as possible of these appointments and wherever possible try to arrange them as near to the start or end of the working day as possible.

2.6.3 Where you are jointly adopting a child with your partner, your partner will be entitled to unpaid time off to attend two appointments up to a maximum of 6.5 hours at a time. Your partner should ask his or her employer for further information regarding this right.

2.7 Your rights during adoption leave

2.7.1 Your contractual benefits remain during weeks 1-39 of your adoption leave except for your salary. This includes holiday accrual and your occupational pension benefit.

2.7.2 Whilst you are absent from work on additional unpaid adoption leave, irrespective of length of service or hours worked your contractual benefits remain except for salary and occupational pension benefits.

2.7.3 If you decide to make contributions towards your pension for the period of additional unpaid adoption leave then the Company will also pay contributions for this period of time based on your full pay.

2.7.4 Full annual leave entitlement is accrued throughout ordinary and additional adoption leave.

2.7.5 Annual leave cannot be paid at the same time as SAP and cannot be taken during the additional unpaid adoption period otherwise this will interrupt the adoption period and it will end. Annual leave may be tagged to the start or end of the adoption leave period.

2.7.6 If your adoption leave straddles two holiday years, you may take all leave that will accrue during your adoption leave that you would otherwise lose. Your manager may grant carry over of more than 3 days of the annual leave entitlement or may provide payment in lieu for a proportion of your annual leave where your agreement is gained.

2.7.7 Any statutory bank holidays or extra statutory days which occurred in the period you were on ordinary and additional adoption leave will be provided to you at a later date.

2.8 Contact during adoption leave and keeping in touch days

2.8.1 The Company reserves the right to maintain reasonable contact with you during adoption leave. This may be to discuss your plans for returning to work or to discuss any special arrangements or training to help ease your return to work or perhaps to update you on developments at work in your absence.

2.8.2 You can agree to work for the Company or to attend training for up to 10 days during your adoption leave without the work bringing your adoption leave to an end and without the loss of a week's statutory adoption pay. These are known as 'keeping in touch days' and any work carried out on a day shall constitute a day's work for these purposes.

2.8.3 The Company has no right to require you to carry out any work and you have no right to undertake any work during adoption leave.

2.8.4 You will be paid normal pay which will be offset against any adoption pay that you may still be in receipt of.

2.9 Returning to work after adoption leave

2.9.1 You may return to work at any time during ordinary adoption leave or additional adoption leave provided that you give the appropriate notification. Alternatively, you may take your full period of adoption leave entitlement and return to work at the end of this period. If you wish to return before the full period of adoption leave has elapsed, you must give at least eight weeks' notice in writing to the Company of the date on which you intend to return.

2.9.2 You have the right to resume working in the same job if returning to work from ordinary adoption leave. If you return to work after a period of additional adoption leave, you are entitled to return to either the same job or, if this is not reasonably practicable to

another suitable job that is on terms and conditions not less favourable.

2.9.3 Failure to return to work by the end of the adoption leave will be treated as unauthorised absence unless you are sick and produce a current medical certificate before the end of the adoption leave period.

2.9.4 If you decide during adoption leave that you do not wish to return to work, you should give your written resignation to your line manager as soon as possible.

2.9.5 If you wish to return on different hours or a different working pattern, you have the statutory right to request which is outlined in the Company's flexible working policy. You will need to make your application in good time and time attending meetings in relation to your request will not be treated as keeping in touch days.

2.10 Paternity Leave

2.10.1 An employee is eligible to paternity leave if they are:

- the primary adoptive carer's wife, husband or partner, or civil partner
- have or expect to have responsibility for the upbringing of the child
- taking time off to support the primary adopter or care for the child.

2.10.2 You are entitled to take two weeks' ordinary paternity leave provided that you have at least 26 weeks' continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.

2.10.3 You must give written notice of your intention to take ordinary paternity leave no later than 7 days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date you intend to start ordinary paternity leave, and the date you were notified of having been matched with a child.

2.10.4 The two weeks' ordinary paternity leave must be taken in a single block within 56 days (8 weeks) of the child's placement.

2.10.5 Pay during ordinary paternity leave will be at a Statutory Paternity Pay (SPP) rate set by the Government for the relevant tax year, or at 90% of your average weekly earnings, if this figure is lower than the Government's set weekly rate.

2.10.6 If you work part-time you will be entitled to paternity leave and pay on a pro-rata basis.

2.10.7 You will only be able to take one period of leave irrespective of the number of children adopted at the same time.

2.10.8 If you wish to take a period of Paternity Leave, you should notify your Line Manager and Human Resources of your intention at least 28 days before you wish the

leave to begin, if this is possible. You should provide a copy of the Matching Certificate which is issued by the adoption agency.

2.11 Transferring adoption leave (shared parental leave)

2.11.1 Shared parental leave is available in relation to children who are placed for adoption on or after 5 April 2015. Shared parental leave enables you as the primary adopter to commit to ending your adoption leave and pay at a future date and to share the untaken balance of leave and pay as shared parental leave with your partner.

2.11.2 Shared parental leave must be taken in blocks of at least one week. Individuals can request to take shared parental leave in one continuous block (in which case the Company is required to accept the request as long as the individual meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case this will need to be agreed with the Company).

2.11.3 So that you can take parental leave, an employee must meet various eligibility requirements and comply with the relevant curtailment, notice and evidence requirements. This includes the primary adopter curtailing their adoption leave.

2.11.4 Please refer to our policy on shared parental leave, where you will find full details of the eligibility requirements as well as instructions as to how the primary adopter's adoption leave can be curtailed. The Company's policy on shared parental leave sets out the notice periods with which you must comply and what evidence you must provide. The policy also sets out more details on pay for shared parental leave.

2.11.5 Both primary adopter and their partner should ensure that they are liaising with their own employers when making requests for shared parental leave.

6 Related Policies

- Shared parental leave
- Paternity leave
- Unpaid parental leave
- Flexible working policy

4 Policy Status

4.1 Strata reserves the right to amend and update this policy as required. For the avoidance of doubt, this policy does not form part of employees' contracts of employment.