

ADOPTION LEAVE and PAY (Including Surrogacy) POLICY

Purpose and scope

The company is committed to supporting best practice in relation to adoption, recognising the value of achieving a gender-diverse workforce and retaining and promoting talent. In support of this, the company provides adoption benefits, including pay that is above the statutory minimum.

The policy aims to promote a consistent and supportive approach to adoption across the business and to increase awareness about the provisions available for adoptees. This policy also sets out the statutory rights and responsibilities of colleagues who are planning to adopt a child (or have a child through a surrogacy arrangement) and gives details of the arrangements for adoption leave and pay.

- If you are a member of a couple that is adopting jointly, the couple must choose which partner takes adoption leave.
- The other member of the couple or the partner of an individual who adopts may, depending on your circumstances, be entitled to paternity leave and pay

To qualify for adoption leave and pay, you must:

- Be newly matched with a child for adoption by an approved adoption agency
- Have been employed continuously for 26 weeks ending with the week in which you are notified of being matched with a child for adoption
- Forward your Matching Certificate from the adoption agency to the Human Resources department at least 28 days before you wish the adoption leave to commence

Note: Adoption leave and pay are not available in circumstances where a child is not newly matched for adoption, for example if you wish to adopt your partner's child, or adopt a grandchild.

Adoption rights

The main adoption rights in law are:

- The right to 26 weeks' adoption leave (ordinary adoption leave)
- The right to a further 26 weeks' leave (additional adoption leave), where the qualifying service period has been met
- The right to statutory adoption pay (SAP)
- Employment rights are protected during adoption leave

If you are the main adopter, you can take paid time off for up to five adoption appointments. A secondary adopter will be entitled to take unpaid time off for up to two appointments. A surrogacy parent (the main adopter) will be allowed paid time off for a reasonable number of antenatal visits.

A surrogacy parent (the secondary adopter) may request to take annual leave to attend antenatal appointments, or it may be possible to swap shifts or make time up or take unpaid leave, subject to agreement with your supervisor or line manager.

Notification

In order to exercise your right to ordinary adoption leave, you must notify the company in writing within seven days of the date on which you were told you were matched with a child of:

- The date on which you intend to start your adoption leave (this can be up to 14 days before the placement date)
- The amount of leave you wish to take
- The 'date of placement', which is the expected or actual date the child is placed with you

You must also provide a matching certificate completed by the adoption agency for a UK adoption.

If the adoption is from overseas, you must provide the relevant UK authority's 'official notification' confirming the parent is allowed to adopt and the expected date the child arrives in the UK (within 28 days of getting the notification), and the actual date when the child arrives in the UK.

A colleague in a surrogacy situation must inform the company at least 15 weeks before the due date when the baby is due and when you want to start your leave. The company will formally respond in writing to your notification of your leave plans within 28 days, confirming the date on which you are expected to return to work if you take the full 52-week entitlement to adoption leave.

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

You may change the date on which you intend your adoption leave and pay to commence, providing, in normal circumstances, the business is notified of the change at least 28 days before: (a) the OAL start date, or (b) the new OAL start date, whichever is earlier.

You may choose to start your leave:

- From the date of the child's placement (whether this is earlier or later than expected)
- From a fixed date, which can be up to 14 days before the expected date of placement
- On any day of the week

Following receipt of the above notification information, the Human Resources department will write to you confirming the following information:

- Receipt of the notification of your forthcoming adoption and the end date of your 39 weeks' paid adoption leave (if applicable)
- The end date of your ordinary adoption leave of 26 weeks
- The end date of your additional adoption leave of 26 weeks
- Your specified return date

Statutory adoption pay

Statutory adoption pay (SAP) is payable for up to 39 weeks during adoption leave. You are entitled to SAP if you:

- Have been continuously employed by the company for at least 26 weeks at the end of the week in which you are notified of having been matched with a child
- Earn more than the National Insurance Lower Earnings limit [Link to Govt website](#)

- Have been matched with a child to be placed with you by a UK adoption agency or have confirmation from a relevant UK authority that you can adopt a child from overseas
- Have notified the agency that you agree that the child should be placed with you and the date of the placement
- Notify your line manager that you wish to take advantage of the scheme within seven days of the date on which you were matched with the child

SAP is payable for a maximum period of 39 weeks. This period is called the 'adoption pay period' and can begin from 14 days before the child is placed with you but no earlier. For 39 weeks SAP will be an amount set by the government each year. For the first six weeks, SAP is paid at the higher rate, which is equivalent to 90% of your average weekly earnings calculated over a specified period. For the purpose of calculating average weekly earnings, shift allowances and overtime payments are all included.

The standard rate of SAP is paid for the remaining 33 weeks (or less if you return to work sooner). This is paid at the rate set by the Government for the relevant tax year, or 90% of your average weekly earnings if this is lower than the Government's set weekly rate. Please telephone the Human Resources department for the current SAP rate or click on the link to the government website: <https://www.gov.uk/adoption-pay-leave/pay>. Entitlement to SAP is dependent upon minimum earnings and continuous service.

If you become eligible for a pay rise between the start of the original calculation period and the end of your adoption leave (whether ordinary or additional leave), the higher or standard rate of SAP will be recalculated to take account of the pay rise, regardless of whether SAP has already been paid. Statutory adoption pay is treated as earnings and is therefore subject to tax and national insurance deductions and is paid in the same way as wages. If you are not entitled to SAP, you may be entitled to receive an allowance, payable by the Government. Please click on this link to the HMRC form: Non-payment of Statutory Adoption Pay (SAP). <https://www.gov.uk/government/publications/statutory-adoption-pay-non-payment-explanation-sap1>

Occupational (company) adoption pay

The table below shows the occupational adoption pay you may expect during adoption leave if you have at least 12 months' continuous service with the company.

All Colleagues: (Note: Where occupational adoption pay is paid it includes the entitlement to SAP)			
12 weeks' full pay	12 weeks of 50% pay or SAP (whichever is most)	15 weeks' SAP or 90% of average weekly earnings (whichever is less)	13 weeks unpaid (if taken)

Contact during adoption leave

Shortly before your adoption leave starts, your line manager will discuss the arrangements for you to keep in touch during your leave, should you wish to do so. The company reserves the right in any event to maintain reasonable contact with you from time to time during your adoption leave.

This may be to discuss changes within the organisation e.g. restructure, your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

Keeping-in-touch days (KIT days)

While you are on ordinary or extended leave, you may work for up to 10 days without bringing your adoption leave to an end or losing your entitlement to statutory adoption pay. These days may be taken separately in a block and must be agreed between you and your manager. Any work carried out on a day shall constitute a day's work for these purposes and shall therefore be paid at the normal daily rate of pay.

The company recommends that at least two KIT days are undertaken during leave as these are a fantastic way for you to keep up to date with business processes, strategy and training. KIT days are great at making you feel included in the team at key points. They are also useful towards the end of your adoption leave to help ease you back into the workplace after time off.

The company has no right to require you to carry out any work, and you do not have to undertake any work during your adoption leave. Both parties must agree. Any work taken, including the amount of salary paid for any work done on KIT days, will be in line with normal contractual arrangements. Any KIT days worked do not extend the period of adoption leave.

Returning to work following OAL or AAL

Irrespective of length of service, hours of work or job grade, you have the right to return to work after OAL and AAL. If you are returning from OAL, you are entitled to return to the job that you left and on the same terms and conditions of employment.

If it is not reasonable for you to return to your current role following AAL, you have the right to return to a suitable and appropriate alternative job on the same terms and conditions.

If you do not wish to take AAL, you do not have to give the company advance notice if you intend to return to work on the date stated on the adoption information form.

If you decide to take AAL, you do not have to give the company advance notice if you intend to return to work immediately after the end of the AAL period. (This will be the date that the company has notified the colleague as being the leave-end date.)

If you decide to return early from your OAL or AAL, you must give eight weeks' notice in writing to the company, stating the date of returning to work.

If you worked full-time prior to your adoption leave, you have no automatic right to return to work on a part-time basis or to make other changes to your working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements and in accordance with the company's Flexible Working Policy.

If you would like this option to be considered, you should access the Flexible Working Policy and a Flexible Working Request form.

If you are ill and are unable to return to work, or fail to return with relevant notification, the company's Absence Management Policy will apply.

If you do not wish to return to work after your adoption leave, you must give notice of resignation, as outlined in your contract of employment, to your manager.

Return to work pay

When returning to work, your pay/salary will be the same amount as before OAL and AAL commenced, with any pay increases applied. However, if the company consents to a flexible working request and you return to work on a reduced hours basis, your salary and associated benefits will be prorated accordingly.

Shared parental leave

There is an option of sharing adoption leave and pay between parents. To determine your eligibility and for further details of these rights, please see our policy on shared parental leave.

Continuity of employment and benefits

The period of OAL and AAL counts towards your period of continuous employment. Service qualification with respect to company sick pay, holiday pay and notice entitlement continues to accrue throughout OAL and AAL.

Holiday entitlement

Holiday entitlement continues to accrue during OAL and AAL. Holiday leave not taken in a holiday year for reason of adoption leave may be carried over to the next holiday year. Whilst four weeks' leave is permitted under statutory legislation, we will permit you to carry forward your holiday entitlement in full if not already taken or paid. Under normal circumstances holiday leave may not be carried over into the following holiday leave year and you should ensure that you manage your holiday leave entitlement accordingly when you return.

Holiday leave entitlement not taken during the current holiday leave year will not be paid in lieu, except where:

- The employment relationship ends, or
- You make a request in writing within the current holiday year for any accrued statutory holiday leave to be paid during any period of unpaid adoption leave. Any such request requires the signed authorisation of your departmental manager (for RDC colleagues) or regional manager (for all own-store colleagues).

Pension

If you are a member of the Money Purchase (DC) Pension Scheme, the company will pay both the employer and your contributions for your period of paid adoption leave.

If you are a member of the Money Purchase (DC) Pension Scheme, but do not qualify for paid adoption leave, no contributions will be made during your OAL or AAL. This period of service will be treated as a non-pensionable period of absence and will therefore not count as pensionable service.

Life assurance

You will continue to qualify for life assurance (if applicable to you due to service). If you are a member of one of the company's pension schemes, you will continue to be eligible for the life assurance cover aspect of the plan (if applicable) throughout the duration of your OAL and AAL.

Company vehicle/cash allowance

You may be entitled to retain the use of your company vehicle or receive your car cash allowance during your adoption leave. If your vehicle is a 'tool' required as part of the job (e.g. a van or other vehicle that would be required/kitted out specifically for the role) then you may be required to relinquish this at the start of your leave.

Job-specific equipment

You may be required to submit any equipment specific to your role during your leave, such as telephone, laptop, engineering tools or other items necessary to carry out tasks.

Support available

Confidential Counselling Service (GroceryAid) – The company has set up a partnership with GroceryAid to provide you with access to a free and confidential counselling service along with a number of other free services. GroceryAid helps people, and their families, who are working in, or retired from, retail and associated businesses.

How can I contact GroceryAid?

- Online – www.groceryaid.org.uk
- Email – welfare@groceryaid.org.uk
- Free and confidential Helpline – available 24/7, 365 days a year on 08088 021 122

Human Resources advice and support

A.F. Blakemore Human Resources

Sharedservices@afblakemore.co.uk or 0121 568 2905

A.F. Blakemore Mental Health First Aider

reachout@afblakemore.co.uk

ADOPTION FLOW CHART

