



ADOPTIVE LEAVE POLICY

Policy Number 2
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Who is this policy for?

This policy is applicable to any Scotmid Co-operative employee who is the primary carer when adopting one or more children (the primary care is the person who opts to take adoption leave; their partner takes paternity leave)

Introduction

The Society is committed to helping working parents balance work and family life, whilst managing the operational needs of the business.

An employee, either male or female, who adopts a child, may be entitled to Statutory Adoption Leave and Statutory Adoption Pay, if they meet the qualifying conditions. Some employees may qualify for leave, but not pay.

These rights apply to individuals who adopt or one member of a couple who jointly adopt. Where a couple adopt the individual not taking adoptive leave, regardless of their gender, may qualify for paternity leave and pay.

Employees may also be entitled to take Shared Parental Leave either in addition to, or instead of, adoption leave. Please see the Shared Parental Leave policy for more information.

Entitlement to Statutory Adoption Leave

To qualify employees' must satisfy the following:

- Be newly matched with a child, under the age of 18, for adoption by a UK approved adoption agency. There is no statutory adoption leave for private adoptions.
- Have notified the adoption agency that they agree the child should be placed with them and agree a date of placement.
- Advise the Society within 7 days of being notified by the Adoption Agency that you have been matched for adoption.
- Provide the Society with your 'Matching Certificate' which includes your expected placement date.

Types of Adoption Leave

Joint and Individual Adoption

Where a couple are adopting jointly, they can choose who will take statutory adoption leave (SAL) and who (regardless of gender) will take statutory paternity leave (SPL). Please refer to the Paternity Policy for more information on paternity leave and pay.

If an employee is adopting individually, only they are eligible for SAL - although their partner (regardless of gender) may be eligible for SPL.

Foster Parents

An existing foster parent can take SAL, but only if:

- The child that the employee already fostered is then matched with them for adoption by a UK adoption agency. Adoption via a court order does not qualify.
- The child is then actually placed with them for adoption.

Foster to Adopt

In 'Fostering for Adoption' the local authority places a child with approved adopters who are also approved as temporary foster carers, so that if the court later agrees that the child should be adopted, the placement could become an adoptive placement.

In fostering for adoption cases, adoption leave can only happen once. If you opt for adoption leave when the child is initially fostered by the family, you cannot then request second adoption leave when the adoption formally goes ahead.

In cases where the adoption doesn't happen, e.g. if the child returns to their birth parents, you are still entitled to your remaining adoption leave up until eight weeks after the child has left or until the end of your adoption leave, whichever is earlier.

Surrogacy

Employees in a surrogacy arrangement may be able to take SAL, if they meet the following conditions:

- A UK registered adoption agency is used throughout the surrogacy process and an Adoption Order applied for, or
- A Parental Order is applied for

Surrogacy is different because the woman who gives birth is legally the mother (and has the right to keep the child - even if they're not genetically related) and the child's legal father is the surrogate's husband/partner.

The intended parent in a surrogacy arrangement can only take adoption leave and pay if the legal rights to the child are transferred to them through a parental order or adoption.

The intended parent must be the egg or sperm donor in order to apply for a parental order, and in a relationship where they and their partner are either married, civil partners or living as partners.

Overseas Adoptions/Surrogacy

There are slight differences in the procedure in these circumstances. Any employee to whom this applies should contact the People & Performance team for further information.

Adoption leave and pay is only available to you if you're adopting through an agency in the UK as this is an adoption that is legally recognised. If you are adopting a child from overseas and you are using your local council or voluntary adoption agency to do this, then the adoption process is similar to a UK adoption, and you are entitled to adoption leave and pay, if eligible.

Who Doesn't Qualify?

Employees will not qualify for either adoption leave or pay where they:

- Become a special guardian or kinship carer
- Adopt a Step-child
- Adopt a family member
- Adopt privately – i.e. without permission from a UK authority or registered adoption agency

Length of Adoption Leave

Adopters will be entitled to 52 weeks' adoptive leave made up of:

- 26 weeks' Ordinary Adoption Leave (OAL)
- Followed immediately by up to 26 weeks' Additional Adoption Leave (AAL)

Only one period of leave applies irrespective if more than one child is placed as part of the same arrangement.

Employees can choose to start the leave:

- From the date of the child's placement
- **or**
- From a fixed date which can be up to 14 days before the expected date of placement
- **or** (*in the case of surrogacy arrangements*)
- The day the child is born, or the day after

Statutory Adoption Pay (SAP)

In order to qualify for Statutory Adoption Pay, an employee must:

- Have been continuously employed by the Society for at least 26 weeks by the date they are informed by the Adoption Agency that they have been matched with a child.
- Have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes over the eight-week period leading up to the date they are matched with a child.
- Notify the Society that they want to receive SAP at least 28 days before the date they want it to begin, or as soon as is reasonably practicable.

- Provide the Society with a matching certificate from the UK Adoption Agency as evidence of Placement or, in the case of surrogacy arrangements a written statement ('statutory declaration') to confirm that, in the 6 months after the baby's birth:
 - they intend to apply for a parental order, and
 - they expect the order to be granted

Statutory Adoption Pay is payable for a maximum of 39 weeks and is divided into an initial period of 6 weeks followed by a second period of 33 weeks.

- The Society will pay 100% of gross average weekly earnings for the first 6 weeks.
- The remaining 33 weeks will be paid at the lesser of either the lower Statutory Adoption Rate (which mirrors Statutory Maternity Pay) which is in force at the time, or 90% of the employee's average weekly earnings.

Statutory Adoption Pay will start from the day after the employee commences their Adoption Leave.

If an employee does not qualify for Statutory Adoption pay, he or she may be able to claim state financial support from their local JobCentre Plus Office.

Time off to Attend Adoption Meetings/Ante-natal Appointments

The main adopter will be able to take paid time off to attend up to five adoption appointments in advance of the adoption being agreed. A secondary adopter will be entitled to take unpaid time off for up to two appointments so that he or she can accompany the main adopter.

In the event of a surrogacy arrangement, intended parents are entitled to take unpaid time off to accompany the birth mother to up to two ante-natal appointments.

End of Placement

If a child's placement ends during the Adoption Leave Period, the employee is entitled to continue adoption leave for up to eight weeks after the end of the placement.

Adoptive Leave Procedure

If you are planning to adopt you must notify your Manager and the People & Performance department that you want to take adoption leave **within seven days** of being told that you've been matched with a child for adoption.

Once the employee has notified People & Performance, an Adoption pack will be sent out, which contains a copy of these notes and also the AL1 form.

The employee is required to provide the Society with written notification of their intentions by completing and returning the AL1 form as soon as possible. The

Matching certificate must also be sent to the People & Performance department.

We will need to know;

- When they expect the child to be placed with them, and
- When they want the adoption leave to start - this can be up to 14 days before the expected date of placement.

Employees can change the start date of Adoption Leave provided they give **28 days'** notice.

Within 28 days of the AL1 form being received, the Society will write to inform the employee of the dates of their full adoption leave entitlement.

In the case of surrogacy arrangements, employees should advise their manager and the People & Performance team as soon as possible to allow for the Adoption pack to be sent out. Form AL1S which is included in the pack must be completed and returned to the People & Performance team at least 15 weeks before the baby's due date. This form confirms when the baby is due and when the employee wishes to start their leave.

Evidential Requirements for Adoption Leave

The employee must provide the Society with evidence, in the form of one or more documents issued by the adoption agency that matched the Employee with the child, of:

- the name and address of the agency
- the name and date of birth of the child
- the date on which the Employee was notified that he had been matched with the child and
- the date on which the agency expects to place the child with the Employee

Variation of Start Date

An employee who has given notice of their intention to take adoption leave may vary the chosen start date provided that they give the Society 28 days' notice of the variation, or as soon as is reasonably practicable to do so.

Employer's Notification Obligations

If an employee gives the Society notice of their chosen start date (or a variation notice), the Society will notify the employee, within 28 days of his receipt of the notice, of the date on which the Employee will be expected to return to work.

Ordinary and Additional Adoption Leave

We will assume that the employee will take their full 52 weeks of adoption leave (Ordinary and Additional adoption leave) unless we are notified otherwise. An employee wishing to return to work before the end of their Adoption leave entitlement must provide us with a **minimum of 8 weeks'** notice in writing of the date upon which they intend to return.

Employees may also be eligible for other types of leave, e.g. shared parental leave after they have finished their adoption leave – but they must take at least 2 weeks of adoption leave before starting any shared parental leave. For more information on this type of leave please see the Shared Parental Leave policy.

Contact during Adoption Leave

During the Adoption leave period a Manager may make reasonable contact with an employee and an employee may make reasonable contact with their Manager to discuss a range of issues e.g. communicating important information to the other, plans for returning and developments in the workplace. The contact between the employee and the Manager can be made in a way that best suits them both. It may be helpful for the Manager and employee to discuss arrangements for staying in touch before adoption leave begins, to ensure both are happy with the level and type of contact.

Work during the Adoption Leave Period - 'Keeping in Touch (KIT) Days'

Employees on Adoption leave can, by agreement with their Manager; do up to ten days' work known as 'Keeping in Touch Days'. The type of work undertaken would be agreed between the Manager and employee, and would normally be work covered in the employee's job description. The KIT days may also be used for training days or team meetings.

KIT days can be organised at any time during Adoption leave. There is no requirement for an employee to carry out KIT days, and no requirement for the Manager to give work where it is not available. However, if an employee expresses an interest in keeping in touch days, the Manager is encouraged to look at how this request can be accommodated.

The employee will receive any adoption pay they are entitled to plus payment for the hours worked on their keeping in touch day, at their normal rate of pay.

Undertaking work whilst on adoption leave will not extend the adoption leave period.

Benefits maintained during Adoption leave

Holidays

Employees continue to accrue Society holidays over the full 52 weeks' adoption leave. We encourage employees to take Society holidays prior to and/or following their adoption leave, subject to discussion and agreement with the employees Manager.

Bonus

Employees who are on adoption leave or have been on adoption leave during the financial year prior to a bonus being awarded will be considered for bonus subject to meeting the standard criteria. If the member of staff meets the bonus criteria they will receive a payment on a prorated basis to reflect the proportion of time the employee was working.

Company Cars

If an employee has a company car they can continue to use this during their ordinary and additional adoption leave. Pool cars which are purely for business use are retained by the Society.

Mobile Phone

Employees who have a company mobile phone can continue to use this during ordinary and additional adoption leave. Employees should pay for personal calls in the same way as during working time.

Medical Cover/Health Insurance/ Life Insurance

Medical cover, health insurance and life insurance that employees may hold with the Society will be maintained throughout the paid portion of Adoption leave – up to 39 weeks.

Pensions

If an employee is a member of the pension scheme their contributions will be based on the adoption pay they receive over the 39 weeks' paid adoption leave, not their normal pensionable pay. The Society will top up the employee's contributions during the paid part of their adoption leave to their normal pension contribution. Employees cannot contribute towards their pension during the unpaid part of their adoption leave. Employees should contact the pensions Manager to discuss their details further - on 0131 335 4434.

Continuous Service

An employee will maintain continuous service throughout their ordinary and additional adoption leave. This means it counts towards continuous service for redundancy calculations and other length of service benefits / calculations.

Returning to Work Following Adoption Leave

The contract of employment continues throughout the 52 weeks of adoption leave, unless either the employer or employee expressly ends it or it expires.

An employee should make contact with their Manager before their return to work, to discuss arrangements for their return. The Manager and employee should discuss any changes in the place of work and handover arrangements. It is important to have this discussion as early as practicably possible. If an employee wishes to change their working pattern or reduce hours on their return a flexible working request can be submitted to their Manager. The Society will give serious consideration to all requests. Details are available in the Flexible working policy which can be obtained from the People & Performance Department on 0131 335 4445.

After Ordinary Adoption leave, you have the right to return to the same job, unless a redundancy situation has arisen. After Additional Adoption Leave you

have the right to return to the same job, or to another suitable job if that is not reasonably practicable, unless a redundancy situation has arisen.

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