**Adoption Leave Policy**

June 2018

**Purpose**

Daniel Thwaites Plc ("the Company") operates the following policy in relation to adopting a child. This policy applies to all employees of the Company, regardless of their position. It applies equally to all employees regardless of their age, sex, marital or civil partnership status, racial or ethnic group, disability, sexual orientation, religion or belief.

**Scope**

The policy is a guide only and not contractual and applies to all employees within the Thwaites group of companies.

**Entitlement**

All employees regardless of length of service have the right to take up to 26 weeks' ordinary adoption leave and up to a further 26 weeks' additional adoption leave and to resume work afterwards. The employee is therefore entitled to a total period of 52 weeks' adoption leave. Additional adoption leave follows on immediately from the end of the period of ordinary adoption leave.

Adoption Leave

The right to adoption leave is available to men and women (whether married or single) who:

* adopt a child through an approved adoption agency
* are adopting a child through a surrogacy arrangement or
* foster a child for adoption

Where a couple jointly adopts a child, only one of them will be entitled to take adoption leave (the couple can choose which). The other adoptive parent will normally be entitled to take paternity leave, provided that he or she meets the relevant statutory criteria.

**Exceptions**

You don’t qualify for Statutory Adoption Leave or Pay if you:

* arrange a private adoption
* become a special guardian or kinship carer
* adopt a stepchild
* adopt a family member or stepchild

# Length of Time and Pay

Adoption leave can start:

* up to 14 days before the date the child starts living with you (UK adoptions)
* when the child arrives in the UK or within 28 days of this date (overseas adoptions)
* the day the child’s born or the day after (if you’ve used a surrogate to have a child)

Statutory adoption pay is payable for up to 39 weeks, with the first six weeks paid at the full rate of the employee's average weekly earnings, followed by the rate set by the Government for the relevant tax year (or 90% of normal earnings, whichever is lower) for up to 33 weeks. <https://www.gov.uk/adoption-pay-leave>

Employees who are not entitled to statutory adoption pay may be get support from their local council if adopting a child. If an employee is not entitled to statutory adoption pay, the Company will provide the employee with an SAP1 explaining why <https://www.gov.uk/adoption-pay-leave/eligibility>

Statutory adoption pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

**Notice Requirements**

The employee must provide written notification of their intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency or at least 15 weeks before if through a surrogate.

The notice must specify the date the child is expected to be placed with the employee for adoption and the date the employee intends the adoption leave to start or a copy of the matb1 in the case of surrogacy arrangement.

The employee is permitted to bring forward or postpone the adoption leave start date so long as this is in writing at least 28 days before the new start date.

# Adoption Appointments

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments, whilst the other can elect to take unpaid time off to attend up to two adoption appointments.

# Rights During Adoption Leave

During ordinary adoption leave and additional adoption leave, all terms and conditions of the employee's contract except normal pay will continue.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid. The employee will remain in the life assurance scheme and retain any benefit entitlements.

Employees are encouraged to take any outstanding holiday due to them before the commencement of adoption leave. Employees are reminded that holiday must be taken in the year that it is earned.

# Keeping In Touch Days

Employees can agree to work, or attend training, for up to 10 days during their adoption leave. This will not bring the adoption leave to an end and the employee will not lose any entitlement to statutory adoption pay. These days are known as "keeping-in-touch" days.

The Company has no right to require employees to carry out any work and employees have no right to undertake any work during their adoption leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and the Company.

**Returning to Work**

The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that the correct notice, of 8 weeks, is given. This notice must be in writing stating the date on which the employee intends to return.

The employee has the right to resume working in the same job if returning to work from ordinary adoption leave. If the employee returns to work after a period of additional adoption leave, the employee is entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that are on terms and conditions that is not less favourable.

Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the adoption leave period.