

## Adoption Policy

### 1. Purpose

Welcoming a child into your family is a life-changing event, and there is much to consider. This policy is designed to provide clarity to colleagues on what to expect when they decide to adopt a child. For any questions, colleagues are encouraged to contact the People Team as their first point of contact on ([hrhub@helpinghands.co.uk](mailto:hrhub@helpinghands.co.uk)).

This policy outlines the arrangements for adoption leave and pay for colleagues in the following situations:

- (a) Adopting a child through a UK adoption agency or overseas.
- (b) Fostering a child with the intention of possible adoption.
- (c) Having a child through a surrogate mother.

In certain circumstances, colleagues and their spouse or partner may also be eligible for the Shared Parental Leave (SPL) scheme, which provides greater flexibility in sharing leave and pay during the first year after the child is placed.

This policy applies to all eligible colleagues. It does not apply to agency workers, consultants, or self-employed contractors.

This policy does not form part of any colleagues' contract of employment. Helping Hands reserves the right to amend or adjust this policy at any time as necessary. We may also vary the policy as appropriate in any case.

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### 2. Entitlement to Adoption Leave

In adoption cases or fostering for adoption cases, colleagues are entitled to adoption leave if they meet all the following conditions:

- They are adopting a child through a UK adoption agency, overseas, or they are a local authority foster parent who has been approved as a prospective adopter.
- The adoption agency or local authority has given written notice that it has matched a colleague with a child for adoption, or that it will be placing a child with them under a fostering for adoption arrangement and tells them the date the child is expected to be placed into their care (Expected Placement Date).
- The colleague has notified the agency that they agree to the child being placed with them on the Expected Placement Date.

In a surrogacy case, colleagues are entitled to adoption leave if all the following conditions are met.

- A child who is biologically the child of the colleague's spouse, partner, or child who is biologically the child of both the colleague and their partner.
- The colleague expects to be given parental responsibility for the child under a parental order from the court. The child must live with the colleague, or intend to when they are in the UK, and they must apply for the parental order within six months of the child's birth.

Only one parent can take adoption leave. If their spouse or partner takes adoption leave with their employer, colleagues will not be entitled to adoption leave but they may be entitled to paternity leave and/or shared parental leave.

The maximum adoption leave entitlement is 52 weeks, consisting of 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption Leave (AAL).

### **Notification Requirements: Adoption Cases**

Not more than seven calendar days after the agency or local authority notifies a colleague in writing that it has matched them with a child the colleague must give us notice in writing of the Expected Placement Date and intended start date for adoption leave.

We will then write to the colleague within 28 days to inform them of the date they would be due to return to work (assuming they take the full entitlement).

Once a colleague receives the matching certificate issued by the adoption agency, they must provide us with a copy.

If the child is being adopted from overseas, colleagues must inform their line manager or People Team of the date of entry and provide evidence such as clearance documents.

### **Notification Requirements: Surrogacy Cases**

In a surrogacy case, colleagues must inform their line manager in writing of their intention to take adoption leave and give the Expected Week of childbirth. Colleagues must give this information by the end of the 15th week before the due date.

We will then write to the colleague within 28 days to inform them of the date they would be due to return to work (assuming they take the full entitlement).

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### **3. Starting Adoption Leave**

For adoption or fostering-to-adopt cases, Ordinary Adoption Leave (OAL) can begin on a

predetermined date up to 14 days before the Expected Placement Date or on the placement date itself, but no later.

If colleagues wish to change the Intended Start Date, they must notify us in writing, providing as much notice as possible. Ideally, this should be at least 28 days before either the original Intended Start Date, or the new Intended Start Date (if bringing the date forward). We will confirm your new Expected Return Date in writing within 28 days of receiving your request.

For surrogacy cases, OAL will begin on the day the child is born unless the colleague is at work, in which case it will start the following day. Please note that the start date in surrogacy cases cannot be changed.

Before the adoption leave begins, we will discuss arrangements for covering responsibilities and any opportunities for staying in touch during the leave, should colleague's wish to do so.

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#### **4. Adoption Pay**

Statutory adoption pay (SAP) is payable for up to 39 weeks. To be eligible for SAP a colleague must:

- Have been continuously employed for at least 26 weeks up to any day in the week they are matched with a child and are still employed by us during that week.
- Provide us with a matching certificate issued by the adoption agency.
- Provide at least 28 days' notice (or, in instances where that is not possible, as much notice as possible) of the intention to take adoption leave.

SAP is calculated as follows:

First six weeks: SAP is paid at the Earnings-related Rate of 90% of the colleagues' average earnings over the Relevant Period.

Remaining 33 weeks: SAP is paid at the Prescribed Rate which is set by the government for the relevant tax year, or the Earnings-related Rate if this is lower.

SAP accrues with each complete week of absence and payments are made on the next normal payroll date. Income tax, National Insurance and pension contributions are deducted as appropriate.

If a colleague leaves employment for any reason (for example, if they resign or are made redundant) they are still eligible for SAP if they have already been notified by an agency that they have been matched with a child.

In such cases, SAP starts 14 days before the Expected Placement Date; or the day after their employment ends, whichever is the later.

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## **5. Terms and Conditions During Adoption Leave**

All the terms and conditions of employment remain in force during SAP and AAL, except for the terms relating to pay.

In particular benefits in kind such as life insurance and health insurance and pension, if applicable shall continue. Annual leave entitlement under the contract of employment shall continue to accrue.

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## **6. Time Off for an Adoption Appointment**

Colleagues are entitled to reasonable time off work to attend an Adoption appointment. All time off will be paid at the colleague's normal rate of pay.

### **In cases of Adopting a Child with Another Person**

Where colleagues and their partner are adopting a child, colleagues must decide who will be treated as the primary adopter and who will be treated as the secondary adopter for the purposes of time off. Colleagues must inform the People Team ( [hrhub@helpinghands.co.uk](mailto:hrhub@helpinghands.co.uk) ) who is the primary and secondary adopter prior to the first request for time off for an adoption appointment. This will affect how much time colleagues can take off.

Colleagues will usually choose to be the primary adopter if they intend to take adoption leave when the child is placed with them. Colleagues would not be able to take paternity leave if they have elected to be the primary adopter.

Colleagues will usually choose to be the secondary adopter if they intend to take paternity leave when the child is placed with them, although they may be able to take adoption leave if your partner is not taking it.

### **In cases of Adopting a Child Alone**

If the colleague is adopting a child alone, they are treated as the primary adopter.

### **If cases of Adopting More Than One Child**

If the agency is placing more than one child with a colleague as part of the same arrangement, this is treated as one adoption and will not increase the number of appointments that can be taken. Any time off under this policy must be taken before the first child is placed.

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## **7. Amount of Time Off**

If a colleague is adopting on their own or have elected to be the primary adopter, they may take paid time off to attend an adoption appointment on and up to five occasions in relation to any particular adoption.

If a colleague is the secondary adopter, they may take paid time off to attend an adoption appointment on up to two occasions only.

Colleagues must not take more than four hours off for each appointment, including travel and waiting time.

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## **8. How to book Time Off**

Colleagues must provide as much notice of the appointment as possible. Colleagues must provide their Line Manager with a signed statement or an email confirming the date and time of appointment and that the appointment has been arranged or requested by the adoption agency.

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## **9. Annual Leave**

Annual leave will accrue at the rate provided under the contract of employment.

Our holiday year runs from 1 April to 31 March. In many cases a period of adoption leave will last beyond the end of the holiday year. Any holiday entitlement for the year that cannot reasonably be taken before starting adoption leave can be carried over to the next holiday year and must be taken immediately before returning to work unless the manager agrees otherwise.

Colleagues should discuss holiday plans with their manager in good time before starting adoption leave. All holiday dates are subject to approval by the line manager.

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## **10. Keeping in Touch**

We may make reasonable contact with colleagues from time to time during adoption leave.

Colleagues may work (including attending training) on up to ten days which means it is ten durations you can be paid for work (Keeping in Touch Days) during adoption leave without bringing the adoption leave to an end. This is not compulsory and must be discussed and agreed with the Line Manager.

Colleagues will be paid at the normal basic rate of pay for time spent working on a Keeping in Touch Day.

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## 11. Returning to Work

We will expect colleagues back at work on the Expected Return Date unless advised otherwise. It will help us if, during the adoption leave, colleagues are able to confirm that they will be returning to work as expected.

If a colleague wishes to return to work earlier than the Expected Return Date, they must give us at least eight weeks' notice. It is helpful to give this notice in writing. If colleagues do not give enough notice, we may postpone the return date until eight weeks after the notice was given, or to the Expected Return Date if sooner.

If colleagues wish to return later than the Expected Return Date, they should either:

- request unpaid parental leave, giving us as much notice as possible but not less than 21 days: or
- request paid annual leave in accordance with the contract of employment, which will be at our discretion.

If colleagues are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply. In any other case, late return will be treated as unauthorised absence.

Colleagues are normally entitled to return to work in the same position as they held before commencing leave. The terms of employment shall be the same as they would have been if the colleague had not been absent. However, if the colleague has taken any period of AAL or have combined adoption leave with more than four weeks' parental leave, and it is not reasonably practicable for us to allow the colleague to return to the same position, we may give them another suitable and appropriate job on terms and conditions that are not less favourable.

### Deciding Not to Return

If the colleague does not intend to return to work, or are unsure, it is helpful if this is discussed with us as early as possible. If a colleague decides not to return, they should give notice of resignation in accordance with the contract. The amount of adoption leave left to run when the colleague gives notice must be at least equal to your contractual notice period, otherwise we may require them to return to work for the remainder of the notice period.

Once the colleague has given notice that they will not be returning to work, they cannot change their mind without our agreement.

This does not affect their right to receive SAP.

## **12. Flexible Working**

We will consider colleagues requests to adjust their working patterns, such as transitioning to part-time work, following adoption leave on an individual basis. While there is no guaranteed right to work part-time, colleagues are entitled to request flexible working under statutory provisions. We will make every effort to accommodate your preferences, provided there is no valid business reason to decline, taking into account operational needs.

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## **13. Pensions**

During OAL and any further period of paid adoption leave we shall continue to make any employer contributions that we usually make into a money-purchase pension scheme, based on what a colleague's earnings would have been if they had not been on adoption leave provided that they continue to make contributions based on the adoption pay they are receiving. If they wish to increase their contributions to make up any shortfall from those based on their normal salary, the colleague can contact their Line Manager.

During unpaid AAL we shall not make any payments into a money purchase scheme. Colleagues do not have to make any contributions, but they may do so if they wish, or they may make up for missed contributions at a later date.

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## **14. Data protection**

When dealing with adoption leave and pay, we will process any personal data collected in accordance with our data protection policy (Privacy Information Policy which can be found on the company website). In particular, we will record only the personal information required and keep the information only for as long as necessary.

<b>Signed off by</b>	Group Managing Director
<b>Custodian</b>	Chief People Officer
<b>Held By</b>	People Team
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<b>Changes Since Previous Version</b>	<ul style="list-style-type: none"><li>Changed format to reflect Sexual Harassment Policy Format</li><li>Amended any reference to 'HR' to 'People team'</li><li>Amended any wording to reflect 'colleague'</li><li>Reworded Purpose section</li><li>Confirmed aligned with statutory requirements re pay and timeframes</li><li>Added in Data Protection Clause</li></ul>