

ADOPTION LEAVE AND PAY

Issue Date: 01.09.18

PURPOSE

Employees who are adopting children have certain statutory rights. The following information is given for guidance purposes only and confers no rights beyond those provided by statute.

ADOPTION LEAVE

Adoption Leave will be available to one member of a couple where the couple adopt jointly or to individuals who are matched with a child (under the age of 18) by an approved adoption agency, where the employee submits a matching certificate from the agency to support their entitlement to leave.

Adoption Leave is only available where a child is newly placed with an adoptive parent(s). It will not apply to step-family adoption or adoptions by existing foster carers.

The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to Paternity Leave and Pay.

Adopters will be required to inform their employers of their intention to take Adoption Leave within seven days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. They will need to tell their employers when the child is expected to be placed with them and when they want to start their Adoption Leave.

The start of Adoption Leave may be changed provided the employee gives the employer 28 days' notice.

ELATT will, within 28 days of notification, respond in writing to the employee, setting out the date on which they expect the employee to return to work if the full entitlement to Adoption Leave is taken.

Adopters can choose to start their leave from the date of the child's placement or from a fixed date which can be up to 14 days before the expected date of placement. If the child's placement ends during the Adoption Leave period, the adopter will be able to continue Adoption Leave for up to eight weeks after the end of the placement.

Employees will have to give their employer documentary evidence (a matching certificate) from their adoption agency as evidence of their entitlement to Statutory Adoption Pay.

This policy is non-contractual and may change from time to time.



ELATT Adoption Pay

During the period of Ordinary Adoption Leave ELATT will pay Adoption Pay at rates in excess of the statutory rates provided that the employee has a minimum of one year's service at the point at which the match is confirmed. During the period of Ordinary Adoption Leave employees will be paid at their normal rate of pay for the first thirteen weeks followed by half their normal rate of pay for the ensuing thirteen weeks. This will be inclusive of any Statutory Adoption Pay provision as outlined below should the employee qualify for this. During the following thirteen weeks the employee will receive Statutory Adoption Pay as outlined below should the employee qualify for this.

Statutory Adoption Pay

In order to qualify for Statutory Adoption Pay the following must apply:

- The adopter must have a period of 26 weeks' continuous service with the same employer by the week in which the approved match with the child is made.
- Earnings must be at or above the lower earnings level (£90 per week).
- If the employee qualifies as detailed above, Statutory Adoption Pay will be at the rate of 90% of average weekly earnings or the statutory rate set by the Government per week, whichever is the lesser, for 39 weeks (i.e. during the Ordinary Adoption Leave Period).
- If more than one child is placed for adoption as part of the same arrangement, the employee will only be entitled to one entitlement of Adoption Leave and Pay.
- The above does not affect payment of ELATT's enhanced adoption pay.

All adopters will be entitled to 26 weeks' Ordinary Adoption Leave, followed immediately by 26 weeks' Additional Adoption Leave.

Employees will be entitled to all contractual benefits during Adoption Leave.

Holiday entitlement accrues at the contractual rate during Ordinary Adoption Leave and Additional Adoption Leave.

After the period of Ordinary Adoption Leave the employee is entitled to return to the job in which he/she was employed when his/her leave started.

After the period of Additional Adoption Leave the employee is entitled to return either to the job in which he/she was employed before his/her absence or if impracticable, to another job which is both suitable and appropriate for him/her in the circumstances.

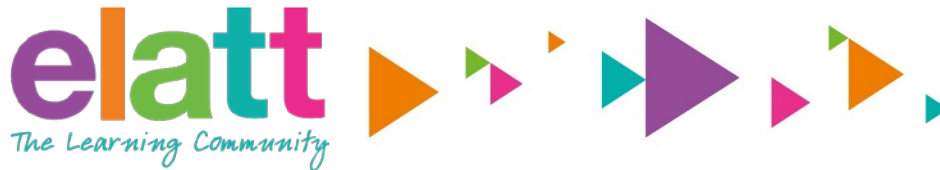
However:

- Employees must give eight weeks' notice if they wish to return to work before the end of their Adoption Leave.
- Employees who intended to return to work at the end of their full Adoption Leave entitlement will not have to give any further notification to their employer.

An employee is entitled to any number of periods of Adoption Leave.

There are special regulations for foreign adoptions.

This policy is non-contractual and may change from time to time.



All employees who have been matched for adoption are eligible for Adoption Leave.

ADDITIONAL PATERNITY LEAVE REGULATIONS 2010

New regulations came into force on 6th April 2010 in relation to additional paternity leave and pay rights. These will become applicable when:

The Expected Week of Confinement is on or after 3 April 2011 (or matching for adoption).

Additional Statutory Paternity Leave (ASPL) will allow the employee's husband/partner/spouse to take up to 26 weeks leave to care for the child. This will be instead of the mother if the couple opts for this choice.

The husband/partner/spouse will only be able to start their ASPL:

- 20 or more weeks after the child is placed for adoption
- Once their partner has returned to work from adoption leave

The spouse, civil partner or partner's ASPL will have to have ended by the point at which their partner's additional adoption leave would have ended i.e. the end of the 52nd week after their partner's statutory adoption leave began.

The spouse, civil partner or partner will only receive Additional Statutory Paternity Leave Pay (ASPLP) during the time their partner would have been receiving statutory adoption pay.

EMPLOYEE RIGHTS DURING AND AFTER ADOPTION LEAVE

Benefits

All employees (regardless of service) will be entitled to all non-monetary contractual benefits during the period of Ordinary Adoption Leave and Additional Adoption Leave.

Continuous Service

On return to work the employee will be given full continuous service for the purposes of redundancy calculation and all other service related benefits. This is provided the employee returns to work at any time on or before the expiry of their adoption leave entitlement, or the end of any other approved leave/absence.

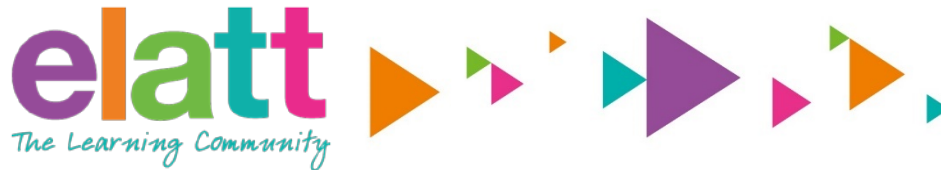
Annual Salary Review

If an annual salary review falls during a period of adoption absence, you will be notified of your reviewed salary at the same time as all other employees and will receive your reviewed salary upon your return to work. Similarly any backdated salary increases will be taken into account when calculating Statutory Adoption Pay.

Paid Holiday Entitlement

Annual leave continues to accrue throughout Adoption Leave and you will be entitled to take your leave.

This policy is non-contractual and may change from time to time.



Should you wish to use any of your annual leave entitlement whilst you are on Adoption Leave, you must follow ELATT's holiday procedure in the usual way.

Pension Scheme Benefits

Whilst on adoption leave an employee will remain in the pension scheme. On return to work, an employee will be given full continuous service for pension purposes.

MAINTAINING REASONABLE CONTACT AND KEEP IN TOUCH DAYS

ELATT may make reasonable contact with the employee, and vice-versa, while he/she is on Adoption Leave. This is beneficial to both sides and allows for updates, for example, information about promotion opportunities or job vacancies that arise during the employees' Adoption Leave.

During Adoption Leave the employee may do up to 10 days' work, (Keep in Touch days), as long as both they and the employer have agreed for this to happen, and agree on what work is to be done. For example, this may include training days. The employee is entitled to receive payment for these days and this will not affect their Adoption Leave payments.

This policy is non-contractual and may change from time to time.