

FAMILY POLICIES: ADOPTION LEAVE AND PAY POLICY

1. Policy Statement

1.1. All employees have certain entitlements regarding adoption. Some of the entitlements depend on length of service; others are a statutory right which are not dependent on how long an employee has been employed.

1.2. This policy does not form part of any employee's contract of employment and may be amended at any time.

2. Scope

2.1. To qualify for Adoption Leave employees must be newly matched with a child for adoption by an approved adoption agency; and be the only partner taking adoption leave (when a couple adopts jointly, if one partner is eligible for adoption leave and pay, the other may take paternity/maternity support leave and pay. Similarly, when an individual adopts, if they are eligible for adoption leave and pay, their partner may be entitled to parental leave and pay).

2.2. Employees matched with a child are entitled to take up to one year/52 weeks' adoption leave regardless of length of service with the Guild comprising 26 weeks Ordinary Adoption Leave and a further 26 weeks Additional Adoption Leave, although payment will only be for part of that (see below).

2.3. If the employee qualifies for Statutory Adoption Pay (SAP), this will be payable for up to 39 weeks, the first 6 weeks will be paid at 90% of their average weekly earnings before tax and the remaining 33 weeks at the statutory flat rate. The Guild Adoption Pay (GAP) is detailed below.

2.4. To qualify for the leave and the pay the employee must remain in employment until the 11th week before the matching week.

2.5. In a case where more than one child is placed for adoption at the same time, entitlement to Adoption Leave and Adoption Pay is exactly the same as if there were one child.

2.6. If the employee is unsure or needs guidance regarding this policy they should seek advice from HR and Payroll Services.

3. Appointments

3.1. The primary adopter will be able to take paid time off for up to five adoption appointments. Please try, whenever possible, to arrange appointments at times which cause the minimum disruption to work or other work colleagues.

4. Adoption leave and Adoption Pay

4.1. *Adoption Leave notification:*

4.2. As soon as the employee has been matched with a child they should inform their

line manager, or HR and Payroll Services, no more than 7 days after the date on which they have been notified of the match and at least 28 days (or as soon as reasonably possible) in advance of the date on which they wish the leave to start.

4.3. The employee must submit documentary evidence, for example a letter from the adoption agency or matching certificate, giving the name and address of the adoption agency and the date on which a child is to be placed for adoption.

4.4. They must also formally notify the HR and Payroll Services in writing of their intention to take Adoption Leave. In the letter they should include:

- the date on which the child is to be placed for adoption
- when the employee wishes their leave to start (this can be up to 14 days before, but no later than, the expected date of placement). They will be able to change their mind about the date they want their leave to start providing they inform HR and Payroll Services, in writing, at least 28 days in advance.

4.5. HR and Payroll Services will respond within 28 days of receipt of the employee's notification of their leave plans and confirm the date they are expected to return.

4.6. By submitting their intention to take adoption leave and pay, the employee is deemed to have confirmed that they are the only partner (if adopting jointly as a couple) doing so.

4.7. *Adoption Pay commencement:*

4.8. Statutory Adoption Pay commences when the employee begins their Adoption Leave.

4.9. *Adoption pay eligibility*

Length of Service required to qualify:	Adoption Pay during the Adoption Leave period:
Less than 26 weeks up to the 'matching week' (MW)	The employee should contact their adoption agency for information on eligibility for other allowances.
More than 26 weeks ending with the MW but less than 52 weeks ending with the week the baby is due (EWC)	<p>Below Lower Earnings Limit: The employee should contact their adoption agency for information on eligibility for other allowances.</p> <p>Above Lower Earnings Limit: The employee will be entitled to SAP: 6 weeks x 90% of average weekly wage then 33 weeks at standard rate SAP, or 90% of average weekly pay whichever is the least.</p>
52 weeks ending with the MW and earnings above LEL	<p>The employee will be eligible for Guild Adoption Pay (GAP) 8 weeks full pay inclusive of Statutory Adoption Pay then 16 weeks half pay plus SAP (unless in any week half pay + SAP exceeds full pay, in which case they will continue to receive GAP at full pay including SAP). Plus 15 weeks flat rate SAP If they are employed on a fixed term contract, their employment and payment of GAP will end on the expiry date of the fixed term contract, although SAP will continue</p>

	to be paid if eligible.
52 weeks ending with the MW and earnings below LEL	The employee will be eligible for GAP 8 weeks full pay (less deductions for benefits paid by DWP) then 16 weeks half pay (subject to maximum of full pay when combined with payments from DWP) + 15 weeks benefits from DWP if eligible.

4.10. Adoption pay for term-time employees

4.11. An adjustment to pay is necessary to take into account that payments made to the employee since the beginning of the year (i.e. averaged over 12 months) may not be the same as actual hours worked. 4.12. Any underpayment will be made to the employee in the same month as Adoption Leave commences.

4.13. Payment during Adoption Leave will be based on averaged pay per week, i.e. annual pay divided by 52.

4.14. Adoption pay for international employees

4.15. If the employee has a visa that allows them to live and work in the United Kingdom they may be eligible for Statutory Adoption Pay (SAP). If their visa includes the condition that they have “no recourse to public funds” they may still get SAP provided they satisfy the qualifying conditions. Since the qualifying conditions for SAP depend on their recent employment and earnings history, SAP is not deemed to be “public funds”.

4.16. Pension

4.17. If the employee is a member of a Guild pension scheme they will pay pension contributions on actual earnings during any period of paid adoption leave.

4.18. During any period of unpaid adoption leave, membership is suspended and no contributions are paid; there will still be life insurance cover, if the scheme that the employee belongs to includes this, but they will not accrue pensionable service during this period.

4.19. When they return to work after their adoption leave, the employee can choose to pay their contributions for all or part of this period, in which case the Guild would pay its contributions.

4.20. Childcare Vouchers

4.21. The employee has the choice not to receive childcare vouchers whilst they are on adoption leave and to restart on their return to work after adoption leave

4.22. Annual Leave

4.23. The employee should take outstanding annual leave before the start of their adoption leave.

4.24. They continue to accrue annual leave during their paid and unpaid adoption leave.

4.25. Annual leave accrued can be taken at the end of their adoption leave when they return to work.

4.26. Contact with the Guild

4.27. The employee and their line manager may make reasonable contact during their adoption leave. Before they start their adoption leave they should talk to their line manager to agree what kind of contact they will have, so that there is a clear

understanding of the employee's aspirations and expectations and those of their manager. For example:

- would they like to be updated about changes happening at work? If so, how would they like changes to be communicated to them?
- would they like the opportunity to attend work during their adoption leave to keep in touch, go to a particular event or take up a training opportunity?

4.28. Employees are asked to remember to turn their Microsoft Office "Out of Office" on for the duration of their Adoption Leave or Shared Parental Leave to redirect people who make contact to a colleague or shared email inbox while they are away. The employee may check their work emails while they are away on Adoption Leave or Shared Parental Leave if they wish, however, they are not obliged to do so.

4.29. *Keeping in Touch (KIT) days*

4.30. Keeping in Touch (KIT) days are a provision under the Work and Families Act 2006, particularly intended to help employees on adoption leave with the process of resuming work and to enable employers to maintain better contact and encourage more open communication with employees on adoption leave.

4.31. These days are optional and the decision to undertake a KIT day must be made by agreement between the employee and their line manager (there are no rights for either the employer or the employee to require such days).

4.32. By maintaining a minimal, but regular, presence during adoption leave (although there is no obligation for the employee to do so) KIT days can offer real benefit to the Guild and the employee.

4.33. There can be up to 10 KIT days taken during the period of adoption leave.

4.34. The type of work can be anything that the employee would normally do and be paid for, and could include attendance on training courses and at conferences.

4.35. They will be paid their normal daily rate for attending KIT days.

4.36. Any work carried out on any KIT day will count as one full day.

5. Returning to work

5.1. If the employee intends to return to work following the maximum period of adoption leave, no notice is required. However, if they wish to return at a date other than this date, they must give HR and Payroll Services 8 weeks' notice in writing of the date they intend to return.

5.2. If they change their mind and decide they are not going to return to work, they should give the amount of notice contained in their contract of employment (e.g. if their notice period is three months and they were due to return at the end of October they should give their notice no later than 1 August).

5.3. If the employee received GAP they are required to return to work for three months (or an equivalent period of time if they reduce their hours), otherwise the Guild reserves the right to reclaim the GAP element of their adoption pay.

5.4. If the employee was eligible for GAP but they are undecided about whether they wish to return to work they may request that the GAP element of their adoption pay to be deferred. If they decide to return to work then payment can be made as a lump sum.

5.5. The Guild will, wherever possible, give favourable consideration to requests for a return to work on reduced hours and the employee should discuss the options as soon as possible with HR and Payroll Services and their Line Manager.

5.6. After additional adoption leave the employee is entitled to return to work to the same job on the same terms and conditions. However, if this is not reasonably practicable they may be offered a comparable job on terms and conditions other than on their original job.

5.7. They may also be eligible for Parental Leave during their child's first eighteen years – for further information please refer to the Special and Other Leave Policy.