

## **ADOPTION LEAVE POLICY**

All eligible employees are entitled to take paid leave when a child is newly placed with them for adoption. Adoption leave and pay are available to:

- individuals who adopt
- one member of a couple where a couple adopt jointly (the couple must choose which partner takes adoption leave – the other partner may be entitled to paternity leave and pay).

### **I. Adoption leave**

To qualify for adoption leave, an employee must:

- be newly matched with a child for adoption by an approved adoption agency
- have at least 26 weeks' continuous service by the end of the week in which they are notified by an approved adoption agency of being matched with a child for adoption
- have notified the agency that he or she agrees with the placement
- have complied with the notification procedures.

Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption e.g. when a step parent is adopting a partner's child, or a foster parent adopts a child he or she already fosters.

Adopters are entitled to take 26 weeks' Ordinary Adoption Leave followed immediately by up to 26 weeks' Additional Adoption Leave – a total of 52 weeks' leave. They can choose to start their leave:

- from the date of the child's placement (whether this is earlier or later than expected), or
- from a fixed date which can be up to 14 days before the expected date of placement.

The start date can be varied provided the Foundation is given notice of the new date at least 28 days before the date originally notified or 28 days before the new date on which the adopter intends the leave to start, whichever is the earliest.

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If the child's placement ends during the adoption leave period, the adopter can continue adoption leave for up to eight weeks after the end of the placement.

### **Notification Procedures**

Adopters must notify the Foundation of their intention to take adoption leave within seven days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonable practicable. They will need to give the Foundation:

- the date that the child is expected to be placed with them; and

- the date that they want their adoption leave to start; and
- if requested, documentary evidence in the form of a certificate provided by the adoption agency.

## **Terms and Conditions during Adoption Leave**

An employee on Adoption Leave is:

- entitled to the benefit of the terms and conditions of employment which would have applied if he or she had not been absent (NB: this does not include terms and conditions about remuneration)
- bound by any obligations arising under those terms and conditions (except in so far as they are inconsistent with the Employee's right to take Adoption Leave).

An employee on Ordinary Adoption Leave is entitled to the right to return to the same job on the same terms and conditions of employment, unless a redundancy situation arises (in which case they are entitled to be offered a suitable and appropriate vacancy if one exists).

An employee on Additional Adoption Leave, or who follows their Ordinary Adoption Leave immediately by more than four weeks' parental leave, has the right to return to the same job or, if that is not reasonably practicable, an alternative job that is both suitable and appropriate.

Adopters who intend to return to work at the end of their full adoption leave entitlement do not have to give any further notification to the Foundation. However, if they want to return to work before the end of their adoption leave period, they must give the Foundation 28 days' notice of the date they intend to return.

## **2. Adoption Pay**

Adoption Pay will be payable as follows:

- first twelve weeks on full pay including any statutory adoption pay
- the next fourteen weeks on half pay, including any statutory adoption pay
- the next thirteen weeks on statutory adoption pay only
- the last thirteen weeks are unpaid.

## **3. Pension Entitlement**

During the period of paid Adoption Leave the Foundation will maintain its employer contributions to an employee's personal pension scheme at a level based on the employee's notional pay (i.e. the pay the employee would have received if she/he had been working normally), subject to the employee continuing to make contributions at a level of at least 5% of either their notional pay or the amount of pay they actually receive during paid adoption leave.

During the period of Additional Adoption Leave, should an employee wish to continue to make a contribution to their Personal Pension Scheme but is unable to contribute at the rate of 5%, the Foundation will consider making a proportionate scaled down employer contribution provided the employee contribution is above 0%.

Reviewed: April 2024