

This policy sets out the provisions to which Temporary Workers may be entitled when adopting a child. The definition of “matched for adoption” includes arrangements under the “fostering for adoption” scheme, whereby a child is placed with prospective adopters by a local authority. Temporary Workers may be entitled to take paternity leave or parental leave instead of, or as well as, adoption leave. Advice should be sought from your Search Consultant or the HR Department as to which entitlements will apply.

Temporary Workers may also be entitled to take Shared Parental Leave either in addition to or instead of adoption leave. Please see the Shared Parental Leave policy for more information

Entitlement to ordinary Adoption Leave

A Temporary Worker is entitled to ordinary Adoption Leave in respect of a child if they:

- are the child’s adopter;
- has notified the agency that they agree that the child should be placed with them on the date of placement; and
- has complied with the relevant notice requirements and, where applicable, evidential requirements.

An adopter, in relation to a child, 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. Note that adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a stepparent is adopting a partner’s children.

Start date of ordinary Adoption Leave

Except in the circumstances below, a Temporary Worker may choose to begin a period of ordinary Adoption Leave on:

- the date on which the child is placed with them for adoption; or
- a predetermined date, specified in her/his notice of intention to take leave, which is no more than 14 days before the date on which the child is expected to be placed with the Temporary Worker and no later than that date.

Notice requirements for ordinary Adoption Leave

A Temporary Worker must give the company notice of their intention to take ordinary Adoption Leave in respect of a child, specifying:

- the date on which the child is expected to be placed with him for adoption; and
- the Temporary Workers chosen start date.

This notice must be given to the company:

- no more than seven days after the date on which the Temporary Worker is notified of having been matched with the child for the purposes of adoption; or

- if that was not reasonably practicable, as soon as is reasonably practicable. This notice must be in writing if the company so requests.

Evidential requirements for ordinary Adoption Leave

If the company so requests, a Temporary Worker must provide the company evidence, in the form of one or more documents issued by the adoption agency that matched the Temporary Worker 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 Temporary Worker was notified that they had been matched with the child; and
- the date on which the agency expects to place the child with the Temporary Worker.

Variation of start date

A Temporary Worker who had given notice of his intention to take leave may vary their chosen start date provided that they give the company 28 days' notice of the variation, or, if it is not reasonably practicable to give the notice 28 days before whichever date is relevant, as soon as is reasonably practicable.

Employer's notification obligations

If a Temporary Worker gives the company notice of their chosen start date (or a variation notice), the company will notify the Temporary Worker, within 28 days of his receipt of the notice, of the date on which the period of Adoption Leave to which the Temporary Worker will be entitled (including additional adoption leave if they are entitled) ends.

Length and start date of ordinary Adoption Leave

A Temporary Worker's ordinary Adoption Leave period is generally a period of 26 weeks. A Temporary Worker's ordinary Adoption Leave will begin on the date specified in their notice of intention to take leave (or variation notice) unless the Temporary Worker chose 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, in which case the period of leave will begin on the following day.

Terms and conditions during ordinary Adoption Leave A

Temporary Worker who takes ordinary Adoption Leave:

- is entitled, during the ordinary adoption leave period, to the benefit of all the terms and conditions of employment, excluding remuneration, which would have applied if they had not been absent; and
- is bound, during that period, by any obligations arising under those T&C's, except insofar as they are inconsistent with the right to be absent during ordinary adoption leave period.

Entitlement to and duration of additional Adoption Leave

A Temporary Worker is entitled to additional Adoption Leave in respect of a child if:

- the child was placed with them for adoption;
- they took ordinary adoption leave in respect of the child; and

- their ordinary adoption leave did not end prematurely by reason of dismissal or a disrupted placement.

Except where a placement is disrupted in the course of additional Adoption Leave, a Temporary Workers additional Adoption Leave period is a period of 26 weeks beginning on the day after the last day of their ordinary adoption leave period. Note that there is no additional service requirement in order to claim additional adoption leave.

Should the Temporary Worker wish to return to work prior to the end of the additional adoption leave period, they must give the company at least 8 weeks' notice.

During additional Adoption Leave, the Temporary Worker remains employed under their contract of employment, but their entitlement to remuneration and benefits will be suspended until their return to work.

Rights during Adoption Leave

Temporary Workers who are absent from work on Adoption Leave are entitled to similar rights and protections from detriments and unfair dismissal as are accorded to Temporary Workers on Maternity Leave. Similarly, in the event of redundancy, Temporary Workers on Adoption Leave are entitled to be offered suitable alternative employment, where this is available.

Keeping in Touch

The company and the Temporary Worker are entitled to have a reasonable amount of contact with each other during ordinary and additional 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 Temporary Worker are also entitled to agree that the Temporary Worker will attend work for up to 10 days during either ordinary or additional Adoption Leave without this impacting upon the Temporary Worker's statutory adoption pay. This may allow the Temporary Worker to attend training or other events that take place during the leave period or allow the Temporary Worker to keep their skills up to date. Any such 'keeping in touch' days and the payment to be received for attending work on these days will be agreed between the company and the Temporary Worker beforehand.

Paid Time Off for Appointments

The Temporary Worker will be entitled to take reasonable paid time off work to attend up to 5 adoption appointments if they are the main adopter. If they are the secondary adopter, they will be entitled to take reasonable unpaid time off work for up to 2 appointments.

The maximum time off for each appointment is six and a half hours, including travelling and waiting time. If possible, appointments should be made close to the beginning or end of the working day to minimise disruption, and the employee's line manager should be given as much notice as possible of forthcoming appointments. If an Temporary Worker intends to make a request, they should provide an appointment card or other relevant documentation confirming the date and time of the appointment. Requests for time off may be refused if it is reasonable to do so.

Temporary Workers should inform their Search Consultant of the adoption details and produce the appropriate appointment cards.

Where possible, appointments should be arranged at the start or end of the working day.

Statutory Adoption Pay (SAP)

Subject to the qualifying criteria below, Temporary Workers will be paid SAP for up to 39 weeks. SAP is paid at 90% of normal weekly earnings for the first six weeks, followed by 33 weeks at the standard SAP rate. Any remaining leave is unpaid. In order to qualify for SAP, Temporary Workers must:

Fulfill the qualifying criteria for statutory adoption leave;

- Have been employed by the Company for a continuous period of at least 26 weeks up to and including the week the Temporary Worker was informed that they had been matched with a child for adoption;
- Have normal weekly earnings of not less than the lower earnings limit for National Insurance Contributions; and have commenced statutory adoption leave.