

Adoption Leave Policy & Procedure

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INTRODUCTION

As a key part of our business focus on “Workforce Care”, BrisDoc is committed to supporting staff in their family responsibilities. We recognise the valuable contribution of all our staff in achieving business objectives and provide an environment supportive to combining parenthood with a career in the organisation. We are also committed to ensuring equality and diversity across the organisation.

In support of this commitment, this document sets out the rights for all BrisDoc employees adopting a child(ren), whether from within the UK and/or from overseas.

In line with our main business focus, we are committed to:

Patient Care	Workforce Care
	
Quality Care	Resource Care
	

Patient Care

Patient focused - understanding our patients needs and ensuring we prioritise the “patients view” in all our everyday activities and actions.

Workforce Care

Teamwork and individual responsibility - every person counts, supporting each other, sharing information, valuing and encouraging.

Quality Care

Commitment to do what we say and improve what we do. A commitment to excellence and quality when serving patients and colleagues.

Resource Care

Optimising the use of all resources across the local health economy. Taking care of our working environment and equipment.

In line with our four focus areas BrisDoc is committed to:

Patient Care

- Ensuring that patient care is not compromised during any periods of adoption Leave.

Quality Care

- Ensuring we comply with the relevant employment legislation.

Workforce Care

- Ensuring that no discrimination takes place on account of adoption
- Ensuring staff on adoption leave are kept up to date with any changes that may affect their role.
- Training all managers in the process of adoption leave.
- Considering flexible-working and family friendly requests in line with the Flexible Working Regulations for all returning adopters.

Resource Care

- Ensuring legal compliance with adoption legislation in order to avoid discrimination claims. .
-

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SCOPE

This policy applies to two different groups of people, collectively referred to as 'staff':

- **Employees** - this specifically relates to team members who are 'employed' on a salaried basis (whether fixed term or permanently) and have a regular hours contract with BrisDoc. They are 'employees' as legally defined by the Employment Rights Act 1996 and have specific employment rights.
- **Casual workers** (also known as bank staff) – this specifically relates to team members who have an 'engagement' with BrisDoc rather than 'employment'. This staff group have no obligation to provide or perform work and therefore have no employment rights.

RESPONSIBILITIES

BrisDoc Directorate

- Ensures that the aims and objectives of this policy are in keeping with statutory requirements.
- Ensures that these policies are carried out throughout the company and are available for all members of staff

Employee

- To make all requests according to the procedures as outlined in this policy
- To understand and not abuse the support offered as outlined in this policy

Line Manager

- To inform the HR Department when they are made aware that a member of staff is adopting a child.
- To ensure all procedures are carried out correctly.

Workforce Department

- To ensure that all procedures are carried out correctly.
- To ensure that the procedures do not become subject to discrimination
- To record details of any Special Leave used.

Legal Responsibilities

BrisDoc is legally obligated to ensure that the following pieces of Legislation are taken into account when dealing with the procedures outlined in this policy.

- Paternity and Adoption Leave Regulations 2002

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- Shared Parental Leave Regulations 2014
- Statutory Maternity Pay and Statutory Adoption Pay (Curtailment) Regulations 2014
- Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014
- Equality Act 2010
- Employment Rights Act 1996

BrisDoc will also ensure that all procedures are in line with its Equality and Diversity Policy.

ADOPTION LEAVE

Throughout this policy, “you” or “your” refer to the employee who is adopting the child.

The right to adoption leave

Adoption leave and pay is available to:

- Individuals who adopt;
- One member of a couple where a couple adopt jointly (the couple may choose which partner takes Adoption Leave). The other parent will normally be entitled to take Paternity Leave (Please see separate Paternity Leave Policy), provided that He/She meets the eligibility criteria, Alternatively the parents may opt to take Shared Parental Leave (Please see separate Shared Parental Leave Policy.)
- Parental order parents who have or intend to apply for a parental order for a child born by way of surrogacy and expect the court to grant them such an order.

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.

Both paid Adoption Leave or paid Paternity Leave is available to employees where an approved Adoption Agency notifies the adopter of a match with a child¹ and they agree to the child being placed on the Expected Placement Date (EPD).

For the employee who adopts a child (or children), if they meet certain qualifying criteria, they may be able to receive Statutory Adoption Pay (SAP) for 39 weeks (see section 5 for further details)

The rules are different depending on whether the child is adopted from within the UK or overseas. Therefore, section 4 is divided into the following two sections:

- If you adopt a child from the UK
- If you adopt a child from overseas

¹A “child” is defined as someone up to the age of 18 yrs old

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Adoption Leave – IF YOU ADOPT A CHILD FROM THE UK

You will qualify for 52 weeks' Statutory Adoption Leave (SAL) when you adopt a child in the UK if you:

- Have been newly matched with a child for adoption by an approved UK adoption agency
- Have notified the agency that you agree that the child should be placed with you and agree the date of placement
- Confirm your spouse or partner will not be taking SAL with their employer (although the may be entitled to Paternity Leave)
- Not have already taken any Shared Parental Leave in respect of the child(ren)

Notify BrisDoc of when you want to take your SAL, no more than 7 days after you are notified by the Adoption Agency that you have been matched with a child.

Notification & confirmation of adoption leave

To qualify for adoption leave, you must notify your line manager, in writing, no more than 7 days after you are matched with a child:

- That you intend to take adoption leave
- When you intend to start it
- The date the child is expected to be placed with you for adoption
- Your intended return to work date, if applicable

If it is not reasonably practicable for you to meet this deadline, you must notify your line manager as soon as possible.

Once BrisDoc has received your letter of intention to take adoption leave, the Workforce Team will send you confirmation of the date, within 14 days of receipt of this notification, in which the leave will commence and the date on which the leave will end - this is usually 52 weeks from the intended start date (see Appendix 10).

When can adoption leave begin?

You can choose to begin your adoption leave (and pay) on either of the following:

- The date on which the child is placed with them for adoption
- A pre-determined date no earlier than 14 days before the expected date of placement and no later than the expected date of placement

If the date of placement changes at any time before you begin your adoption leave, you should discuss the situation with your line manager as soon as possible and give them notice to change the start date of your adoption leave.

Changing the start date of adoption leave

You can change your intended start date as long as you notify your line manager, in writing, 28 days before your adoption start date or 28 days before your new adoption start date, whichever is earlier. If it is not reasonably practicable to give this much notice, you should make your line manager aware of your intention to change the start date as soon as is practicably possible.

Adoption Leave Policy & Procedure

Adoption Leave – IF YOU ADOPT A CHILD FROM OVERSEAS

You will qualify for 52 weeks' SAL when you adopt a child from overseas if you:

- Have received official notification* from the relevant UK authority of your eligibility to adopt a child from abroad.
- Have notified the agency that you agree that the child should be placed with you and agree the date of placement
- Are the child's adopter. This is the person who will adopt or has adopted the child or, in a case where the child will be or has been adopted by two people jointly, whichever of the joint adopters has chosen to take adoption leave, rather than paternity leave.

Official notification for overseas adoptions

Official notification is written notification issued by or on behalf of the relevant domestic authority (usually the Department of Health) that the authority either is prepared to issue a certificate to the overseas authority dealing with the adoption of the child, or has issued a certificate and sent it to that authority. In either case, the certificate confirms that the adopter is eligible to adopt a child from overseas, and has been approved by them as being a suitable adoptive parent.

Notification & confirmation of adoption leave

If you are adopting a child from overseas, you must give BrisDoc notice in three stages that you intend to take statutory adoption leave.

Stage 1

You must inform your line manager of the date on which you received official notification from the adoption agency confirming that you are eligible to adopt a child from overseas and have been approved by them as being a suitable adoptive parent, and the date the child is expected to enter the UK.

Stage 2

In all cases, you must give BrisDoc at least 28 days' notice of the actual date that you want your SAL (and SAP if you qualify) to start. You can give this notice at Stage 1 if you know the date at that stage.

SAL cannot start before the child enters the UK

You can change the date of your intended start date, but you must give at least 28 days' notice of this change, or as soon as is reasonably practicable.

Stage 3 – after the child has entered the UK

You must inform your line manager of the date when the child entered the UK, within 28 days of the child's date of entry.

If you are entitled to SAP, you will need to give your line manager evidence of the date of entry.

You must inform BrisDoc as soon as is reasonably practicable if you find out that the child will not be entering the UK.

Once BrisDoc has received your letter of intention to take adoption leave, the Workforce Team will send you confirmation of the date, within 14 days of receipt of this notification, in which the leave will commence and the date on which the leave will end - this is usually 52 weeks from the intended start date (see appendix 10).

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When can adoption leave begin?

You may choose to start your SAL from either the date the child enters the UK or a fixed date (as notified to BrisDoc) no later than 28 days after the date the child enters the UK.

Changing the start date of adoption leave

You can change your intended start date as long as you notify your line manager, in writing, 28 days before your adoption start date or 28 days before your new adoption start date, whichever is earlier. If it is not reasonably practicable to give this much notice, you should make your line manager aware of your intention to change the start date as soon as is practicably possible.

Special Cases

Foster parents who adopt a child

You can take SAL if the child that you foster is then matched with you for adoption, by a UK adoption agency and as a consequence you then adopt the child. Adoption via a court order does not count as an adoption for SAL purposes. The usual qualifying criteria and notification process apply.

If it is a joint placement and both prospective adopters qualify for Adoption Leave, you must choose between yourselves who will be entitled to the Adoption Leave (the other parent may then be entitled to Paternity Leave and the parent taking the Adoption Leave may choose to curtail that leave and opt in to Shared Parental Leave).

The Adoption Leave must start on no later than the date on which the child is placed and no earlier than 14 days before that date.

You may also be entitled to Statutory Adoption Pay, where your qualifying details will be based upon the date they were first notified of the placement as opposed to the matching date for other matched adoptions.

You will not be able to take any further Adoption Leave if the child is later placed for adoption if you have already taken Adoption Leave prior to adoption on the basis of a fostering to adopt placement. There may be only period of Adoption Leave in respect of the same child.

If the child's placement is terminated and the child is returned to the adoption agency then your Adoption Leave will also terminate early.

Surrogacy

Where a surrogacy arrangement has been made, the birth mother is entitled to full maternity rights. Adoption Leave will be available for one of the intended parents in a surrogacy arrangement. All qualifying dates and entitlements will be based around the expected date of birth. Ordinary adoption leave will begin on the date the child is born or if you are working this day then the day after. If both intended parents qualify for Adoption Leave, then you must choose between yourselves who will be entitled to the Adoption Leave (the other intended

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parent may then be entitled to Paternity Leave and the intended parent taking the Adoption Leave may choose to curtail that leave and opt in to Shared Parental Leave).

The qualifying employee must give notice of the Adoption Leave they wish to take either during or before the 15th week before the child is due. You will need to provide additional declarations to BrisDoc's Workforce Team confirming you are a parental order parent and have applied or intend to apply for a parental order in respect of the child and that you expect the court to grant such an order.

When BrisDoc receives such notice, the Workforce Team will respond within 28 days in the normal way as for other employees requesting Adoption Leave. You must notify BrisDoc as soon as reasonably practicable of the child's exact birth date.

If you intend to claim Statutory Adoption Pay, you must have earned above the lower earnings limit in the 8 weeks leading up to and including the 15th week before the child's due date.

ADOPTION PAY

Statutory Adoption Pay (SAP)

Qualification criteria for adoption pay

You will qualify for SAP when you are adopting a child within the UK and have the following:

- At least 26 weeks' continuous employment with BrisDoc extending into the matching week
- Notified BrisDoc that you want to receive SAP at least 28 days, or as soon as is reasonably practicable, before you want payment to begin
- Average weekly earnings at or above the lower earnings limit for National Insurance contributions which applies at the end of the matching week
- (For those adopting from overseas, you must also have received official notification from the adopting agency).

Evidence of entitlement to SAP if adopting from within the UK

BrisDoc will need to see evidence which proves that you are entitled to SAP. This evidence can be:

- Your name and address and that of the adoption agency
- The date that you were notified of having been matched with a child (i.e. the matching certificate.)
- The date on which the child is expected to be placed for adoption or, if it has already happened, the actual date of placement (i.e. a letter from the adoption agency.)
- A declaration that you have chosen to receive SAP rather than statutory paternity pay

Evidence of entitlement to SAP if adopting from overseas

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If you are adopting a child from overseas, you must provide the following evidence of this adoption in order to qualify for SAP:

- A copy of your official notification – BrisDoc must receive this at least 28 days before your SAP is due to start
- A declaration that you are claiming SAP (Form SC6) not statutory paternity pay
- Evidence of the child's date of entry into the UK e.g. a plane ticket or copies of entry clearance documents.

If an employee is not entitled to SAP

Employees whose average weekly earnings are below the lower earnings limit for National Insurance purposes do not qualify for SAP but may qualify for other welfare benefits.

If you are not entitled to SAP you will need to complete form SAP1, which is available from the HMRC website or the Workforce Team. (For details on whether you are entitled to any other benefits, contact Job Centre Plus).

Payment of SAP when employment ends – for UK adoptions

If your contract ends before you are due to receive SAP, BrisDoc is still required to pay it and will extend the contract for the duration of the SAP. Payments will start on whichever is the later of:

- 14 days before the date of the placement; or
- the day following the last day of work

Payment of SAP and Fixed Term Contracts – for overseas adoptions

If your employment ends before you are due to receive SAP, BrisDoc will still pay it as long as:

- The child enters the UK within 26 weeks of the end of the employment AND
- You have not started working for another employer

If your employment ends during your SAP period, BrisDoc will continue to pay you SAP but only if you have not started to work for another employer.

If you return to work, but then for any reason have to stop work for a week or more, you are entitled to continue to receive SAP if you are still in your SAP period.

The rate and duration of SAP

SAP is payable at a standard weekly rate:

- **90% of your average weekly earnings for the first 6 weeks**
- **Statutory Adoption pay rate (£151.20 for 2020/2021) or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks**

SAP is not paid for more than 39 weeks.

4.4.1 Locum Reimbursement for practices

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When a salaried GP or GP Partner is absent from the practice due to a period of parental leave (Maternity/Paternity/ Adoption) the practice is eligible to receive funding towards the cost of cover for that GP.

For the purposes of this the GP must be on leave for longer than one week and must be entitled to that leave either under statute, their contract of employment (in the case of salaried GPs,) or the partnership agreement or other agreement between the partnership (for GP partners).

Cover for the absent GP can be provided by either an external locum or another GP already employed within the Practice.

Occupational Adoption Pay (OAP)

Occupational Adoption Pay (OAP) applies only to employees who are employed on a “regular hours” contract, i.e. it does not apply to staff that have a bank contract / casual workers agreement.

To qualify to receive OAP, the following criterion applies:

- You must have been employed by BrisDoc continuously (or had continuous employment which has subsequently transferred under TUPE to BrisDoc) for at least 52 weeks at the 11th week before the Matching Week. (Part weeks count as full weeks).
- You must remain employed by BrisDoc up to the commencement of adoption leave.
- You must have average earnings in BrisDoc equal to or above the lower earnings limit for National Insurance contributions in the 8 weeks before the 15th week before the Matching Week.

LENGTH OF SERVICE / AVERAGE EARNINGS	PAY
0 - 26 weeks service	Nil pay <i>(You may wish to contact the Job Centre to check whether you qualify for further financial support outside of BrisDoc)</i>
26 – 52 weeks service leading into the week before the Matching Week PLUS average earnings equal to or above the lower earnings limit for NI	Statutory Adoption Pay (SAP) only
12 - 24 months service at the 11 th week before the Matching Week	6 weeks full pay (inclusive of SAP) 2 weeks half pay plus SAP

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PLUS average earnings equal to or above the lower earnings limit for NI	
24 - 36 months service at the 11 th week before the Matching Week PLUS average earnings equal to or above the lower earnings limit for NI	8 weeks full pay (inclusive of SAP) 6 weeks half pay plus SAP
36 months service or more at the 11 th week before the Matching Week PLUS average earnings equal to or above the lower earnings limit for NI	8 weeks full pay (inclusive of SAP) 18 weeks half pay plus SAP

BrisDoc requires you to return to work for a minimum period of 12 months before the OAP/occupational maternity pay allowance will become payable again e.g. for a second adoption process.

Attending meetings/appointments as part of the Adoption process

Staff who are adopting a child are entitled to take paid time off to attend up to 5 adoption appointments, after they have been matched with a child.

No qualifying length of service is needed to attend these meetings. However, where there are two Employees who have been notified of the matching, only one of them will be able to take the paid leave entitlement.

Employees are asked to provide a written/electronic form of declaration confirming:

- The date and time of the appointment
- The appointment has been arranged by or at the request of the Adoption Agency
- If it is a joint placement, confirmation that the Employee has elected to take either paid or unpaid time off.

The appointment must be after the date of matching but before the placement takes place. If it is a multiple placement then it is still a total of five/two appointments.

Where an employee takes paid time off, payment will be for the number of working hours the employee is absent for up to a maximum of six and a half hours and at the employee's normal hourly rate (or average if this varies).

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Terms and Conditions during adoption leave

Your contract of employment continues throughout your adoption leave unless either BrisDoc or you expressly ends it or it expires.

You have the statutory right to benefit from all the terms and conditions of employment which would have applied to you had you been at work, except for the terms relating to salary, throughout your entire adoption leave period.

Continuity of service

Statutory Adoption Leave counts towards your period of continuous employment for the purposes of entitlement to other statutory employment rights.

Accruing annual leave during adoption leave

Annual leave will continue to accrue during SAL against the annual leave terms and conditions as stated in your contract of employment.

You may not take annual leave during adoption leave; however you can take any untaken annual leave before and/or after your adoption leave.

If your adoption leave goes across two annual leave years, you should discuss your annual leave entitlements with your line manager before commencing annual leave.

If you are on annual leave but your child is unexpectedly placed with you during this annual leave, your adoption leave must begin automatically.

Pay rises during adoption leave

Whilst on adoption leave, you are entitled to benefit from any general improvements to the rate of pay, or other terms and conditions, which are introduced for your grade or class of work, as if you hadn't been away.

Contributions to the NHS Pension Scheme

See Appendix 4.

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Contact and work during adoption leave

During adoption leave BrisDoc may contact you to make sure that you are aware of all information that you would be aware of if you were working. This communication might be made via telephone, e-mail, and letter or via a meeting in your place of work. Prior to your adoption leave your line manager will discuss the method and frequency of contact with you.

Keeping in touch (KIT) days

You may take up to 10 days work under your contract of employment during your adoption leave period without it affecting your adoption leave or pay. Any amount of work done on a KIT day counts as one KIT day. Therefore, if you come in for a one-hour training session and do no other work that day, you will still have used up one of your KIT days. If work on a KIT day straddles midnight, this counts as one KIT day, as long as this is your normal working pattern.

A KIT day can consist of:

- normal day-to-day work
- attending a training session
- attending a staff/team meeting

You can only work a KIT day if you want to and your line manager agrees to it. BrisDoc will not insist that you work a KIT day nor can you insist you work a KIT day without your line manager's prior approval.

Payment for KIT days

You will receive your normal contracted rate of pay for the hours you work (inclusive of SAP) for any week in which you have worked KIT days. If you do more than 10 KIT days in your SAP period, you are not entitled to receive SAP for any week in which you have worked any additional days.

Returning to work

Unless you have informed BrisDoc otherwise, the date on which you will return to work will normally be 52 weeks after your adoption leave began.

If you wish to return to work before your planned return date, i.e. before the date confirmed in the acknowledgement letter, you must write to the Workforce Team at least 8 weeks before the new date in which you wish to return to work.

If you want to return to work after your planned return date, i.e. after the date confirmed in the acknowledgement letter, you must write to the Workforce Team at least 8 weeks before the original planned return date.

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If you decide, whilst on adoption leave, that you **no longer wish to return to work** you must give notice as required by your contract of employment. As long as you specify the date on which you wish to terminate your contract, your adoption leave and outstanding adoption pay will continue.

DISRUPTED PLACEMENT OR DEATH OF CHILD

If a child is no longer placed (and the Adopter had started Ordinary Adoption Leave prior to the placement) or returned to the Adoption Agency this is known as a disrupted placement. In the event of this or the death of the child occurring then the Adoption Leave (and Statutory Adoption pay if applicable) continues until 8 weeks after the end of the week that the disruption or death occurred. If the Ordinary Adoption leave was due to end sooner and they did not qualify for Additional Maternity Leave, in these cases the Adoption leave will end when the Ordinary Adoption leave ends.

If the Adopter's Ordinary Adoption Leave is due to end within these 8 weeks and they would have been entitled to Additional Adoption Leave, then their Adoption Leave will end at the end of the 8 week period.

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Appendix 1: Glossary of terms

TERM	DEFINITION
Additional Adoption Leave (AAL)	The 26 weeks following the Ordinary Adoption Leave (OAL).
Keeping in touch (KIT) days	You can have up to 10 KIT days. They can consist of: <ul style="list-style-type: none"> • normal day-to-day work • attending a training session • attending a staff/team meeting
Matching week	The week in which an employee is notified that they have been matched with a child. The matching week starts on a Sunday and ends on a Saturday.
Ordinary Adoption Leave (OAL)	The first 26 weeks of adoption leave.
Statutory Adoption Leave	This is the 52 weeks of adoption leave an employee is entitled to have.
Statutory Adoption Pay (SAP)	SAP is paid for 39 weeks, which is usually the first 39 weeks of adoption leave. SAP is payable at a rate of 90% of the employee's AWE for the first six weeks. There is no upper limit. The remaining 33 weeks are paid at either: The standard weekly rate of £151.20 (for 2020/2021), or 90% of the employee's AWE if this is lower than the standard weekly rate
Occupational Adoption Pay (OAP)	This the adoption pay that BrisDoc may pay you subject to certain qualifying criterion.

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Appendix 2: Notification of Adoption Leave

To be completed no later than 7 days after you are matched with a child

Name _____ Job title _____

SECTION A: To be completed if you are adopting a child from within the UK

Name and address of adoption agency: _____

Date you were notified that you had been matched with a child ___/___/_____

Date you expect to be matched with a child (as per the matching certificate from the adoption agency)

___/___/_____

Expected start date of adoption leave: ___/___/_____

Please tick the box for the option that applies to you:

OPTION 1: I intend to return to work

OPTION 2: I do not intend to return to work

OPTION 3: I have yet to decide about returning to work

If you ticked Option 1, please specify **your intended date of return:** ___/___/_____

(If you want to return to work before this date, you must give BrisDoc at least 8 weeks' notice)

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SECTION B: To be completed if you are adopting a child outside of the UK

Name and address of adoption agency: _____

Date you or the main adopter received official notification of adopting a child from overseas

___/___/_____

Date the child is expected to enter the UK ___/___/_____

Please supply official notification of the adoption – this is normally issued by the relevant domestic authority (usually the Department for Children, Schools and Families)

Expected start date of adoption leave: ___/___/_____

Please tick the box for the option that applies to you:

OPTION 1: I intend to return to work

OPTION 2: I do not intend to return to work

OPTION 3: I have yet to decide about returning to work

If you ticked Option 1, please specify **your intended date of return:** ___ / ___ / _____

(If you want to return to work before this date, you must give BrisDoc at least 8 weeks' notice)

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SECTION C: To be completed if you ARE a member of the NHS Pension at BrisDoc

Pension Contributions during Adoption Leave

1) If you DO intend to return to work:

Your pension contributions will continue during your period of paid AND if you want, also during your unpaid adoption leave. During the period of unpaid adoption leave, contributions can be paid in arrears upon your return to work. Please choose one of the following three options:

During my unpaid adoption leave,

OPTION 1: I wish for my contributions to be paid in one lump sum in my first pay packet upon returning to work

OPTION 2: I wish for my contributions to be paid by spreading the payments out over _____ months upon my return (please specify)
(Please note that this period must not exceed the length of your unpaid leave)

OPTION 3: I do NOT wish to contribute into my pension during this time

2) If you DO NOT intend to return to work:

Your pension contributions will be paid for the statutory adoption leave only. Your last day of membership will be the last day on which you pay pension contributions.

3) If you DO NOT KNOW whether you intend to return to work:

Your pension contributions will continue during the period of paid adoption leave and then either (1) or (2) will apply.

SECTION D: To be completed if you DO NOT intend to return to work

Declaration:

I understand that completion of this form does not replace the normal requirements for notice and that, if I have not already done so I am required to submit my resignation in writing to my line manager and Workforce Department stating the date I intend to terminate my employment.

Signed _____ Date ____/____/____

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SECTION E: To be completed by ALL employees

Declaration:

(i) I have read the Adoption Policy which I understand and accept.

(ii) I can confirm that I am not receiving Statutory Paternity Pay/Leave.

(iii) I also understand that a change in my circumstances during payment of SAP may affect my entitlement and therefore I agree to notify the Workforce Department of any changes as soon as possible.

(iv) I will inform BrisDoc if I am taken into legal custody.

Signed _____ Date ____ / ____ / ____

Please pass this form together with the relevant Form from HMRC to your line manager who will forward to the Workforce Department

To be completed by line manager:

Application for Adoption Leave authorised by:

_____ (Manager) Date ____ / ____
/ _____

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Appendix 3: Example of an adoption leave acknowledgement letter

Dear **NAME**

Congratulations and thank you for telling me that you will be adopting a child. I am writing to you about your adoption leave and pay.

As we have discussed, **you are eligible for 52 weeks adoption leave/you are not eligible for adoption leave** (*delete as appropriate*).

Given your chosen start date of **DATE**, your adoption leave will end on **DATE**.

If you want to change the date your leave starts you must, if at all possible, tell me at least 28 days before your proposed new start date or 28 days before [**DATE LEAVE STARTS**] (your original start date), whichever is sooner. Please contact me if you wish to discuss this.

If you decide to return to work before (**DATE LEAVE ENDS**), you must give us at least 8 weeks' notice.

As we discussed, **you are eligible for 39 weeks' Statutory Adoption Pay/you are not eligible for Statutory Adoption Pay** (*delete as appropriate*).

Your adoption pay will be £**AMOUNT** from **DATE** to **DATE**

OR

The SAP1 form (enclosed) explains why you do not qualify for Statutory Adoption Pay. You should contact your adoption agency and or the Job Centre Plus to find out if you can get any other help.

I can also confirm that you qualify to receive the following Occupational Adoption Pay (OMP):

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- X weeks full pay (inclusive of Statutory Adoption Pay)
- X weeks half pay plus Statutory Adoption Pay
- X weeks Statutory Adoption Pay

During your adoption leave we are both able to make reasonable contact with each other to help with staying in touch. We are also able to agree that you can do up to ten days' work during your adoption leave without it affecting either your adoption leave or your SAP – these are called “Keeping in Touch days”. Before you begin your adoption leave we should discuss how we will keep in touch during your time off. A KIT day can consist of a normal day of work, attending a training session, and/or attending a team meeting. Please note that there is no obligation to work these days – they are only available should you want to work any and if your manager is in agreement. If you do choose to work a KIT, please kindly record them on a timesheet and submit to your line manager by the 4th of the calendar month to ensure payment (see section 5.7 of the Adoption Leave Policy).

If you decide not to return to work, you must still give me written notice in line with your Terms and Conditions of Employment. Your decision will not affect your entitlement to SAP. You can serve your contractual notice period whilst on adoption leave. Any accrued holiday leave will be offset against your contractual notice period or paid in lieu in the final salary payment.

If you have any questions about any aspect of your adoption entitlements please do not hesitate to get in touch with me. I wish you well.

Yours sincerely

Name

Appendix 4: NHS Pension

NHS Pensions

provided by...



Business Services Authority

NHS PENSION SCHEME: Maternity Leave, Paternity Leave, Parental Leave and Adoption Leave Fact sheet

Maternity, paternity, parental and adoption leave (09/2015) (V4.0)

Maternity leave, paternity leave, parental leave and adoption leave

A member can continue to be pensionable throughout any period of absence for maternity, paternity, parental or adoption. This is referred to in this factsheet as 'special leave'.

Your employer must provide you with the necessary information about pension arrangements before you start any 'special leave' for maternity, paternity, parental or adoption leave.

Contributions

Pension contributions can be paid regardless of whether the special leave is paid or unpaid.

If you are in receipt of full pay

Your pension contributions, at the tier you were paying before the leave, will be deducted on the amount of pensionable pay/reckonable pay/pensionable earnings you actually receive during the leave. If you go on to no pay, then the contributions will be based on the amount of pensionable/reckonable pay/pensionable earnings you were receiving immediately before the no pay commenced.

When you go on special type leave your full pay is calculated using the average weekly earnings rules and also accounts for any pay awards or annual increments before or during paid your leave. So the pay received during a period of full pay leave may not be the same as the pay immediately before the leave commenced.

If you are in receipt of half pay

Your pension contributions will be deducted on the amount of pensionable pay/reckonable pay/pensionable earnings actually received.

If you are in receipt of Statutory Pay (e.g. Statutory Maternity Pay, Statutory Adoption Pay)

Your pension contributions will be deducted on the amount of statutory pay you receive.

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If you are on unpaid leave

Your pension contributions will be deducted on the rate of pensionable pay/reckonable pay/pensionable earnings immediately before any period of unpaid special leave begins.

Added years/Additional Pension/Early Retirement Reduction Buy Out (ERRBO)

Additional contributions continue to be paid on the pensionable pay/reckonable pay/pensionable earnings you were receiving prior to any reduction.

Part time member

If you work part time the 'deemed' hours (the hours you would have worked) will be included in your membership for pension purposes for the period you were paying pension contributions. Pensionable pay/reckonable pay/pensionable earnings for benefit purposes will be based on your normal level of pay. This will be your whole time equivalent pensionable/reckonable pay if you are a 1995/2008 Scheme member or your actual pensionable earnings if you are a 2015 Scheme member.

If you decide not to return to work

If you intend to return to work and have already paid some contributions during your leave and then decide that you are not returning to work, NHS Pensions can accept the last day of membership as the last day that you paid pension contributions.

If you do not intend to return to work you are still entitled to pay pension contributions during the period of statutory leave.

When you leave, your employer will provide you with the Leaving Early and Transferring Out Guide, which gives you the necessary information about the choices available to you in respect of your pension.

All members, whether they opt out of the Scheme or leave, should be aware that pensionable membership will not be extended unless contributions are paid. Entitlement to benefits will be affected by the length of Scheme membership.

Annual leave

If you have annual leave after a period of statutory leave and do not return to work, the date of leaving the Scheme will be the last day you pay pension contributions **plus** any annual leave entitlement.

Where a trust gives a higher annual rate of pay throughout an employment, instead of a period of annual leave itself, the higher rate of pay is pensionable. You may receive benefit if the period falls within the pensionable pay/reckonable pay/pensionable earnings period.

Keep in Touch (KIT) days

KIT days are where a member who is taking maternity or adoption leave etc, carries out up to 10 days work for their employer during their leave period.

For pension purposes KIT days do not break the period of leave. You will pay contributions on the pay received for the KIT days. After the KIT days, contributions are once more payable based on the amount you were receiving immediately before the KIT days.

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Paid maternity leave: amount of pay flexibilities

By prior agreement with your employer, occupational maternity pay may be paid as a combination of full pay and half pay or a fixed amount spread equally over the maternity leave period

If you have 6 months paid and 6 months unpaid leave, but your pensionable/reckonable pay/pensionable earnings is averaged out over the 12 month period, contributions will be deducted based on the underlying entitlement.

This provision does not apply to locum practitioners.

Frequently asked questions

What if I can't afford to pay pension contributions while I am on leave?

Arrears of pension contributions built up during a period of unpaid leave can be collected when you return to work provided they are collected within a reasonable amount of time. This should be agreed between you and your employer.

If I return to work after my special leave, do I have to stay on the same contract?

You will need to discuss the terms of your employment with your employer.

Can I have a refund of any contributions paid during my leave?

No, if contributions have been correctly paid on any part of your leave, whether the leave is paid or unpaid, they cannot be refunded (unless you subsequently leave the Scheme with entitlement to a refund of contributions).

Is the percentage of contributions the same whilst I am on my leave?

Yes the percentage stays the same.

Can I join the NHS Pension Scheme during my leave?

No, an employee cannot join the NHS Pension Scheme during a period of maternity leave etc (this includes any employee who has opted out of the Scheme).

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Related Policies

- Family-friendly and Flexible Working Policy
- Sickness Absence Policy
- Annual Leave Guidelines
- Maternity Leave Policy and Procedure
- Paternity Leave Policy and Procedure
- Shared Parental Leave Policy

Change Register

The following changes have been made between the April 2012 (v2) Adoption Leave Policy and the March 2016 (v3) Adoption Leave Policy.

Section	Change
1	Updated and added in the four focus areas
3 – 3.1, 3.2, 3.3, 3.4	Updated these sections in line with new legislation
4.2	Amended occupational adoption pay to nil pay if length of service is less than 26 weeks – this is because individuals only qualify for statutory adoption pay after 26 weeks of service.
5	Added this section in line with new legislation
8	Added this section in line with recommended policy
Appendix 2	Updated Section C
Appendix 3	Updated template letter
Appendix 4	Updated in line with new NHS Pension guidance

The following changes have been made between the March 2016 (V4) Adoption Leave Policy and the February 2020 Adoption Leave Policy.

Section	Change
Whole document	Moved whole policy over to the new template and corrected minor mistakes.
3.1	Link to paternity and Shared Parental Leave Policy.
4.1	Updated evidence needed and added in rate of SAP.
4.1.2	Added Locum Reimbursement

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5	Updated with current Statutory Adoption Pay details
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Date	Version	Author	Change Details
27/02/2024	4.2	MD	Changes made to owner and approving director.