

ADOPTION/CHILD THROUGH SURROGACY POLICY

1. Policy statement

1.1 This policy sets out the arrangements for adoption leave and pay for employees who are:

1.1.1 Adopting a child through a UK adoption agency;

1.1.2 Fostering a child with a view to possible adoption; or

1.1.3 Having a child through a surrogate mother.

1.2 Adoptions from overseas are not dealt with in this policy but please ask your line manager for more information.

1.3 In some cases you and your spouse or partner may be eligible to opt into the shared parental leave scheme which gives you more flexibility to share the available leave and pay. For information, please enquire.

2. Definitions

“Additional Adoption Leave (AAL)”	the 26 week period following the last day of your OAL;
“Earnings Related Rate”	90% of your average weekly earnings calculated over the Relevant Period;
“Expected Placement Date”	the date on which an adoption agency expects that it will place a child into your care with a view to adoption;
“Ordinary Adoption Leave (OAL)”	the first 26 weeks of your adoption leave commencing on the Start Date;
“Prescribed Rate”	the rate of SAP set by the government for the relevant tax year;
“Qualifying Week”	the week, starting on a Sunday, in which you are notified in writing by an adoption agency of having been matched with a child;
“Relevant Period”	the eight weeks ending with the Qualifying Week;
“Return Date”	the date the Company expects you to return from your adoption leave;
“Start Date”	the date on which you would like your period of adoption leave to start.

3. **ADOPTION LEAVE**

- 3.1 If you are adopting or fostering for adoption you are entitled to adoption leave if all the following conditions are met:
- 3.1.1 You are adopting a child through a UK adoption agency, or you are a local authority foster parent who has been approved as a prospective adopter;
 - 3.1.2 The adoption agency or local authority has given you written notice that it has matched you with a child, and told you the Expected Placement Date; and
 - 3.1.3 You have told the agency or local authority that you agree to the placement and agree to the Expected Placement Date.
- 3.2 If you are using a surrogate, you are entitled to adoption leave if both of the following conditions are met:
- 3.2.1 A surrogate mother gives birth to a child, who is biologically the child of either you, or your spouse or partner (or both of you); and
 - 3.2.2 You expect to be given parental responsibility under a parental order from the court. The child must live with you and you must apply for the parental order within six months of birth.
- 3.3 In either case, only one parent can take adoption leave. If your spouse or partner takes adoption leave with their employer you may be entitled to paternity leave (see our Paternity Leave Policy).
- 3.4 If you meet the above conditions, you will be entitled to take up to 52 weeks' adoption leave, made up of OAL and AAL.

4. **Notification requirements**

- 4.1 If you are adopting or fostering for adoption, you must tell us in writing of the Expected Placement Date and your Start Date. You must give this information not more than seven days after the agency or local authority notifies you in writing that it has matched you with a child, or if that is not reasonably practicable, as soon as you can.
- 4.2 Once you receive the matching certificate from the agency or local authority, you must provide us with a copy.
- 4.3 If you are having a child through a surrogate, you must tell us in writing of your intention to take adoption leave and the expected week of childbirth (**EWC**). You must give this information by the end of the 15th week before the EWC, or if that is not reasonably practicable, as soon as you can. You must also complete a declaration confirming your entitlement. When the child is born you must tell us the date of birth.
- 4.4 We will write to you within 28 days of receiving your notification, to confirm your expected Return Date assuming you take your full 52 week entitlement to adoption leave.

5. **Starting adoption leave**

- 5.1 If you are adopting or fostering for adoption, your adoption leave may start on a date of your choosing no more than 14 days before the Expected Placement Date, or on the date of placement itself, but no later.

5.2 If you want to change your intended Start Date please tell us in writing. You should give as much notice as you can, but must tell us at least 28 days before the original intended Start Date (or the new Start Date if you are bringing the date forward). We will write to you within 28 days to tell you your new expected Return Date.

5.3 In a surrogacy case, your adoption leave will start on the day the child is born, unless you are at work, in which case it will start on the following day. You cannot change the Start Date.

6. **During adoption leave**

The same considerations and terms with regard to holiday, pensions, terms of employment, keeping in touch and returning to work or deciding not to return apply to adoption leave as to maternity leave. Please see our Maternity Policy.

7. **Adoption pay**

7.1 Statutory Adoption Pay (**SAP**) is payable for up to 39 weeks provided:

7.1.1 you have at least 26 weeks' continuous employment with us ending with the Qualifying Week (the week in which the adoption agency or local authority notified you of a match, or if you are using a surrogate the 15th week before the EWC); and

7.1.2 your average earnings are not less than the lower earnings limit for National Insurance set by the government each tax year.

7.2 The first six weeks' SAP are paid at the Earnings Related Rate and for the remaining 33 weeks (or less if you return to work sooner) SAP is paid at the Prescribed Rate, or the Earnings Related Rate if this is lower. For the current rates, please see www.gov.uk/adoption-pay-leave.

7.3 If you are awarded a pay rise before the end of your adoption leave, you will be treated for SAP purposes as if the pay rise had applied throughout the Relevant Period. This means that your SAP will be recalculated and increased retrospectively, or that you may qualify for SAP (if you did not previously). We shall pay you a lump sum to make up the difference between any SAP already paid and the amount payable by virtue of the pay rise. Any future SAP payments at the Earnings Related Rate will also be increased as necessary.

7.4 You can give notice of your right to SAP at the same time as your notification for adoption leave purposes. If, however, you are notifying the Company in relation to SAP only (for example, because your employment is terminating before your Start Date) you must give at least 28 days' notice to the Company of the date you expect your SAP to start.

8. **Disrupted adoption**

8.1 In an adoption or fostering for adoption case, adoption leave is disrupted if it has started but:

8.1.1 you are notified that the placement will not take place;

8.1.2 the child is returned to the adoption agency after placement; or

8.1.3 the child dies after placement.

8.2 In a surrogacy case, adoption leave is disrupted where you do not apply for a parental order within the relevant time, or the court does not grant a parental order and the time limit for appeal or further application has expired, or where the child dies.

- 8.3 In the event of disruption, your entitlement to adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred, unless your entitlement to leave or pay would have ended earlier in the normal course of events.