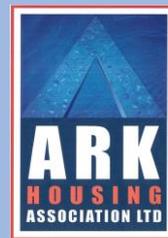




# Adoption Policy



<b>Policy Reference:</b>		HR23	
<b>Effective date:</b>	Feb 2020	<b>Review date:</b>	Feb 2023
<b>Approved by SLT:</b>	Jan 2020	<b>Approved by BoM:</b>	Feb 2020
<b>Approved by Unite</b>	Feb 2020		
<b>Owner:</b>	Walter Kane	<b>Job Title:</b>	Head of People & Organisational Development
<b>To be issued to:</b>		ARK Management All Staff	
<b>Method of Delivery:</b>		Policy Briefing Sheet	

## Version Control

Date	Owner	Version	Reason for Change
November 2019	As above	V3.0	Cyclical review

## Summary of Changes

Section	Change
Introduction	The content is broadly similar but the wording has been condensed.
Length of Leave	Has been moved to earlier in the policy and wording condensed.
Variation of Leave	This has been added to the notification section and the wording has been condensed.
Evidence	This has been incorporated into the earlier section of Adoption Leave
Contract of Employment	Has been moved to the section "Terms and Conditions" and mirrors the maternity policy
Adoption Pay	Removal of monetary amount so this policy is up to date, replaced with the words "rate set by the Government".
Annual Leave and Pension Contributions	Combined into one section and added to "Terms and Conditions". Wording has been condensed.
Additional	Removed as replaced by shared parental leave

Adoption Leave	
Return to Work	Remove the assumption that employees will take 52 week- link to new appendix Adoption Leave Request Form. Wording has been condensed.



# Adoption Policy



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## 1.0 ARKs Values

Our organisational values are the basis for everything that we do, from providing housing, care and support to tenants and service users to ensuring that staff have clear standards of performance set. ARK believes that everyone should have the opportunity to lead a happy, healthy and safe life. We value:

- The worth of each person
- Trusting relationships
- Understanding difference
- Challenging oppression
- Personal and organisational accountability
- Caring for our physical environment
- Enjoyment

All ARK policies and procedures are underpinned by our values and we will ensure that our employees are treated fairly, consistently and in line with our values.

## 2.0 Purpose

This policy informs ARK employees who are of their rights and responsibilities where they are planning to adopt.

## 3.0 Policy Statement

This policy informs ARK employees who plan to adopt of their rights and responsibilities.

## 4.0 Scope

This policy applies to all ARK employees whether they are applying for leave as the mother / primary adopter or as the Father / partner.

## 5.0 Legal/Regulatory Framework

The relevant legislation relating to adoption leave and pay is:

- Employment Rights Act 1996
- Employment Relations Act 1999
- Employment Act 2002
- Work and Families Act 2006, the Children and Families Act 2014

## 6.0 Responsibilities

### 6.1 Board of Management

ARK's Board of Management is responsible for consideration and approval of this policy.

### 6.2 Executive Team

ARK's Executive Team is responsible for ensuring that this policy is reviewed in accordance with ARK's schedule for review of policies, or sooner if required.

### 6.3 Senior Leadership Team

ARK's Senior Leadership Team is responsible for review of the policy, and for ensuring that relevant measures are put in place in order to implement its requirements.

### 6.4 Managers

ARK Managers are responsible for the effective implementation of this policy when supporting employees who are adopting a child.

### 6.5 All Staff

ARK employees who are adopting a child are required to familiarise themselves with this policy and supporting procedure to ensure they understand what their entitlement to adoption leave and pay is and to ensure they comply with the requirements.

## 7.0 Adoption Leave

Adoption leave is the period of leave a primary adopter (also referred to as the main adopter) can take off when they are newly matched with a child.

### 7.1 Before the Adoption

If you are the main adopter you can take time off to attend up to five adoption appointments prior to the adoption. Where possible these appointments should be outside work time or at the very start or very end of a shift. If this is not possible you may take reasonable paid time off during work time to attend. You must give your manager as much

notice as possible of the time and date of the appointment and, if requested, you must provide documentation confirming the appointment, such as an appointment card.

If you are not the main adopter but do have a qualifying relationship you can attend up to 2 appointments. This will be unpaid.

## 7.2 Adoption Leave

Adoption leave can be used when the main adopter is newly matched with a child under the age of 18.

If you are the main adopter you can choose to take adoption leave from a minimum of 2 weeks to a maximum of 52 weeks. The first 26 weeks are known as ordinary adoption leave and the following 26 weeks are known as additional adoption leave.

**For adoptions within the UK** you can choose your adoption leave to start on the date the child is placed with you or up to 14 days before.

If you are adopting **from overseas you can choose your adoption leave to** start from the date the child entered to UK or up to 28 days after this date.

### Notification

**For adoptions within the UK**, in order to ensure you can access your adoption leave you must, **within 7 days** of being notified that you have been matched for adoption by an approved adoption agency, tell us in writing:

- That you have been matched with a child for adoption by an approved adoption agency;
- The name and address of the adoption agency;
- The date you were notified that you had been matched with a child;
- The date on which the placement of the child will start;
- The date you wish your adoption leave to start;
- You must also provide evidence to confirm you that you have been matched with a child and that date the placement.
- **For adoptions from overseas**, in order to ensure you can access your adoption leave you must tell us in writing:
  - The date you wish adoption leave to start, giving at least 28 days' notice;
  - The date the child entered Great Britain, no later than 28 days after the date of entry;
  - That you have been matched with a child for adoption by an approved adoption agency;
  - The name and address of the adoption agency;

- The date you were notified that you had been matched with a child;
- The date on which the placement of the child will start;
- You must provide us with official notification from the agency.

You can use **appendix 1** to notify your line manager of the adoption.

You must inform us in writing of your intention to take adoption leave in order to ensure you receive any adoption pay you may be eligible for.

Once you have notified your line manager of the dates you wish to take adoption leave you can change your mind as long as you give 28 days notice of the new start date. You can do this by submitting a new copy of appendix 1.

### 7.3 Adoption Pay

You may be eligible to receive either or both Statutory Adoption Pay (SAP) and Occupational Adoption Pay (OAP) provided you meet the eligibility criteria and have given the correct notification.

### 7.4 Statutory Adoption Pay

You will be eligible for SAP if, at the week you are given notification of matching with a child you have worked for ARK continuously for 26 weeks and met the minimum earnings / NI requirement.

SAP is paid for 39 weeks and this is made up of the following:

- **Weeks 1 to 6 of adoption leave:** You will receive 90% of your average weekly earnings.
- **Weeks 7 to 39 of adoption leave:** You will receive a flat, weekly, rate that is set by the Government.

### 7.5 Occupational Adoption Pay

You will be eligible for OAP if you are the main adopter and at the week you are given notification of matching with a child, you have worked for ARK for 18 months and are returning to work for at least 12 weeks after adoption leave. OAP is paid in addition to SAP.

OAP is paid for 12 weeks and is paid as follows:

- **Weeks 7 to 18 of adoption leave:** You will receive 50% of your average weekly earnings (inclusive of SAP).

Alternatively, you can choose to receive OAP in a single lump sum payment when you return to work.

If you do not return to work at least 12 weeks after adoption leave you will be required to reimburse ARK for all OAP received.

## 7.6 Keeping in Touch Days

During adoption leave you may attend work for a maximum of 10 days without this affecting their adoption leave or pay. These are known as keeping in touch (KIT days) and can be used for a variety of purposes such as team meetings, training days or meeting with your manager to discuss your return to work.

KIT days must be mutually agreed and your adoption pay will be topped up to your normal daily rate.

Your line manager may also make reasonable contact throughout your leave to talk about return to work plans or to update you on work developments.

## 7.7 Terms and Conditions

During adoption leave your pay will be replaced by adoption pay if eligible. This may impact on your pension contributions, please see payroll for further information on this.

Although your annual leave will accrue as normal you cannot take annual leave during a period of adoption leave. You can request to take annual leave immediately before or after adoption leave and this should be requested and authorised by your line manager as normal.

All other terms and conditions of employment remain.

## 7.8 Return to Work

If you take a period of leave lasting 26 weeks or less (ordinary adoption leave) you will return to the same job.

Where you take 27 weeks or more (additional adoption leave) you will be entitled to return to the same job or, where that is not reasonably practicable, a job of the same status and the same terms and conditions.

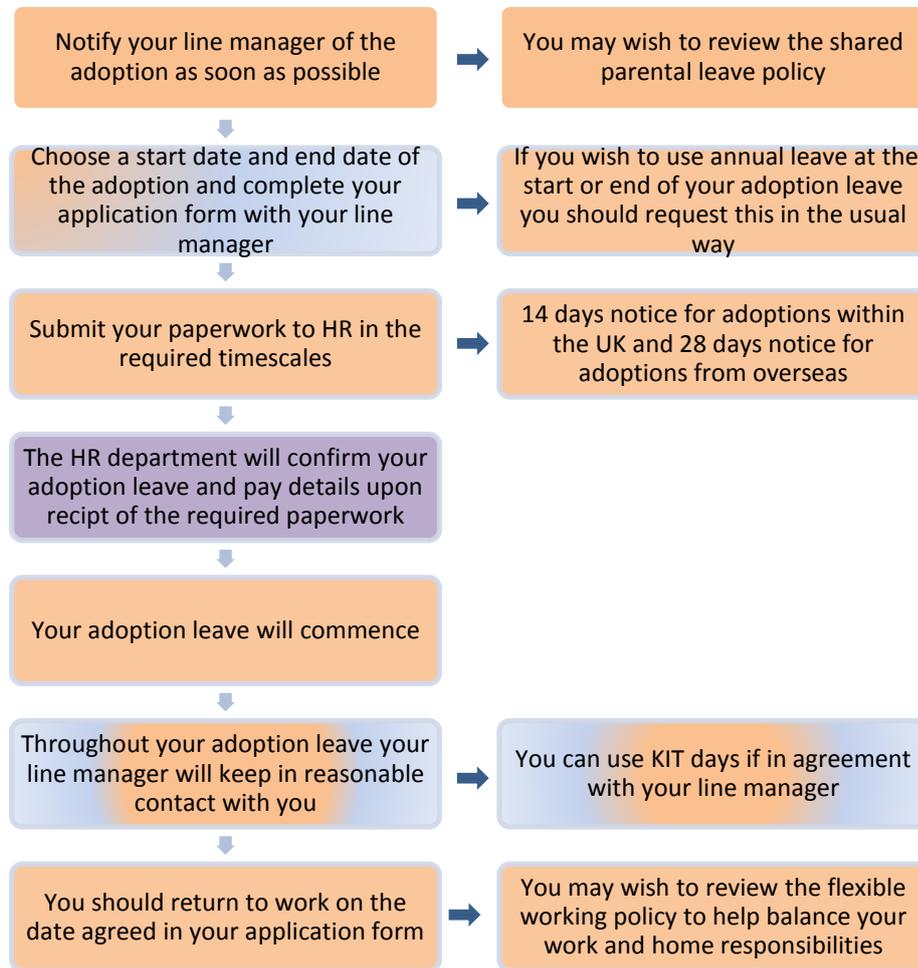
If you wish to return to work earlier than originally intended then you can do so provided you give your line managers 8 weeks notice of the new return date.

If you decide that you do not wish to return to work after adoption leave you can do so by giving the appropriate notice as set out in your contract of employment. Please note that if you decide not to return you will be required to repay any occupational adoption payments that you have received.

There are options to help parents balance work and caring for their child and you may wish to look at flexible working on or before your return to work.

We also have a shared parental leave policy.

### 7.9 Adoption Leave Flowchart



## 8.0 Related Policies & Procedures

Adoption Leave and Pay Procedure.

## 9.0 Equality Impact Assessment (EIA)

Will be completed after SLT discussion

## 10.0 Data Protection Impact Assessment (DPIA)

A DPIA has been completed in relation to the development of this policy.

## 11.0 Stakeholder Consultation

This policy was circulated for comment and feedback to the following groups, prior to approval.

- ARK Board of Management;
- ARK Executive Team; ARK Senior Leadership Team;
- Unite the Union.

## 12.0 Monitoring and Review

### 12.1 Monitoring

ARK's Executive and Senior Leadership Teams will monitor implementation of this policy on an ongoing basis.

### 12.2 Review

This policy will be reviewed within 3 years from the date of approval by our Board of Management, in accordance with ARK's policy review framework.

## Appendix 1

### Application for Adoption Leave and Pay

I wish to inform you that I have been matched with a child for adoption by an approved adoption agency and of my intention to take adoption leave.

Employee Name:

Employee Number:

My adoption is:	<input type="checkbox"/> Within the UK <b>OR</b> <input type="checkbox"/> From overseas
The date I was notified I was matched with a child was:	
The name and address of my adoption agency is:	
The date this child will be placed with me is:	
<b>For overseas adoptions only</b> – The date the child entered the UK was:	
My first day of adoption leave will be: <i>Your leave will start the day after your last day of work. Annual leave is considered a working day for adoption purposes.</i>	
My last day of adoption leave will be: <i>You can change this date provided you give 8 weeks' notice in writing</i>	
I intend to return to work after my adoption leave: <i>If you are in receipt of OAP and do not return to work for a period of at least 12 months you will need to repay this</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
I wish to receive OAP if I am eligible to receive this:	<input type="checkbox"/> Yes <input type="checkbox"/> No
I wish to receive OAP:	<input type="checkbox"/> During adoption leave <b>OR</b> <input type="checkbox"/> As a lump sum when I return to work
I have attached my official notification from the adoption agency to this form:	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b><i>As annual leave cannot be carried forward into the next leave year remember to request all of your annual leave prior to going on adoption leave or immediately upon your return.</i></b></p>	

Employee Signature:	Date:	
Line Manager Signature:	Date:	

*You must return this completed form with your official notification by:*

- *For UK adoptions: For UK adoptions you must submit this form within 7 days of being notified that you have been matched with a child*
- *For overseas adaptations: You must give us 28 days notice of your intention to take adoption leave*

*Payments can only be made when all of the required documentation is received by HR in the time periods specified in the policy.*

*If you wish to change your dates of adoption leave you can do so by submitting another copy of this form 28 days before the new start date. Please tick here to confirm if you have previously submitted a copy of this form:  Yes  No*