



Dudley Mind Adoption Leave Policy and Procedure

1) Policy

1.1 This policy sets out the statutory rights to adoption pay and leave and the procedure by which Dudley Mind employees should request to take adoption leave.

1.2 Individuals who adopt, or one partner of a couple where the couple adopt jointly are entitled to adoption rights. Subject to certain qualifying conditions, where an approved adoption agency notifies an adopter of a match with a child on or after 6 April 2003, paid adoption and paid paternity leave are available.

1.3 Eligibility

To qualify for paid adoption leave an employee must:

- Be newly matched with a child for adoption by an approved adoption agency
- have worked continuously for Dudley Mind for 26 weeks leading into the week in which they were notified of the match with a child for adoption (the 'matching week').

1.4 Adoption Leave

There are 2 types of adoption leave: 26 weeks ordinary adoption leave, immediately followed by 26 weeks additional adoption leave, giving a total of up to 52 weeks. During ordinary and the first 13 weeks of additional adoption leave, most adopters will be entitled to Statutory Adoption Pay (SAP) from their employers on a similar basis to that governing Statutory Maternity Pay (SMP) (see Maternity Policy).

Adoption leave can start from:

- the date of the child's (children's) placement, whether this is earlier or later than expected or
- from a fixed date which can be up to 14 days before the expected date of placement

Adoption leave can start on any day of the week.

1.5 Statutory Adoption Pay

1.5.1 SAP is payable for 39 weeks. The rate of SAP is the same as SMP.

1.5.2 During the Ordinary Adoption Leave period Dudley Mind will pay Statutory Adoption Pay (SAP) to eligible employees of:

- 6 weeks at 90% of average earnings
- The remaining 20 weeks Ordinary Adoption Leave will be paid at the lower rate SAP, as set by the Government each year.
- The first 13 weeks of the Additional Adoption Leave period will be paid at the lower rate SAP, as set by the Government each year.
- The remaining 13 weeks of Additional Adoption leave will be unpaid.

1.5.3 Adopters whose average weekly earnings are below the lower earnings limit for National Insurance purposes do not qualify for SAP but may qualify for other welfare benefits.

2) Scope

This policy is applicable to all Dudley Mind employees.

3) Procedure

3.1) A member of staff should inform their line manager or HR Officer of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption.

3.2) The Adoption Leave Plan (Appendix 1) should be completed and returned along with the matching certificate (provided by the adoption agency).

4) Reasonable contact

4.1 The concept of 'reasonable contact' has been introduced by the Government which allows for reasonable contact to be made with the employee during their adoption leave. Examples include:

- Discussing working arrangements
- Facilitating the return to work process

4.2 There will be no payments made to the employee for this type of contact.

4.3 As part of the Notice of intention to take adoption leave form (Appendix 1) the employee and their line manager should discuss and agree any voluntary arrangements for keeping in touch during the employee's adoption leave.

5) Keeping in Touch Days

5.1 The Government introduced 'Keep in Touch' (KIT) days, whereby an employee can work at their work location for up to 10 days during adoption leave without losing their right to SAP or bringing adoption leave to an end.

5.1.1 An employee cannot be forced to work any days or on a particular day, or be victimised if they refuse.

5.2 The purpose of these days are to keep employees engaged and encourage them to remain involved in the organisation which will make their transition back to work easier.

5.3 Examples of times when employees and line managers may decide that KIT days would be beneficial include:

- Attendance at team events/briefings
- Help out at busy times
- Training events

5.4 The employee will be paid for any hours worked at their usual rate of pay. If the employee is currently in receipt of SAP then their total pay for that day will be inclusive of SAP. Any pay due for KIT days will be paid on the next normal pay day. Please note that there will be no reimbursements for travel expenses or childcare for these days.

5.5 Employees must not undertake any paid work whilst on paid adoption leave (with the exception of keeping in touch days).

6) Contractual Rights and benefits during adoption leave

During the ordinary adoption leave period all contractual rights continue to accrue; and during the additional adoption leave period, the contract remains in existence but there is no right to remuneration or other contractual benefits.

6.1 Treatment of benefits whilst on Adoption Leave:

Benefit	Adoption	
	Ordinary	Additional
Holidays	Accrue contractual holiday entitlement for whole leave as if at work	Accrue contractual holiday entitlement for whole leave as if at work
	Employees can take any holiday they have accrued prior to starting maternity leave before their maternity leave commences.	
	Employees can also take any holiday that may be accrued up to the end of their ordinary maternity leave prior to starting their maternity leave.	
	Any further contractual holiday accrued should be taken when	

	the employee returns to work. Normal holiday rules and provisions apply.	
Sickness	Not entitled	Not entitled
Pension Scheme	During the statutory pay period Dudley Mind will make it's normal contribution based on your pensionable earnings before adoption leave and you pay your normal contribution rate of any contractual/statutory pensionable earnings you receive.	
Childcare Vouchers	If an employee participates in the Childcare voucher scheme they should be aware that this will impact on their Statutory Adoption Pay entitlement as participation in these schemes reduces the NI pay which is used to calculate SAP. Employees requiring more information should contact the finance officer.	

7) Return to work

7.1 A member of staff who intends to return to work at the end of their full adoption leave entitlement will not have to give any further notification to Dudley Mind.

7.2 If an employee wishes to return to work before the end of the ordinary and additional adoption leave they must give eight weeks' notice in writing to their line manager of their return date or any earlier return date. Failure to notify their manager or HR Officer of their intention to return may affect their right to return to work.

7.3 If an employee chooses not to return to work following a period of adoption leave they must give notice in writing equivalent to that required by their contract of employment.

7.4 All employees who return to work before or at the end of their Ordinary Adoption Leave period are entitled to return to their old role, or one of equivalent status on the same terms and conditions, provided they comply with the conditions of this policy and procedure.

7.5 All employees who return to work during or at the end of their Additional Adoption Leave period are entitled to return to their old role or one of equivalent status wherever possible. If this is not practical, then the individual may be asked to move to a similar role, on terms and conditions of employment that are no less favourable than before.

7.6 If at the end of adoption leave, child care responsibilities make it impossible for the individual to return to work on their original contracted hours, the organisation will consider a request to return on a part-time and/or flexible basis in the short or long term. Please refer to the Dudley Mind Flexible Working Policy for more details.

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8) Changes

Dudley Mind reserves the right to change the provision of the Dudley Mind Adoption Policy and Procedure by amendment, addition, deletion, or substitution of new procedures from time to time at its discretion. Employees will be consulted and notified of any changes by appropriate means.

Appendix 1: Adoption Leave Plan

This form must be completed within 28 days of you notifying Dudley Mind of your intention to adopt, the HR Officer can assist in completion.

You need to inform Dudley Mind of your intention to take adoption leave by notifying us no more than 7 days after the date you were notified by your adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable.

Please refer to the Dudley Mind Adoption Leave Policy before completing this form.

Upon completion this form must be passed to your line manager/HR Officer.

	Complete all relevant sections and return the form to the HR Officer	Notes for completion
1.	Enter your name below:	
2.	Enter your job title:	
3.	Date notified by the adoption agency that a match was made:	
	The child is expected to be placed on:	
4.	Where already placed, enter the date they were placed:	
5.	I wish to start my adoption leave on:	<p>Adoption leave can start from:</p> <ul style="list-style-type: none"> - the date of the child's (children's) placement, whether this is earlier or later than expected or - from a fixed date which can be up to 14 days before the expected date of placement <p>Adoption leave can start on any day of the week.</p>
6.	<p>I intend to return to work following my Adoption Leave</p> <p>Yes <input type="checkbox"/> (please tick)</p> <p>No <input type="checkbox"/> (please tick) Please refer to</p>	<p>If you decide, whether now or</p>

	section 10.	later, that you do not intend to return to work you must give at least 4 weeks notice of termination of your employment or more if this is required by your contract of employment. Contact the HR Officer for more information.
7.	<p>Complete this section if appropriate:</p> <p>I would like the company to remind me of my due to return date 3 months prior to the end of my adoption leave:</p> <p>Yes/No (delete as appropriate)</p> <p>If I cannot return, for example, because I am sick, I understand that the normal sick pay rules and absence policy apply.</p>	<p>We will assume that you will return at the end of your maximum leave entitlement.</p> <p>Your due date to return is:</p> <p>If you wish to return earlier than this date you must complete section 8. The HR Officer will acknowledge your leaving date and confirm your due to return date within 28 days of your notification.</p>
8.	<p>If applicable please complete. I intend to return to work earlier than the date given in section 7. I intend to return to work on:</p>	<p>If you would like to come back to work before the return date in section 7 then you must notify the HR Officer in writing 8 weeks before your intended return date.</p> <p>If you do not give this notice your date of return may be postponed for 8 weeks from the date you informed the HR Officer, or your original return date, whichever is sooner.</p>
9.	<p>I have at least 26 weeks into the 15th week continuous service and my average earnings are no lower than £90.00 a week and are therefore eligible to receive the following statutory maternity pay:</p> <p>6 weeks at 90% of average weekly earnings</p> <p>33 weeks of lower rate SAP <input type="checkbox"/> (tick)</p> <p>.....</p> <p>I am not entitled to receive Statutory</p>	<p>Dudley Mind will continue normal deductions and contribution to benefits from any Statutory Adoption Pay that you are entitled to receive. Please see Adoption Policy for details of benefits entitlements whilst on Adoption Leave.</p> <p>You can take your SAP1 form</p>

	Adoption Pay and have been issued with form SAP1 <input type="checkbox"/> (tick)	to the benefits agency who will discuss your entitlement please visit the following website for more information: www.directgov.uk
10.	If NOT returning I enclose a copy of my resignation <input type="checkbox"/> (please tick). I understand that my employment will terminate on my last day of work and Dudley Mind will continue to pay me SAP (if applicable) and at the end of my adoption period my P45 will be posted to me.	You must give at least your contractual notice period to terminate your employment.
11.	Would you like to be kept informed of any vacancies (please specify which type of role) that become available during your adoption leave? Yes/No (delete as appropriate)	
12.	I would like to continue receiving Childcare Vouchers, with monies deducted from my SAP. Yes/No/Not applicable (delete as appropriate)	

Declaration	
Adoption status	I am: <input type="checkbox"/> The sole adoptive parent <input type="checkbox"/> Adopting the child with my partner
If adopting the child with your partner you must be able to tick this box:	<input type="checkbox"/> My partner is not taking adoption leave
Additional Documentation required:	<input type="checkbox"/> I have enclosed the Matching Certificate, provided by the Adoption Agency
Signature:	
Date:	

Please sign below to say that you have read and understood all the details in the Adoption Leave Plan. Please keep a copy of the plan for your records and the HR Officer will keep a copy too.

Signed (Employee):

Full Name (please print):

Date:

Appendix 2

Standard Letter to acknowledge notification of adoption leave

(This should be sent within 28 days of receipt of employee's notification.)

Name and address

Date:

Dear (Name)

Thank you for informing me that you have been notified by an approved adoption agency of a match with a child/children to be placed with you on [date if known]. I am writing to you about your adoption leave and pay.

As we have discussed, you are eligible for 52 weeks' adoption leave (26 weeks' ordinary adoption leave plus 26 weeks' additional adoption leave. Given your chosen start date of [insert date], your adoption leave will end on [insert date].

If you want to change the date your leave starts you must, if at all possible, tell me at least 28 days before your proposed new start date or 28 days before [insert date leave starts] [your original start date], whichever is sooner.

If you decide to return to work before [insert date leave ends], you must give me at least eight weeks' notice.

As we discussed, you are eligible for **39 weeks' Statutory Adoption Pay.**

Your adoption pay will be £[insert amount] from [insert date] to [insert date] and £[insert amount] from [insert date] to [insert date].

or

As discussed you are not eligible for Statutory Adoption Pay, the form SAP1 (enclosed) explains why you do not qualify for SAP. If you take this form to the Jobcentre Plus or Social Security Office at [insert local details], they will be able to tell you what (if any) benefits to which you may be entitled.

During your adoption leave we are both able to make reasonable contact with each other to help with staying in touch. We are also able to agree that you can do up to ten days' work during your adoption leave without it affecting either your adoption leave or your SAP. Before you begin your adoption leave we should discuss how we will keep in touch during your time off.

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If you intend to return to work at the end of your ordinary adoption leave you will be entitled to return to your old role on the same terms and conditions.

If you intend to return to work at the end of your full additional adoption leave entitlement you do not have to give me notice of your return. However, if you want to return before the end of your additional adoption leave you must give me 8 weeks notice of the date of your return. I feel it is only fair to point out that if you opt to take additional adoption leave, you will only be entitled to return to the same job if it remains practicable to allow you to do so. In the event that it is not, the company will seek to provide you with another job commensurate with your current terms, conditions and status.

If you decide you do not wish to return to work, you must give me one months written notice of your resignation in accordance with your contract of employment. Your decision will not affect your entitlement to SAP.

Finally, it remains for me to wish you well with your adoption, if you have any questions about any aspect of your entitlements, please do not hesitate to contact me.

Yours sincerely
For and on behalf of Dudley Mind

Michelle Pitt
HR Officer