# Adoption Leave Policy

## Statement of policy and purpose of Policy

1. Spinnaker Trust Ltd (the Employer) recognises and respects the rights of parents to take time away from work when adopting a child. No-one will be subjected to a detriment for exercising their right to take adoption leave in accordance with this policy or for seeking to do so.
2. The purpose of this policy is to ensure that staff and managers are clear about entitlements to adoption leave, the process that should be followed for arranging leave and the terms that apply during and after paternity leave.
3. This policy is intended to summarise your statutory rights. If there is a contradiction between this policy and the statutory adoption leave entitlements that apply at any time, this policy shall be deemed to be amended, as necessary, to comply with legislative requirements.
4. This is a statement of policy only and does not form part of your contract of employment. We may amend this policy at any time at our discretion.

## Key Points

1. Qualifying employees who have been matched with a child may take up to 52 weeks adoption leave and may be entitled to 39 weeks of statutory adoption pay. If a couple jointly adopt a child, only one may take adoption leave, the other parent may be able to take paternity leave or shared parental leave.
2. The main adopter will be able to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments.
3. Adoption leave is a "day one" right there is no qualifying period.
4. Adoption leave may be taken:

	1. When a child starts living with the employee or up to 14 days before the placement date (UK adoptions).
	2. When the child arrives in the UK or within 28 days of this date (overseas adoption).
	3. The day the child is born or the day after (in the case of surrogacy).
5. The partner of an individual who adopts, or the secondary adopter if a couple are adopting jointly may be entitled to paternity leave and pay or shared parental leave (further information is available from the Spinnaker Office)
6. Employees must give documentary proof to show that they have the right to paid Statutory Adoption Leave. This is usually a matching certificate from the adoption agency. The adoption agency must be recognised in the UK.
7. Within seven days of being matched with a child, if this is not possible, you must advise us of:
* how much leave you want
* your leave start date
* the ‘date of placement’ - the date the child is placed with you.

We will confirm your leave start and end dates within 28 days.

1. Employees who request or take adoption leave are protected against suffering a detriment or unfair dismissal. They have a right to return to the same job after 26 weeks adoption leave and after 52 weeks a suitable alternative job must be found.

## Statutory Adoption Pay

1. Statutory Adoption Pay is paid for up to 39 weeks. The weekly amount is:
* 90% of your average weekly earnings for the first 6 weeks
* £156.66 or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks.

It’s paid in the same way as your wages. Tax and National Insurance will be deducted.

**Changing Dates**

1. You must tell your employer within 28 days if the date of placement (or UK arrival date for overseas adoptions) changes.
2. You must give your employer at least 8 weeks’ notice if you want to change your return-to-work date.

**Returning to Work**

1. You can choose to work for up to 10 days during your adoption leave without it affecting your leave or pay. These are called keeping in touch (KIT) days.
2. You can use a KIT day to keep up to date with your workplace and to help you return to work.
3. It’s up to you to agree with your employer:

if you want to work KIT days
how many KIT days you want
what type of work you’ll do on the days
how much you’ll get paid for the work
4. Half or part days worked still count as a full KIT day.
5. If you work more than 10 KIT days, your adoption leave and pay automatically ends by law.

## Data Protection

1. When managing an employee's adoption leave and pay, the Employer processes personal data collected in accordance with its Data protection policy.
2. Data collected from the point at which an employee informs the Employer that they plan to take adoption leave is held securely and only disclosed for the purposes of managing their adoption leave and pay.
3. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Employer's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Employer's disciplinary procedure.

**Date last updated:**

January 2019
November 2022