



Adoption Leave & Pay – Guidelines & Procedure

Introduction

This procedure is part of Greener Ealing Limited's (GEL) Family Friendly Policy and details the process to be followed to ensure that employees receive the benefits to which they are entitled, both statutorily and contractually during adoption and adoption leave. It also provides information to help employees and their managers understand what benefits are available and how to access them.

Scope

The leave and pay outlined in this document apply to all GEL employees except those covered by:

- an alternative agreement with a recognised trade union
- other arrangements as a consequence of joining the Company under the provisions of the Transfer of Undertakings (Protection of Employment) Regulations (TUPE)

This procedure does not form part of any employee's contract of employment: it may be amended at any time and the company may depart from it depending on the circumstances of any case.

This document does not cover the statutory provisions relating to overseas adoptions. If an employee wishes to apply for adoption leave and pay for an overseas adoption they must contact the HR department for guidance.

Information for managers and employees

It will benefit both the employee and manager to talk about adoption from an early stage, so the manager can support the employee during the adoption process, and both can prepare for the employee's absence on adoption leave.

Managers should always contact the HR department as soon as they are notified of their employee's intention to adopt. Managing adoption requirements can be complex. The HR department will support the manager on how to manage each stage of the adoption, leave and return to work process.

Adoption Leave & Pay – Guidelines & Procedure

Eligibility

Employees will qualify for adoption leave if they:

- are newly matched with a child (for adoption by an approved adoption agency)
- are the only partner taking adoption leave (the other member of the couple will be eligible for paternity leave and Shared Parental Leave (SPL) providing they meet the relevant criteria).

An employee will not be eligible to get adoption leave or pay if they are becoming a special guardian, adopting a stepchild or having a child through a private adoption agreement.

Adoption leave will be available to the following:

- Those in an approved adopter or a fostering-for-adoption arrangement.
- An employee who is the intended parent in a surrogacy arrangement, where one or both of the intended parents is genetically related to the child.

The employee must provide documentary evidence from the adoption agency. This will usually be a 'matching certificate'.

Time-off prior to the Adoption

Primary adopters are entitled to attend 5 paid pre-placement appointments. The spouse or partner of the primary adopter is entitled to attend 2 unpaid appointments.

Length of Adoption Leave

Adoption leave essentially mirrors maternity leave in that it is split into two kinds of leave:

- 26 weeks' ordinary adoption leave, immediately followed by
- 26 weeks' additional adoption leave, giving a total of up to 52 weeks

Adoption Pay

The adoption leave entitlements are essentially the same as for maternity leave in respect of statutory and contractual payments.

The actual amount of pay an employee will receive whilst on adoption leave will depend on a number of factors.

Some employees may be covered by an Adoption Policy preserved from TUPE arrangements, for example, in which case they should refer to the terms of their contract for the adoption pay provision that will apply.

Adoption Leave & Pay – Guidelines & Procedure

To be eligible for 39 weeks Statutory Adoption Pay (SAP), an employee must have:

- 26 weeks' continuous employment with GEL by the week they were matched with a child
- Average weekly earnings that are equal to or greater than the Lower Earnings Limit for National Insurance Contributions (check www.hmrc.gov.uk for current limit)
- Notified GEL that they want to take Statutory Adoption Leave within 7 days of being told that they have been matched with a child for adoption. If it is not possible to tell GEL within 7 days, the employee must provide notification as soon as possible. At the same time the employee must tell GEL:
 - when they expect the child to be placed with them
 - when they want the Statutory Adoption Leave to start

If an employee is employed on standard GEL terms and conditions and is eligible for SAP to be paid by GEL, they will be eligible to receive enhanced payments for the first 24 weeks of adoption leave to provide the following:

- For the first six weeks of absence – 9/10ths of a week's salary, offset against payments made by way of SAP.
- For the next eighteen weeks of absence – half pay plus SAP. The combined half pay and SAP must not exceed full pay.
- For the next fifteen weeks – fifteen weeks SAP.

If an employee is eligible for SAP but not for GEL enhanced payments (e.g. they are on terms and conditions protected by TUPE), they will be paid the better of either their contractual adoption benefit or SAP.

The enhanced payment is subject to the employee returning to work for at least 6 calendar months after the period of adoption leave. Any time off, on annual leave or on a career break for example, does not count towards the 6 months. If the employee does not return for 6 months, arrangements will be made to recover 4 weeks' full pay and 2 weeks 50% pay of the enhanced element of the pay.

Both statutory and non-statutory adoption payments are subject to the deduction of tax and National Insurance contributions through PAYE.

Starting Adoption Leave and Pay

The earliest date on which adoption leave can begin is 14 days before the expected date of placement. The latest date on which adoption leave can begin is the date on which the child is placed for adoption.

Adoption Leave & Pay – Guidelines & Procedure

Notifying Adoption

Employees will need to notify their manager no more than 7 days after the date on which they have been notified of having been matched with a child for the purpose of adoption (or as soon as reasonably practicable). Employees will need to tell their manager the date from which the child is expected to be placed and when they wish to start their adoption leave.

Written evidence of the adoption will need to be given to the manager in the form of a “matching certificate”, provided by the adoption agency.

Employees can change the start date of their adoption leave provided they give their manager at least 28 days’ notice.

Keeping in touch

Before going on adoption leave, the employee should discuss and agree with their manager, any voluntary arrangements they wish to make for keeping in contact with work during the adoption leave period.

Entitlements and arrangements regarding the points below are as per maternity leave & pay/shared parental leave & pay guidelines and can be found in Maternity Leave & Pay - Guidelines & Procedures:

- Impact of adoption leave on annual leave
- Pensions and other benefits
- Returning to work
- Transfer of adoption leave
- Taking parental leave after adoption leave
- Employees who do not wish to return to work after adoption leave

What happens if the adoption does not work out?

If an employee has commenced adoption leave, and then the expected placement does not occur, the adoption leave period will end 8 weeks after the start of the Ordinary Adoption Leave period.

If an employee is on Adoption Leave and the newly adopted child dies or is returned to the adoption agency, the Adoption Leave period will end 8 weeks from the end of the week in which the death occurred or the child returned to the agency.

Flexible Working

Employees have a right to request flexible working, and flexible working requests will be considered in a sympathetic and supportive way. Managers should try and accommodate

Adoption Leave & Pay – Guidelines & Procedure

all requests taking into account the role undertaken and the operational requirements of the business. However, neither the legislation nor GEL's Flexible Working Policy give individuals the right for their flexible working request to be approved and there may be legitimate business reasons when a request cannot be accommodated.

For more information please refer to the Flexible Working Policy.

Revision Status

Revision	Date	Amendment	Content Owner	Mandated By
First Issue	18 Feb 2021		Bill Gilmour	Kevin O'Leary