

# Adoption Policy

VERSION: JULY 2020

## 1. INTRODUCTION

1.1 We are committed to equal opportunities and the provision of family-friendly working practices. We recognise that most employees have caring responsibilities at some time in their working life and we are committed to help our employees combine work and family responsibilities. In support of this commitment, a range of flexible working arrangements may be considered to assist carers. This policy specifies the provisions made in respect of adoption leave.

1.2 Paid adoption leave can be taken either by the mother or the father (not both) when adopting a baby or child for whom they will be the prime carer, subject to meeting the eligibility and notification rules set out. See sections 2 and 3 for more detail.

1.3 Throughout this policy some standard acronyms are used. These are set out below:

**OAL – Ordinary Adoption Leave.** OAL is the initial 26 weeks adoption leave, to which qualifying employees are entitled. If you qualify for Statutory Adoption Pay, it will be paid during your OAL

**AAL – Additional Adoption Leave.** AAL is the extra 26 weeks adoption leave. You will receive SAP for up to 13 weeks of AAL and the balance is unpaid.

**DAP – Diocese Adoption Pay,** is an enhanced adoption pay for employees who qualify due to their length of service with the Diocese and who are returning to work after their adoption leave.

**SAP – Statutory Adoption Pay** is the pay you may receive whilst on adoption leave. Whilst the SAP rate is set by the Government, SAP is paid, via payroll, into your bank account by the Diocese. Not all employees qualify for SAP – see section 5 for further details

1.4 Where specific levels of provision are quoted in this document, these should be adjusted on a pro-rata basis for part-time employees where appropriate.

## 2. ELIGIBILITY – WHO QUALIFIES FOR ADOPTION LEAVE?

2.1 To qualify for adoption leave, an employee must:

- be newly matched with a child for adoption by an approved adoption agency or
- be the partner or spouse of an individual who is newly matched with a child for adoption by an approved adoption agency or

- be one of the two people (whether married or otherwise) who are jointly matched with a child for adoption by an approved adoption agency.

Remember – only one person is eligible for adoption leave whether the child is matched to both individuals or not .

2.2 In either case, you must also:

- have worked continuously with us for 26 weeks leading into the week in which you are notified of being matched with a child for adoption or
- in cases where the child is adopted from overseas, and you have changed jobs in between receiving official notification of a match, and the child’s arrival to the United Kingdom, a slightly different eligibility test can apply. In these circumstances you need to have at least 26 weeks’ service by the date the adoption leave is due to start

2.3 You should note that adoption leave and pay are only available where a child is newly matched for adoption, and not in other circumstances, for example when a step-parent is adopting a partner’s children.

2.4 If you wish to take adoption leave you must provide us with a ‘matching certificate’, which can be obtained from the adoption agency.

### 3. TIMING – WHEN CAN YOU TAKE ADOPTION LEAVE?

3.1 Qualifying employees are entitled to take up to 52 weeks adoption leave, which is broken into two parts – Ordinary Adoption Leave and Additional Adoption Leave.

3.2 **Ordinary Adoption Leave** – Ordinary Adoption Leave is for 26 weeks. The period of leave will normally commence 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. If you qualify for SAP it will be paid during OAL.

**Additional Adoption Leave** – Additional adoption leave can be taken for a further 26 weeks (giving a total of up to 52 weeks’ leave). If you qualify, SAP will be paid for up to 13 weeks of the Additional adoption leave. Certain contractual benefits may continue during this period (see sections 6 – 9).

### 4. NOTIFICATION – WHEN SHOULD YOU TELL US?

4.1 To help us make suitable cover arrangements for your leave, we always appreciate as much notice as possible, even if you can only provide estimated leave dates at that stage.

However, as a minimum, you must inform us of your intention to take adoption leave within 7 days of being notified by your adoption agency that you have been matched with a child for adoption. Your written notification should cover:

- when the child is expected to be placed with you and,
- when you want your adoption leave to start

Please note that slightly different and more complex notification rules apply when adopting a child from overseas. Please seek advice from the Chief Operating Officer in Bishop’s House, Hove, in such cases.

- 4.2 You can change the date you wish your adoption leave to start by providing at least 28 days written notice.
- 4.3 We will respond to your written leave request within 28 days. You will be sent a letter, which will inform you of the date that you are expected to return to work. This date assumes that you will take the full adoption leave entitlement.
- 4.4 If you wish to return to work earlier than this, you must provide at least 8 weeks written notice of the (early) date you do want to return. Please note that if you try to return to work without providing the required notice, you may be delayed from doing so until appropriate notice has been given.
- 4.5 In the event that the expected placement does not go ahead, or the newly adopted child is returned to the adoption agency (or the placement ends for some other reason), adoption leave automatically ends eight weeks after the start of the adoption leave period or eight weeks from the date the child leaves the placement, whichever is later.

## 5. STATUTORY ADOPTION PAY – WHAT WILL YOU BE PAID?

- 5.1 Adoption pay eligibility varies according to the amount you are normally paid and your length of service. You should work out how long you have worked at the Diocese and find the appropriate option from the three listed below.

- **Option 1 – Less than 26 weeks’ continuous service at the point of the child’s placement**

- You will not be entitled to Statutory Adoption Pay.
- You may be eligible for Adoption Allowance through the Department of Work and Pensions, for which you will need to complete a AMP1 form.

- **Option 2 - 26 weeks’ or more continuous service at the point of child placement**

If you have been employed for at least 26 weeks at the point of child placement, and you earn at least £120 per week on average (20/21 tax year), you will be entitled to be paid at the following rates (or at such rates that are in from time to time in force):

- 6 weeks at 9/10ths of your weekly salary followed by
- 33 weeks at £151.20<sup>Error! Bookmark not defined.</sup> per week or 90% of your weekly salary if this is less than £151.20<sup>Error! Bookmark not defined.</sup> per week.

- **Option 3 – 2 years’ continuous service at the point of child placement and returning to work**

You will be entitled to the Diocese enhanced adoption pay package (DAP). Currently this is calculated as follows:

- 13 weeks of full basic salary (reflecting the normal gross pay prior to adoption leave commencing)
- 23 weeks at £151.20<sup>Error! Bookmark not defined.</sup> per week or 90% of your weekly salary if this is less than £151.20<sup>Error! Bookmark not defined.</sup> per week.

- the remaining 13 weeks will be unpaid.

If you have been employed for more than 3 years but you do not intend returning to work after your adoption leave, Option 2 above applies.

Please Note: If you are eligible and opt for the Diocese's enhanced adoption package (Option 2 above) this is subject to you returning to work after your Adoption Leave for a period of 6 months.

If you do not return to work or leave before you have been back at work for 6 months after the end of your adoption leave, then you will be required to repay the enhanced element of any Adoption Pay received. This will be deducted from your final pay.

You are entitled to a maximum of 52 weeks' leave, however you are free to choose a shorter period to suit your own circumstances.

- 5.2 You should note that SAP is subject to tax and National Insurance (NI) in the same way as your normal pay.
- 5.3 SAP rules allow payment of SAP to commence on Sundays only. We shall commence your SAP payments on the first Sunday after your adoption leave starts unless you specify an alternative date.
- 5.4 If you are not entitled to SAP you may be entitled to claim statutory adoption allowance. If you don't know how to claim this allowance, please contact the Chief Operating Officer at Bishop's House, Hove.
- 5.5 Any backdated pay increase or pay increase during your adoption leave that is relevant to the calculation of your average weekly pay (as specified within the SAP guidelines) will be taken into account when calculating the amount of SAP due to you.
- 5.6 With the exception of pay all other terms and conditions remain in place during OAL.
- 5.7 During a period of AAL some of your terms and conditions may change. The main changes are explained in sections 6-9 below.

## **6. HOLIDAY ENTITLEMENT**

- 6.1 You will accrue holiday entitlement in the normal way for completed calendar months before the start of your adoption leave.
- 6.2 You will also accrue holiday entitlement at the normal rate whilst on OAL. There will not be any additional entitlement to lieu time for any bank holidays that occur during your OAL
- 6.3 During any period of AAL, you will accrue holidays at the minimum level specified within the Working Time Regulations 1998. (That is 28\* days' annual holiday, inclusive of statutory/bank holidays, in a 12-month period, pro rata for the period of AAL taken during the relevant holiday year).
- 6.4 Any holiday entitlement, which will accrue to you in the holiday year when your adoption leave starts, may be taken before your adoption leave.

\* pro rata for part time employees.

- 6.5 You should note that you cannot receive SAP payments and annual holiday pay for the same period, nor can you break into and then restart adoption leave to use annual holidays. In addition you should note that the date that you are due to return to work is fixed by reference to the date you start your adoption leave.
- 6.6 It is important to note that if you choose to take a period of annual holiday, at the end of your adoption leave, you may also choose to give up the same duration of adoption leave. (Depending on the date of your return to work in relation to the end of the holiday year, you may prefer to use your holiday entitlement after your adoption leave).
- 6.7 Annual holiday entitlement must be taken in the relevant holiday year. Any unused entitlement cannot be carried forward (unless for exceptional reasons and authorised in advance).
- 6.8 If you do not return to work from adoption leave, unused accrued holiday (from the current holiday year only) will be paid in your final pay. Similarly, if you have taken more holiday than the amount accrued at the date you leave, we will make a deduction from your final salary to correct this.

## **7. PENSION**

- 7.1 If you are a member of the Pension Scheme payments into your pension will continue during the paid part of your adoption leave. The pension contributions will be calculated based on the pay you are receiving during your leave, at the usual rate at which you receive pension contributions.

## **8. MEDICAL HEALTH INSURANCE**

- 8.1 Where the Diocese pays for your membership in full, you will continue as a member of the Diocese's private medical health insurance scheme for the duration of your adoption leave. If you are making contributions towards your own membership and/or for your partner, and/or any dependents, and wish this to continue, you will be required to make a lump sum payment before your adoption leave<sup>†</sup> commences to cover the contributions when you are on adoption leave.

## **9. OTHER BENEFITS**

- 9.1 Bonuses – if, in your role, you are eligible for any of the (non-contractual) bonus schemes as may operate from time to time, you should note that payments due in a year when you have been on adoption leave will be reduced pro rata to reflect only the period you were working.
- 9.2 If you are on adoption leave when a salary review takes place, your SMP will be recalculated to take any increase into consideration.

## **10. KEEPING IN TOUCH DAYS**

- 10.1 By agreement with your Line Manager, you may work up to 10 days during your adoption leave period for which you will be paid
- 10.2 You are not obliged to work 'keeping in touch days' and the Diocese is not obliged to offer you work during your period of adoption leave.

<sup>†</sup> AAL, and OAL if your net pay will be insufficient to pay membership fees as a payroll deduction.

- 10.3 Where SAP is applicable you will continue to receive these payments. Where 'Keeping in Touch days' have been worked, your SAP will be topped up so that you receive full payment at your hourly rate for the hours that you have worked.

## **11. RETURNING TO WORK AT THE END OF YOUR ADOPTION LEAVE**

- 11.1 You will be expected to return to work on the date specified in our letter to you, in response to your notification of the date you intend to start your adoption leave (see [4.3](#) above).

Please note that the Diocese will not write to you during your adoption leave, to ask when you intend to return. This is because, in accordance with the legislation, it is assumed that you will return to work at the end of your adoption leave, unless you have formally advised us to the contrary.

## **12. POSTPONING THE DATE OF RETURN**

- 12.1 If you are unable to return due to ill health at the end of your adoption leave, you must immediately forward a doctor's certificate covering your absence to your manager. Absence in such a case will be monitored and managed in accordance with the Diocese Sickness Absence Policy.
- 12.2 Should you wish to do so, you can elect to take a period of up to four weeks' (unpaid) parental leave, prior to returning to work. You should notify the Diocese, in writing, of this request, specifying the dates you wish to take as leave. This request should be made at the earliest possible time (ideally with your original notification of the start date of your adoption leave), and with a minimum of 28 days' notice prior to its start.
- 12.3 Please note that in all other cases, should you fail to return on your notified date of return, this will be treated as unauthorised absence, and you may be subject to disciplinary proceedings, which may result in dismissal.

## **13. LEAVING EMPLOYMENT AFTER ADOPTION LEAVE**

- 13.1 In the event that you decide that you do not wish to return to work following your adoption leave, you are required to give your contractual notice to this effect. (As much notice as possible is always appreciated).

## **14. FIXED TERM CONTRACTS**

- 14.1 If you have been employed on a fixed term contract, which is due to expire during your adoption leave period, we will contact you at an appropriate date to determine whether to renew the contract, or whether there are any alternative vacancies for which you may be suited (see also section 15.3). If a decision is taken to end your employment, your dismissal will be as a result of the non-renewal of your fixed-term contract. Your adoption leave will cease and your contract and benefits will come to an end automatically, but the Diocese will continue to pay your SAP, if you are eligible for such payment.

## **15. REQUEST TO RETURN ON PART-TIME OR JOB SHARE**

- 15.1 It may be possible to return to work from adoption leave to either a part-time position or a full-time position that is shared with someone else. Business needs and the nature of the job will determine whether this is possible. You should speak to your line manager as soon as you decide to explore these possibilities. Advice is available from the Chief Operating Officer. As much notice as possible will assist the Diocese to try to accommodate your request.

- 15.2 Should the Diocese agree to you returning on either a job share or part-time basis, the terms will be set out in writing.
- 15.3 To assist those who may want to find an alternative job role within the Diocese after adoption leave, we will forward internal vacancy information upon request. Please contact the Chief Operating Officer at Bishop's House, Hove, in writing, specifying the date you would like to start receiving vacancy details, the areas of the business and types of roles you have an interest in.

(Note: whilst we will only supply information to those requesting it, internal applications for any vacancies will be welcomed from any employee whilst on adoption leave and will be considered in accordance with normal recruitment guidelines).

## 16. FURTHER INFORMATION

16.1 You may find further relevant information in the following Diocese policies:

- Paternity Leave
- Maternity Leave

For further information, contact the Chief Operating Officer at Bishop's House, Hove.

## Approval

This policy was approved by the Diocesan Board of Trustees on:	8 July 2020
The next review is due by:	31 July 2021