

HR23 - Adoption Policy

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Approved by P&PRG:	Jan 2024	Approved by BoM:	Feb 2024
Owner:	Michael Catlin	Job Title:	Head of People & OD
To be issued to:			
<input type="checkbox"/> Board of Management <input type="checkbox"/> All Staff <input type="checkbox"/> ET/SLT <input type="checkbox"/> Head Office Managers <input type="checkbox"/> Head Office Staff <input type="checkbox"/> Finance <input type="checkbox"/> Housing <input type="checkbox"/> Asset <input type="checkbox"/> ICT		<input type="checkbox"/> OD <input type="checkbox"/> Compliance <input type="checkbox"/> All Care & Support <input type="checkbox"/> C&S Managers (RM, OM, CSM) <input type="checkbox"/> C&S Staff <input type="checkbox"/> Contractors <input type="checkbox"/> Agency Staff <input type="checkbox"/> Unite the Union <input type="checkbox"/> Employee Voices Group <input checked="" type="checkbox"/> Other: <u>Only when relevant</u>	
Method of Delivery:			
<input type="checkbox"/> LearnPro <input type="checkbox"/> Board Portal <input type="checkbox"/> Line Manager to Share (e.g. Agencies)		<input type="checkbox"/> Policy Owner to Notify (e.g. Contractors) <input checked="" type="checkbox"/> Other: <u>Only when relevant</u>	
Stakeholder Consultation Completed			
<input type="checkbox"/> Board of Management <input type="checkbox"/> All Staff <input type="checkbox"/> ET/SLT <input type="checkbox"/> Head Office Managers <input type="checkbox"/> Head Office Staff <input type="checkbox"/> Finance <input type="checkbox"/> Housing <input type="checkbox"/> Asset <input type="checkbox"/> ICT		<input checked="" type="checkbox"/> OD <input type="checkbox"/> Compliance <input type="checkbox"/> All Care & Support <input type="checkbox"/> C&S Managers (RM, OM, CSM) <input type="checkbox"/> C&S Staff <input type="checkbox"/> Contractors <input type="checkbox"/> Agency Staff <input checked="" type="checkbox"/> Unite the Union <input type="checkbox"/> Employee Voices Group <input type="checkbox"/> Other:	

Version Control

Date	Owner	Version	Reason for Change
Jan 2024	Michael Catlin	1	Cyclical Review

Summary of Changes

Section	Change
1.0	Updated to reflect current values.
4.0	Updated to reflect inclusive language.
5.0	Updated to add new UK legislation introduced in 2023.
6.5	Removed erroneous signposting to a supporting procedure & updated content to reflect inclusive language.
7.9	Added new section with new legislation around redundancy protection.

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1.0 Ark's Values

Arks values are true to the core purpose of the organisation and the services we deliver. They determine our behaviours towards one another and what we should expect in our relationships with one another. Working within the following values will guide and help us deliver our vision and mission of Ark being an organisation where everyone is equal:

Trust

We have confidence in our people to deliver excellent services and trust in them to do so. We will develop trusting and honest relationships and our customers will feel assured that they can rely on us to deliver.

Respect

We treat everyone fairly and we listen. We are respectful of each person with whom we come into contact and expect our people to respond professionally and treat others as they would wish to be treated.

Understanding

We will operate with empathy and compassion and approach each situation with an open mind. We will question and challenge to ensure we achieve the right outcomes for customers and our people.

Equality

We believe everyone is equal and expect our people to create positive experiences where everyone feels valued and included.

Integrity

We will do the right thing and take responsibility for our actions. We will work together to uphold the highest standards of behaviour and practice.

2.0 Purpose

Ark is committed to helping its employees to balance their family and work commitments. This policy explains the leave and pay available to you during your adoption leave. It will support you in planning for adoption leave and returning to work after leave.

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 that are applying for leave as the primary parental adopter. This policy is applicable regardless of the employee or employee's partner's gender and sexual orientation.

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
- The Protection from Redundancy (Pregnancy and Family Leave) Act 2023

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 Operational Management Team

Ark's Operational Management 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 are required to familiarise themselves with this policy 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 paid time off to attend up to five adoption appointments prior to the adoption. Where possible these appointments should be at the start or the end of a shift. 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 two 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.

For adoptions within the UK, 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 the date of placement.

For adoptions from overseas, 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 your 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 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.

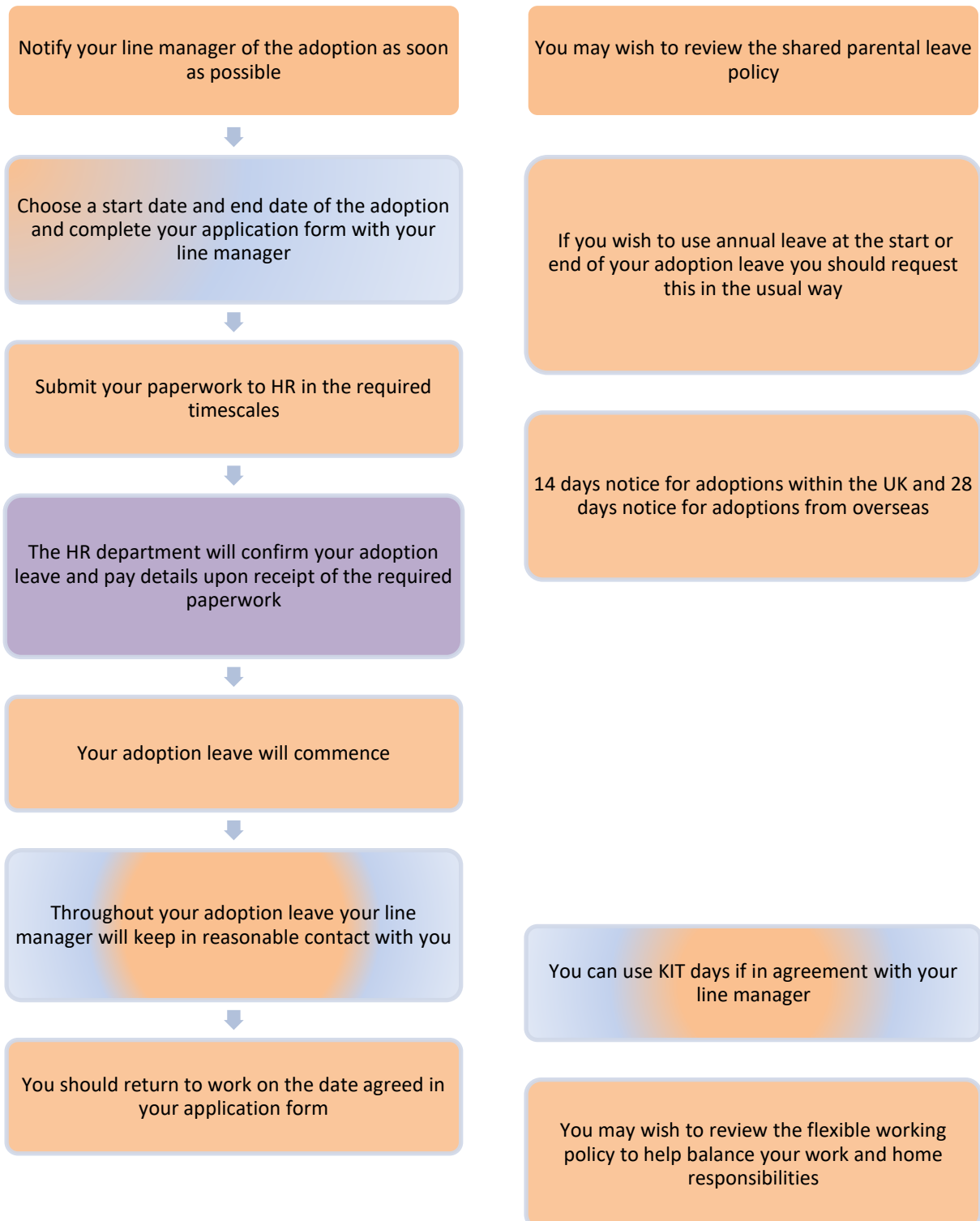
There are options to help parents balance work and caring for their child and you may wish to look at flexible working on or before your return to work.

We also have a shared parental leave policy.

7.9 Redundancy Protection

Parents on adoption leave have the right to be prioritised for redeployment offers in a redundancy situation, for 18 months after the child's date of placement or date of entry into Great Britain.

7.10 Adoption Leave Flowchart



8.0 Learning & Development Requirements

No learning & development requirements have been identified in relation to this policy.

9.0 Related Policies & Procedures

This policy should be read in conjunction with:

- HR 25 Flexible Working Policy
- HR 25a Flexible Working Procedure
- HR 37 Shared Parental Leave Policy

10.0 Equality Impact Assessment (EIA)

No potential equalities issues have been identified in relation to the development of this policy, and consequently an EIA has not been completed.

11.0 Data Protection Impact Assessment (DPIA)

No potential data protection issues have been identified in relation to the development of this policy, and consequently an DPIA has not been completed.

12.0 Stakeholder Consultation

In developing this policy, the following groups were consulted:

- Ark Board of Management;
- Ark Executive Team;
- Ark Operational Management Team;
- Unite the Union;
- Ark Policy and Procedure Review Group.

13.0 Monitoring and Review

13.1 Monitoring

Ark's Executive and Operational Management Team will monitor implementation of this policy on an ongoing basis.

13.2 Review

This policy will be reviewed within 5 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 OR <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:	
For overseas adoptions only – 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 weeks 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 OR <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
<i>As annual leave cannot be carried forward into the next leave year remember to request all your annual leave prior to going on adoption leave or immediately upon your return.</i>	

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 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