

Rodger (Builders) Ltd

ADOPTION LEAVE AND PAY

The Policy

This policy sets out the provisions to which Employees may be entitled when adopting a child. Employees may be entitled to take paternity leave or parental leave instead of, or as well as, adoption leave. Advice should be sought from the company H R Department as to which entitlements will apply.

These adoption provisions comply with relevant legislation.

The Policy in Operation

Adoption Leave (Notification and Commencement)

Subject to the qualifying criteria, adoption leave is made up of 26 weeks ordinary adoption leave followed by 26 weeks additional adoption leave.

An Employee is entitled to adoption leave if they fulfill the following criteria;

- They are the child's adopter. An adopter means a person who has been newly matched with the child for adoption or, in the case where two people have been matched jointly, whichever of them has elected to be the child's adopter for the purposes of the Regulations. Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's children.
- They have been continuously employed for a period of not less than 26 weeks ending with the week in which they were notified of having been matched with the child;
- They have notified the agency that they agree that the child should be placed with them on the date of placement; and
- They have complied with the relevant notice requirements. Notice of the Employees intention to take adoption leave should be given, in writing, to the Company;
 - no more than seven days after the date on which the Employee is notified of having been matched with the child for the purposes of adoption; or
 - As soon as is reasonably practicable.

The notice should specify:

- The date on which the child is expected to be placed with the Employee for adoption; and
- The Employee's chosen adoption leave start date. This can be;
 - the date on which the child is placed with her/him for adoption; or
 - a pre-determined date no earlier than 14 days before the expected date of placement

If the Employee chooses to begin their period of leave on the date on which the child is placed with them and they are at work on that date, the period of leave will begin on the following day.

Evidential Requirements for Adoption Leave

The Employee must provide the Company with evidence, in the form of one or more documents issued by the adoption agency that matched the Employee with the child, of:

- the name and address of the agency;
- the name and date of birth of the child;
- the date on which the Employee was notified that he had been matched with the child; and
- the date on which the agency expects to place the child with the Employee.

Variation of Start Date

An Employee who has given notice of their intention to take adoption leave may vary the chosen start date provided that they give the Company 28 days' notice of the variation, or, if this is not reasonably practicable, as soon as is reasonably practicable.

Employer's Notification Obligations

If an Employee gives the Company notice of their chosen start date (or a variation notice), the Company will notify the Employee, within 28 days of his receipt of the notice, of the date on which the Employee will be expected to return to work.

Returning to Work

An Employee who returns to work at the end of their full adoption leave period need not notify the Company in advance of their return. If, however, the Employee wishes to return to work early, they must give 8 weeks' notice.

Terms and Conditions During Adoption Leave

During adoption leave, Employees' remain employed under their terms and conditions of employment and are entitled to the benefits of their normal terms and conditions other than remuneration. In particular, Employees will continue to accrue annual leave during adoption leave. Annual leave accrued in the leave year in which the Employee commences adoption leave should be used prior to the Employee starting adoption leave. The Employee should liaise with [the HR Department] with regard to planning the dates of their annual leave.

Employees will also retain any right to use Company cars or mobile phones that have been allocated to them.

Statutory Adoption Pay (SAP)

Subject to the qualifying criteria below, Employees will be paid SAP for up to 39 weeks at either the statutory rate, or 90% of the Employees average earnings if these are less than the flat rate per week.

In order to qualify for SAP, Employees must:

- Fulfill the qualifying criteria for statutory adoption leave;
- Have normal weekly earnings of not less than the lower earnings limit for National Insurance Contributions; and
- Have commenced statutory adoption leave.

Keeping In Touch

The Company and the Employee are entitled to have a reasonable amount of contact with each other during adoption leave to discuss aspects such as plans to return to work, important developments at work, promotional opportunities or job vacancies.

The Company and the Employee are also entitled to agree that the Employee will attend work for up to 10 days during maternity leave without this affecting the Employee's adoption pay. This may allow the Employee to attend training or other events that take place during the adoption leave period or allow the Employee to keep their skills up to date. The Company is not obliged to pay the Employee for these days. However, where payment for these days is agreed, any such payment will be agreed between the Company and the Employee beforehand.

Overseas Adoption

Paid leave is available whether a child is adopted from within the UK or from overseas, but some details may differ for parents adopting from outside the UK. Please contact the [HR department] for further information.