

Adoption leave procedures

1. Qualifying for Adoption Leave

- 1.1 Both male and female employees may be entitled to take adoption leave.
- 1.2 "Adopter" means the individual who has been matched with the child for adoption. If two people have been matched jointly, only one of them can elect to be the adopter for the purposes of adoption leave rights.
- 1.3 An employee may be entitled to take either adoptive leave as the child's adopter or paternity leave under the Paternity procedures.
- 1.4 In all cases to qualify for adoption leave the employee must:
 - be continuously employed with HEFCW for at least 26 weeks ending with the week in which they were notified of having been matched with the child;
 - have notified the adoption agency that they agree that the child should be placed with them on the planned date (Placement Date); and
 - have complied with the notification and evidence requirements in this procedure.
- 1.5 If both the adopter and the individual who will take parental responsibility for the child are employees of HEFCW, one adopter must elect to take adoption leave and the other employee may qualify for paternity leave.

2. Roles and responsibilities

- 2.1 Employees are responsible for:
 - notifying their line manager and HR seven days after they receive confirmation of the adoption and being matched with a child.
- 2.2 Line managers are responsible for:
 - informing their Director/ Head of Team of the adoption; and
 - agreeing time off for adoption appointments.
- 2.3 HR is responsible for:
 - confirming adoption pay and leave entitlements; and
 - advising employees and line managers on HEFCW's adoption procedures and other relevant policies.
- 2.4 Director/ Head of Team is responsible for:
 - presenting recruitment proposals to Management Board for a replacement (if appropriate).

3. Adoption entitlements

- 3.1 All employees (excluding agency or seconded-in staff) who have completed at least one year's continuous service with HEFCW, by the week ending in which they are notified of being matched with the child, are eligible to apply for:
 - 26 weeks' Ordinary Adoption Leave (OAL) on full pay;
 - a further 13 weeks of Additional Adoption Leave (AAL) at Statutory Adoption Pay (SAP);
 - up to a further 13 weeks' AAL unpaid;
 - annual leave at end of adoption leave by request;

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- accrual of any bank holidays that have occurred whilst on adoption leave;
- a career break (unpaid) for a period of up to five years after the completion of 52 weeks' adoption leave (subject to criteria set out in the Career Break procedures).

3.2 All employees (excluding agency or seconded-in staff) who have completed less than one year but more than six months' continuous service, by the week ending in which they are notified of being matched with the child, are eligible to apply for:

- 39 weeks' Ordinary Adoption Leave (OAL) at Statutory Adoption Pay (SAP);
- up to a further 13 weeks' unpaid adoption leave;
- annual leave at end of adoption leave by request;
- accrual of any bank holidays that have occurred whilst on adoption leave;

3.3 All employees (excluding agency or seconded-in staff) have a day-one right to apply for:

- 52 weeks' Statutory Adoptive Leave without pay.
- annual leave at the end of adoption leave by request;
- accrual of any bank holidays that have occurred whilst on adoption leave.

3.4 All payments made will be paid on the normal pay date and will be subject to deductions for tax, national insurance and pensions contributions in the same way.

3.5 Employees are entitled to paid leave to attend up to five adoption appointments after they have been matched with a child. This is separate to the adoption leave entitlements.

4. Contractual Benefits

4.1 The contract of employment continues during the period of paid and unpaid adoption leave. During this period, employees continue to benefit from the contractual benefits of their existing terms and conditions of employment other than pay and pension contributions.

4.2 Please see Annex A for a breakdown of benefits.

5. Notification of adoption

5.1 OAL commences on the date the employee has notified HEFCW.

5.2 An employee wishing to take OAL must notify their line manager and HR seven days after they receive confirmation of the adoption and being matched with a child. The notification must be in writing and include the following:

- the placement date;
- their intention to take Adoption Leave
- the start date on which the employee has chosen for the leave to commence and intention to return to work.
- evidence of entitlement (matching certificate) issued by the adoption agency which confirms the placement date and the date on which the child was matched to the adopter.

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- 5.3 The OAL start date must be within 14 days of the placement date.
- 5.4 The employee has the right to vary their notice to HEFCW regarding when OAL commences, but it must still be within 14 days of the placement date. The variation must be made in writing, at least 28 days before the date the original OAL start date.
- 5.5 If more than one child is placed for adoption as part of the same placement, the adopter is only entitled to one period of OAL.
- 5.6 HR must confirm within 28 days, in writing, the start and end dates for the adoption period, including any pay entitlements. Arrangements will be made for the employee to meet with HR to discuss the following:
- a) their adoption leave and payment rights
 - b) notice period requirements during adoption leave;
 - c) the right to return to work and any potential opportunities for part time working;
 - d) accrual of annual leave and Bank Holiday entitlement during adoption leave;
 - e) a requirement to repay any occupational adoption pay should they not return to work.

6. Return to work

- 6.1 An employee who wishes to return to work earlier than the agreed date must provide a minimum of eight weeks' written notice specifying the new return to work date.
- 6.2 Where insufficient notice is given, HEFCW is entitled to postpone the return to work for 28 days or until the end of the agreed adoption leave period (whichever is sooner).
- 6.3 If the employee returns to work before their agreed return to work date or when HEFCW has postponed the return to work date, the employee will be in breach of contract and will not be paid until the correct return date.
- 6.4 An employee exercising their right to return to work after 26 weeks' adoption leave will be employed in the same post as before, on the same terms and conditions of employment in line with statutory regulations.
- 6.5 An employee exercising their right to return to work after 52 weeks' adoption leave will be employed in the same post as before, or if that is not possible, employed in an alternative suitable post on the same terms and conditions of employment as before they went on adoption leave.
- 6.6 If the employee wishes to return to work after adoption leave on a part-time basis, then they must notify HR and the line manager of their intentions and HEFCW will try to accommodate the request subject to organisational needs.
- 6.7 At least two weeks before the employee is due to return to work, they will be invited to attend an informal meeting with their line manager and HR to discuss the following:
- updates on developments at work;
 - consider whether any training needs have arisen;
 - provide an opportunity to discuss flexible working arrangements, flexible working patterns or part time hours; and

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- any necessary changes to the employee's work.

7. Early termination of adoption leave and pay

7.1 Should the adoption leave period end prematurely due to the child no longer being in placement, the period of adoption leave and any pay will end eight weeks after this event occurs.

8. Sickness absence

8.1 During adoption leave an employee cannot be absent due sickness. Normal sickness absence rules apply if an employee is sick on their return to work date.

9. Keeping in touch

9.1 The line manager or HR may make contact with the employee whilst on adoption leave, as long as the amount and type of contact is not unreasonable. This could be to discuss a range of issues e.g. return to work plans or to inform them of important changes in HEFCW. The employee should be informed of any relevant promotion opportunities or job vacancies that arise during adoption leave.

9.2 The employee can work or undertake training for up to 10 days under their contract of employment, provided this has been agreed between both parties, and agreement reached on what work/training is to be done without losing their right to adoption pay.

10. Repayment of adoption pay

10.1 Repayment of adoption pay is not required provided the employee returns to work and completes one month's continuous service after the adoption leave ends.

10.2 If the employee leaves before one month's continuous service has been completed, occupational adoption pay less statutory adoption pay must be repaid.

11. Records

11.1 HR will be responsible for keeping records relating to adoption leave taken by employees.

12. Other related policies and procedures.

12.1 Please refer to the following for further details in support of the Adoption procedures:

- Paternity procedures
- Parental procedures
- Shared Parental leave procedures
- Special leave procedures
- Career Break procedures

13. Further information

13.1 HR will provide further information that may not be covered by this policy.

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Version	Date	Description
1.0		Inherited policy
1.1	02/04/07	Updated in line with April 2007 legislation
2.0	Feb 2008	Style guide, OD, EIA and IS Control update of policy
3.0	Sept 08	Updated in line with legislative reference to maternity rules
4.0	March 09	Updated in line with legislative reference to maternity rules
4.1	Aug 16	Updated as part of policy review project
4.2	Jan 17	Management Board approval
4.3	Jan 17	Works Council approval
4.4	May 17	HRC approved

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Adoption Payments and Essential Information

Annex A

This summary must be read in conjunction with the full Adoption procedure.

Timeframe	Continuous service of one year or more		Continuous service of less than one year but more than 26 weeks.		Continuous service of less than 26 weeks.	
	Payment	Benefits	Payment	Benefits	Payment	Benefits
Ordinary adoption leave (OAL) 26 weeks	Basic salary payment	<ul style="list-style-type: none"> Pension Annual leave at contractual rate Accrual of Bank Holidays 	Statutory adoption pay	<ul style="list-style-type: none"> Pension Annual leave at contractual rate Accrual of Bank Holidays 	Unpaid	<ul style="list-style-type: none"> Annual leave at contractual rate Accrual of Bank Holidays
Additional adoption leave (AAL) Week 27 to 39 (further 13 weeks)	Statutory adoption pay	<ul style="list-style-type: none"> Pension Annual leave at contractual rate Accrual of Bank Holidays 	Statutory adoption pay	<ul style="list-style-type: none"> Pension Annual leave at contractual rate Accrual of Bank Holidays 	Unpaid	<ul style="list-style-type: none"> Annual leave at contractual rate Accrual of Bank Holidays
Week 40 to 52 (further 13 weeks)	Unpaid	<ul style="list-style-type: none"> Annual leave at contractual rate Accrual of Bank Holidays 	Unpaid	<ul style="list-style-type: none"> Annual leave at contractual rate Accrual of Bank Holidays 	Unpaid	<ul style="list-style-type: none"> Annual leave at contractual rate Accrual of Bank Holidays

Points to note:

- Matching certificate required seven days after confirmation received of the adoption and being matched with a child
- Intention of adoption leave start date seven days after confirmation received of the adoption and being matched with a child
- Annual leave can be taken at the end of the OAL or AAL period by request