

## Adoption Policy



### Policy Statement

This policy sets out **Little Elm's** adoption policy and summarises the key statutory adoption rights. This policy aims to support working parents, enabling them to balance family responsibilities with personal career aspirations.

The summary of your statutory rights is not intended to be a complete or definitive statement of the law. If you have any questions or need further information, please speak to your Nursery Manager or HR Manager.

### Scope

The adoption policy applies to all employees of Little Elms who take time off to adopt a child or have a child through a surrogacy arrangement and who meet the qualifying requirements as detailed below.

Only one person in a couple can take adoption leave in respect of each adopted child. Where there is only one legal adopter, this is the only person who can take adoption leave. Where a couple are adopting a child, either (but not both) of the adoptive parents can choose to take adoption leave (the primary adopter for the purposes of this policy). The other adoptive parent could choose to take paternity leave instead.

If you are pregnant, please refer to the Maternity policy.

If you are a father of a child(ren) or the partner of a primary adopter, please refer to the Paternity policy.

If you wish to take Shared Parental Leave, please refer to the Shared Parental Leave policy.

### Procedure

Employee's adopting a child have a number of statutory rights, the main rights being:

- Paid time off to attend pre-adoption appointments
- Adoption Leave
- Adoption Benefits

### Pre-Adoption Appointments

Once you have been advised that a child is due or expected to be placed with you, you are entitled to paid time off during working hours to attend up to five pre-adoption appointments. The maximum time off for each appointment is six and a half hours.

You may be required to produce an appointment card or other document showing that each appointment has been made. You should give as much notice to us as possible of your appointments, take no more time off than is reasonable and arrange your appointments to cause the minimum disruption to your work as possible.

Where possible, appointments should be arranged for times /days when you would not otherwise be at work, including rota days if you are a full-time employee.

### Adoption Leave

You are entitled to 52 weeks' adoption leave, if you:

- are an employee
- give the correct notice
- give proof of the adoption or surrogacy

Adoption leave is divided into 26 weeks' ordinary adoption leave and 26 weeks' additional adoption leave.

### Notification

You must tell your Manager, in writing, of your intention to take adoption leave, no later than seven days after being matched with a child for adoption. You need to tell your Manager:

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- the date of placement of the child for adoption
- the date on which you intend to start your adoption leave
- provide proof of the adoption

Adoption leave can start:

- up to 14 days before the date the child starts living with you (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (if you've used a surrogate to have a child)

You will receive a letter from your Manager to confirm the start date and end dates of your adoption leave.

You can change the date on which you intend to start your adoption leave by giving your employer at least 28 days' written notice.

### **Adoption Pay**

To qualify for Statutory Adoption Pay (SAP), you must:

- have at least 26 weeks continuous service at the end of the week in which the child was matched with you for adoption.
- have average earnings above the National Insurance lower earnings limit during the eight weeks before the child was matched with you for adoption.
- give your Manager at least 28 days notice before you would like your adoption pay to begin
- provide proof of the adoption to your Manager. The proof must show
  - your name and address and the name and address of the adoption agency
  - the match date - for example the matching certificate
  - the date of placement - for example a letter from the agency

Your Manager will be able to liaise with Payroll to advise you of whether you qualify to receive SAP.

If you qualify to receive SAP, you are entitled to a maximum of 39 weeks' SAP, which is calculated as follows:

- 6 weeks at 90% of your average weekly earnings (higher rate SAP)
- 33 weeks at a set rate which is determined by the Government each year (lower rate SAP), or 90% of your average weekly earnings if this is lower. Your Manager will be able to confirm the current rate of lower rate SAP.

Please note, all SAP calculated are made in accordance with statutory requirements.

SAP is paid in the same way as normal salary and is subject to deductions for Income Tax and National Insurance contributions.

If you do not qualify for SAP, payroll will issue you with a SAP1 form explaining why you are not eligible. You may be able to receive support from your local council if you are adopting a child. You are still entitled to take Adoption Leave if you do not qualify for SAP.

### **Overseas Adoption**

The requirements to receive Statutory Adoption Pay are the same if you're adopting from overseas, except you must have been continuously employed by your employer for at least 26 weeks when you start getting adoption pay. You must also sign a SC6 form (which your Manager or payroll can assist you with) if you're adopting from overseas with a partner. This confirms you are not taking paternity leave or pay.

### **Surrogacy Arrangement**

The requirements to receive Statutory Adoption Pay are the same if you're in a surrogacy arrangement, except you must have been continuously employed by your employer for at least 26 weeks by the 15th week before the baby's

due. You must also intend to apply for a parental order and expect the order to be granted (for example because the birth mother or father agree to the arrangement)

If you're genetically related to the child (the egg or sperm donor), you can choose to get paternity leave and pay instead. You cannot get both.

### **Fostering for Adoption**

If you're eligible for adoption pay and leave, you'll receive them from when the child comes to live with you.

### **Exceptions**

You do not qualify for Statutory Adoption Leave or Pay if you:

- arrange a private adoption
- become a special guardian or kinship carer
- adopt a stepchild
- adopt a family member

### **Keeping in Touch**

We would like to keep in touch with you during your adoption leave to hear how you and your child are doing, but also to keep you updated about developments at work.

While you are on adoption leave, there may be occasions when you would like to come to work, for example, to undertake training, to update yourself on a particular aspect of your role, to attend a team meeting or event. Little Elms are happy to support people who arrange Keeping in Touch days but there will be no pressure to do so. If you do wish to come in, we will need to agree the days on which you will attend, and you will be paid the equivalent of your normal daily rate of pay for these days.

Please note, there is a maximum limit of 10 Keeping in Touch Days during adoption leave, to avoid any loss of entitlement to SAP or adoption leave.

### **Returning to Work**

Naturally we hope you will keep in touch during your adoption leave and we welcome confirmation that you are planning to return. If you wish to return to work sooner than your Adoption Leave is due to end (52 weeks), you must give us written notice of your early return date, 8 weeks in advance. If you do not, we are entitled to delay your return to a date which will ensure that we have had 8 weeks' notice, or until the end of the full period of your adoption leave if that is sooner.

If you cannot return on the date you are due back at work from adoption leave because you are unwell, you must follow the usual procedure for sickness absence.

If you do not wish to return from adoption leave, you must give us notice of resignation in the normal way.

### **Terms and Conditions on Adoption Leave and Upon your Return**

If you return before the end of or immediately after ordinary adoption leave (26 weeks) you have the right to return to the job in which you were employed before you went on leave, on terms and conditions no less favourable than those which would have applied if you had been at work.

If you take additional adoption leave you have the right to return to the job in which you were employed before you went on leave or, if that is not possible, to a similar job which has the same or better terms and conditions than you had before your leave.

You do not have the right to return to work into a role with less hours than you were employed to so before your adoption leave. You do have the right to make a Flexible Working Application and Little Elms will, wherever possible and if business needs can be met, accommodate your request for flexibility in your working pattern.

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You will continue to receive contractual benefits during adoption leave such as holiday entitlement. For as long as you are receiving SAP, pension contributions will continue to be made.

Where possible, you should aim to take all your annual leave entitlement that has accrued in the holiday year that your adoption leave starts, prior to starting your adoption leave.

*Associated Documents:*

- *Paternity Policy*
- *Shared Parental Leave Policy*
- *Leave Arrangements Policy (containing Parental Leave information)*
- *Flexible Working Policy*