# EXAMPLE POLICY: ADOPTION LEAVE AND PAY

## Purpose and scope

This policy and procedure applies to all current employees, whether full or part-time, temporary or fixed-term.

The purpose of this policy and procedure is to provide staff with clear information about our adoption provisions. This document sets out our policy on adoption leave, pay, and arrangements surrounding returning to work after adoption leave. It also sets out the procedures that the charity and employees need to follow at various stages, before, during and after adoption leave.

## Policy

Our policy is to comply with both the spirit and the letter of the law on adoption leave and pay rights. To this end its aim is to inform all employees of their adoption rights and to ensure those rights are understood.

## Qualifying criteria

To qualify for adoption leave, you must be newly matched with a child for adoption by an adoption agency. There is no length of service requirement for adoption leave. Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step parent is adopting a partner’s children.

## Procedure

### Telling your manager that you are adopting a child

You must inform your manager in writing of your intention to take adoption leave within seven days of being notified by your adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable. You need to tell your manager when the child is expected to be placed with you and when you want your adoption leave to start.

You can change your mind about the date on which you want your leave to start, providing you tell your manager at least 28 days in advance (unless this is not reasonably practicable).

Within 28 days of receiving your notice of intention to take adoption leave, we will write to you confirming the latest date on which you must return to work after adoption leave.

## Matching certificate

You must give your manager documentary evidence from your adoption agency as evidence of your entitlement to statutory adoption pay. Employers can also ask for this as evidence of entitlement for adoption leave. You should ask your adoption agency for this documentary evidence, which may be provided in the form of a matching certificate that includes basic information on matching and expected placement dates.

## Adoption appointments

The primary adopter is entitled to take paid time off to attend up to five pre-adoption appointments. The co-adopter will be entitled to take unpaid time off to attend up to two pre-adoption appointments. The time off is capped at six and a half hours’ time off work on each occasion. You should give your manager as much notice as possible of your appointments and, after the first one, should show them the appointment letter/card. The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption.

## Timing of adoption leave

Please discuss the timing of your adoption leave with your manager as early as possible. Adoption leave can start on the day the child is placed for adoption or up to 14 days earlier.

## Contact during adoption leave

We may need to make contact with you during adoption leave. This may be to discuss plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work, or to update you on developments at work during their absence.

## Keep-in-touch days

You may work for the charity for up to 10 ‘keep-in-touch’ (KIT) days during your adoption leave without bringing your adoption leave to an end and without loss of a week's statutory adoption pay. You are not required to work a KIT day; it must be a mutual agreement between the charity and you. If you do work a KIT day, you should agree the salary in advance because this may be a different from your usual pay. A partial day’s work will be counted as a complete day's work for these purposes.

## Entitlements

Your entitlements to the following all mirror the rights and entitlements set out in the maternity policy, which includes:

* adoption pay and contractual adoption pay
* the length of time that you can take as adoption leave
* the entitlement to pay awards
* the arrangements regarding keeping in touch with the office during your adoption leave
* the right to transfer some of your adoption leave, under the shared parental leave provisions
* the effect of adoption leave on contractual benefits
* your entitlement to annual leave.

## Shared parental leave

You may be entitled to curtail your adoption leave and pay, and instead take shared parental leave (SPL) and pay in conjunction with the co-adopter, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of placement. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. See the shared parental leave policy.

## Returning to work

You have the right to return to work to the same job if you return following ordinary adoption leave. If you return to work after additional adoption leave, you may return either to the same job or, if this is not possible, another suitable job that is on no less favourable terms and conditions.

If you decide you do not wish to return to work, you should give written notice in accordance with your contract of employment. If you do not return to work at the end of additional adoption leave and do not contact us to notify of sickness or request other authorised leave, the absence will be treated as an unauthorised.

We will assume that you will take your full adoption leave entitlement and intend to return to work doing the same job, with the same hours, unless you notify us, in writing, or request otherwise. If you want to return to work before the end of your adoption leave, you will need to notify your manager in writing, giving at least eight weeks’ notice of your intended return date. If you do not give at least eight weeks’ notice, your manager may delay your return to work by up to a further eight weeks where there is good reason.

## Requesting a change to your pattern of work

You have the right to request that the organisation considers changing your pattern of work (subject to eligibility criteria). See the flexible working policy.

**Important notice**

This is an example of an employment policy designed for a small not-for-profit employer adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment as well as your culture and aspirations. There is no one size fits all.