



WILLIAMSBURGH
HOUSING ASSOCIATION LTD

Adoption Policy

Revision History

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Reviewer(s)	Corporate services
Approved by (committee name)	Finance, Audit and Corporate Services Sub committee
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Introduction

At Williamsburgh Housing Association (WHA) we know that having a new child is an important and exciting time and we want to support you during this time. This policy sets out the entitlements to leave and pay for parents who are adopting during their employment with WHA.

General

If you are adopting a child or are a surrogate parent, you have the right to 52 continuous weeks off so long as you can satisfy certain conditions. This is split into 26 weeks of "Ordinary Adoption Leave" and a further 26 weeks "Additional Adoption Leave".

If a couple are jointly adopting a child, one person may be eligible to adoption leave and pay and the other to Paternity leave and pay which is the statutory term, further information can be found in our Paternity, non-pregnant partner or co-adopter policy. If you both wish to use leave, please check if you are entitled to Shared Parental Leave. You will find further information in our Shared Parental Leave Policy. The same rule applies to surrogate parents.

If you have completed one year's service at the date of adopting a child, you will be entitled to the additional benefits under our occupational adoption pay as long as you meet the conditions set out below.

You are also entitled to up to five periods of paid time off before the adoption to deal with the necessary formalities. You will need to agree this with your line manager on the basis of the requirements in your case. If you are a surrogate parent, you are entitled to take unpaid time off to attend two antenatal appointments with the person carrying the child, however please discuss with your line manager who will do their best to allow some flexibility in terms of time taken to attend appointments.

Notice

Your Notice

Whilst we recognise that the process of adopting can be a very personal one which you may not wish to share all the details, we would encourage you to have discussions with your Line manager as soon as you feel able to so that we can address how best the company can support you.

As a minimum you must notify us within 7 days of being matched with a child, you need to tell us:

- how much leave they you wish to take,
- the date you wish the leave to start,
- the 'date of placement' - the expected or actual date the child is placed with you, along with your official notification.

For overseas adoptions, you must provide us with your notice to take leave within 28 days of receiving your 'official notification', you must also tell us the date of the notification and when you expect the child to arrive in the UK.

In addition, we also require:

- the actual date the child arrives in the UK - within 28 days of this date,
- how much leave you want to take and when you want it to start - giving us 28 days' notice.

If you use a surrogate, you must tell us the due date of the baby at least 15 weeks before the Expected Week of Confinement (EWC) and when you want to start your leave.

Our Notice

WHA will give you notice in writing about the date your adoption leave will end. This will be the first day after the 52 weeks from the start date of your adoption leave. We will do this within 28 days from receiving your notice about the date you plan to start your leave (or, if you change that date, 28 days before the new date or as soon as reasonably possible).

Adoption Pay

Statutory Adoption Pay

Statutory Adoption Pay (SAP) is paid for a maximum of 39 weeks. The first six weeks equals 90% of your average earnings over a set period, and the rest is paid at the lower rate, or 90% of your average earnings, whichever is lower. The Government sets this lower rate each year.

We will start to pay you the SAP on the first day of your adoption leave. You cannot use annual leave on the same day in which you are receiving any form of adoption pay, however you can run these one after the other.

Eligibility

To qualify for SAP you must:

- a) have been continuously employed for at least 26 weeks up to any day in the week you are matched with a child,
- b) be on payroll and earn at least £123 a week in an 8-week period – the 'relevant period,'
- c) give us the correct notice,
- d) give us proof of adoption.

If you do not meet the eligibility criteria, we will tell you in writing and our internal Benefits adviser may be able to assist you in claiming any State Allowance you may be entitled to.

Occupational Adoption Pay

If you have worked with us for one year by the week you are told that you have been matched with a child, you are eligible to receive our enhanced adoption pay (OAP). The occupational pay is as follows:

- a) seven weeks at full pay (including SAP)
- b) 16 weeks at half pay (plus SAP or 90% of the normal pay, whichever is lower)
- c) 16 weeks at SAP rate or 90% of the normal pay, whichever is lower.

A week's pay refers to the basic pay given in your current contract of employment. In relation to the above, SAP is calculated based on the number of Sundays within the calendar month from when your adoption leave starts. In relation to point B above you should never be in receipt of more than your normal pay.

You can choose to receive occupational adoption pay, either with your SAP on normal pay dates, or as a lump sum when you return to work. We will claim this amount back from you if:

- you fail to return to work; or
- you return but leave within three months.

If you fail to return, you will also have to repay us for any annual leave we prepaid at the start of your adoption leave.

If you resign, are dismissed or your fixed term contract comes to an end before or during your adoption leave occupational adoption pay will cease on the date of termination. However, you may still be entitled to Statutory Adoption Pay if you are eligible.

Contact During Adoption Leave

During your leave period we may make reasonable contact with you, and you can contact us. Before your leave commences, we will agree the frequency and form of contact and what subjects should be discussed. In all cases, we will keep in touch with you about any promotion opportunities, vacancies and important changes to the workplace that may affect you when you return.

Keeping in Touch Days (KIT)

If we agree, you may work up to 10 days under your contract of employment during your adoption leave without losing your right to the leave or pay. The 10-day limit stands no matter how long your leave period. The 10 days can be worked at any time during the leave period.

You do not have to work these days and we do not have to agree to you working them. There will be no detriment to either if they exercise that right.

We will pay you your normal daily rate for working a KIT day. The day will be added to your wages and made up to a full day's work (taking into consideration the statutory and association maternity pay if any). If you work a KIT day whilst on full contractual pay then you will accrue an additional day's leave to be used at the end of your leave period.

Returning to Work

Unless there's a business reorganisation – in which case we would consult with you about what this means for you – you'll usually be able to return to the same role and with the same terms and conditions of employment that you had before your Adoption leave.

Your manager will be in touch with you before you're due to come back to work to talk about the arrangements for your return.

If you wish to return sooner than anticipated, you must give at least 8 weeks' written notice. If you don't, it may delay your return date.

If you are on Additional adoption Leave, you can apply to make a phased return to work on reduced hours and pro-rata pay. You should apply to your line manager at least 8 weeks before the proposed date of return. If you request a phased return to work this will be discussed and agreed with your line manager. During your phased return you can make a request to use annual leave to cover your non-working days during this period.

Discretionary Leave

We realise that some adopted children of any age may suffer emotional or medical problems. We may grant you further leave at the discretion of your manager or Senior Manager.

General Provisions

Contractual Benefits:

All terms and conditions shown in your contract (apart from pay) continue to apply during adoption leave, whether ordinary or additional. We will continue to pay all contractual allowances as long as you receive any adoption pay. We may withdraw non-contractual benefits but only in line with the procedures which apply to all periods of prolonged absence.

Holidays

You are entitled to 37 days (pro-rata) of combined annual and public holidays (if you have longer than 5 years' service you have additional leave per the conditions of service). Before you start adoption leave you should agree with us the dates of your annual leave. If it is not possible to take the leave within the annual leave year, we will transfer the rest of the next year's entitlement. You cannot be paid instead of taking the leave accrued during adoption leave.

If you plan to take annual leave before you return from leave, you must notify us in writing:

- the date you wish your Adoption Leave to end
- the period you then want to take as annual leave; and
- the date you will come back to work.

You do this a minimum of eight weeks before the end of your Adoption Leave period.

Pension Membership and Contributions

The following rights apply to an employee on Adoption leave:

- The period of paid Adoption Leave will count towards pensionable service. The benefits you build up during this time are based on your pay when you were working normally, before taking Adoption leave.
- Your contributions during this time are based on the amount of adoption pay you actually receive. Our contributions will continue on the basis as agreed by the administrators of the pension scheme.
- We will tell you in writing (after consulting the administrators of the relevant pension scheme) of the options available to you during any unpaid period of adoption leave.

Note: These rights apply whether or not you plan to return to work.

Information & Training

If you are on adoption leave you will still, where relevant, receive items of information circulated to the general staff. We will also invite you to attend staff training days, as part of the keeping in touch (KIT) days.

Union Dues

If you are a Unite Union member with your dues being deducted from salary, these will still be deducted, as appropriate, throughout the period of adoption leave at the reduced rate. WHA will send the Union Finance Officer written confirmation of when your adoption leave begins.

Dismissal and Resignation During the Adoption Leave

If we end your contract during the adoption period, you will be entitled to the period of notice as shown in your contract.

If you resign, you must also give us notice as shown in your contract. The termination date may be the end of your 52-week adoption leave or any date before then.

If you resign or are dismissed before the date you have given us for your intended adoption leave to start, you lose your right to adoption leave but will still be eligible for SAP as long as you have been continuously employed for 26 weeks at the time you are matched with a child.

Additional Information

We know that it can be challenging to balance having a new child with your work. Flexible working might help – If you wish to do so, you can make a flexible working request in line with our flexible working policy.