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# Adoption Leave



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## Introduction

This policy sets out the rights of employees to adoption leave and pay.

We are committed to supporting a positive work-life balance for all our employees and recognise that time with your children is important.

## Adoption leave entitlement

If you are the primary care giver, from your first day of employment, you are entitled to take adoption leave of up to 52 weeks, in respect of a child under 18 years of age, when you adopt a child through an approved adoption agency.

You are entitled to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave.

If you are one of a couple jointly adopting a child, only one of you will be entitled to take adoption leave – this would be the primary care giver. The other parent may have the option to take a period of paternity leave, provided that the relevant qualifying conditions are met. Please refer to the [Paternity Leave policy](#) for further information.

On taking adoption leave, you have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to following the correct notification procedures as set out in this policy.

## Enhanced adoption pay - over 26 weeks' continuous service at the end of the week you were matched with a child

To support our people during the process of adoption, we offer enhanced adoption pay for the primary care giver if you have over 26 weeks' continuous service at the end of the week you were matched with a child. This is as follows:

- Full pay for the first 26 weeks of adoption leave
- Followed by a further 13 weeks of Statutory Adoption Pay (SAP)
- The remaining leave will be unpaid after 39 weeks

For the latest guidance on payment of SAP, please review the government guidelines [here](#).

Entitlement to SAP will be calculated differently depending on whether you are paid weekly or monthly;

**Weekly:** If paid weekly, the calculation will consider the normal weekly earnings for the eight-week period ending on the last normal payday on or before the Saturday of the matching week.

**Monthly:** If paid monthly, the earnings considered are those set out on the last two pay slips before the end of the qualifying week.

If you are absent during this eight week or two-month period and receiving less than your normal pay, your entitlement to SAP will be affected.

Payment of SAP begins on the date on which the child is placed with you for adoption, or a date no



more than 14 days before the child is expected to be placed for adoption, and no later than the expected placement date.

SAP is payable whether you intend to return to work or not after the adoption leave.

## **Less than 26 weeks continuous service at the week you were matched with a child**

If you are not entitled to SAP, we will give you a SAP1 form explaining why you cannot receive statutory adoption pay. However, you may still receive support from your local council.

### **Timing of adoption leave**

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier. You should discuss the timing of your adoption leave with your line manager as early as possible.

### **Notice of Adoption**

To be entitled to take adoption leave and receive SAP, you will need to provide written notification of your 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. You will need to submit an [Adoption Leave Request](#) form.

You can bring forward your adoption leave start date, provided you let us know in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your adoption leave start date, provided you advise us in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. You may also need to provide evidence of entitlement to adoption leave and pay by producing a matching certificate from the adoption agency.

We will write to you within 28 days of receiving your notice of intention to take adoption leave to confirm the latest date on which you will need to return to work after adoption leave.

### **Time off to attend adoption appointments**

If you are adopting a child, you are entitled to take time off to attend adoption appointments by submitting a [Request to Attend Adoption Appointment](#) form.

If you are adopting a child, you are entitled to take paid time off to attend up to five adoption appointments.

The purpose of the appointment is to enable you to have contact with the child (for example, to bond with them before the placement) and for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with you.

We may ask for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).

### **Adoption pay and salary exchange**



If you have entered into any salary exchange agreements the calculation of adoption pay will be affected. You are entitled to opt out of salary exchange agreements and must do this before the period in which average earnings are calculated.

## Benefits during adoption leave

Your terms and conditions of employment remain in force during these forms of leave, except for the terms relating to remuneration.

Due to the HMRC rules of salary exchange, non-cash benefits such as private medical insurance, cannot be taken from statutory pay such as statutory adoption pay. Therefore, during these leave periods, the cost of contractual non-cash benefits will be met by Kier and the benefits will continue. The benefits that are taxable before your leave will continue to be taxable and reportable by P11D to HMRC.

If you are a member of a pension scheme, we will make employer pension contributions during any period of paid leave, based on your normal salary and in accordance with the pension scheme rules. If you are in a non-salary exchange pension scheme, contributions you make will be based on the amount of any pay that you are receiving, unless you inform the HR Shared Service Centre (HRSSC) in writing that you wish to make up any shortfall.

If you are in a salary exchange pension scheme, such as the Kier Retirement Savings Plan, you will continue to participate in pension salary exchange unless you opt out of this through the HRSSC. Your contributions will be taken from any pay that exceeds statutory pay and we will pay the employee's contributions on the statutory payment to maintain the normal monthly employee contribution as though you were receiving full pay.

Life cover, whether associated with pension membership or not, will continue regardless of whether you are on paid or unpaid leave.

If you have a company car or car allowance, you will continue to either have use of a car or continue to receive the allowance during your leave.

Your entitlement to holiday and bank holidays will continue to accrue at your usual rate when on maternity leave. All holiday dates are subject to approval by your line manager. You are encouraged to discuss with your line manager the timing of any outstanding holiday and holiday which will be accrued during your leave. It may be possible to carry a limited number of days into a new holiday year.

## Contact during adoption leave – keeping in touch days

We will maintain reasonable contact with you during adoption leave. This may be to discuss 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 to update you on developments at work during your absence.

You can agree to work (or to attend training) for up to 10 days during your adoption leave without that work bringing your adoption leave to an end and without loss of a week's statutory adoption pay. These are known as keeping-in-touch (KIT) days. Any work carried out on a day shall constitute a day's work for these purposes. You will be paid your normal basic rate of pay for any time spent working on a KIT day. Such payment will be inclusive of any adoption pay entitlement



KIT days are entirely voluntary and there is no requirement for you to undertake these.

## Returning to work after adoption leave

You may return to work at any time during ordinary adoption leave or additional adoption leave, provided you give the appropriate notification.

If you wish to return before the full period of adoption leave has elapsed, you will need to provide at least eight weeks' notice in writing. We may postpone any return until a sufficient period of notice has been given.

You have the right to resume working in the same job if returning to work from ordinary adoption leave. If you return to work after a period of additional adoption leave, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable. Please refer to the [Smart Working Policy](#) if you would like to return to work on a flexible basis.

## End of employment and adoption

If you were to leave Kier for any of the following reasons;

- Resignation
- Redundancy
- End of Fixed Term Contract

and your end date fell during the adoption leave, the entitlement to enhanced adoption pay would end on the last day of employment. You would continue to receive Statutory Adoption Pay.

## Transfer of adoption leave

Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date. Please refer to our Shared Parental Leave (Adoption) [policy](#) for more information.

## Neonatal Care

Adopting a healthy baby is the number one priority for new parents. However, 1 in 7 babies in the UK are born prematurely or sick and go on to receive care on a neonatal unit.

Kier has a specific policy on Neonatal Care to demonstrate our commitment to supporting employees who need to take time off to care for their babies requiring specialist neonatal care. This policy sets out leave and pay arrangements (including entitlement to enhanced neonatal pay) and can be found [here](#).

## Internal support

As a Kier employee, you have access to the following resources which you may wish to utilise:



- A 24/7 GP service (ZGP24) for you and your family. This allows you to book a call with a GP at any time of the day or night by calling 0345 319 0484 or visiting their website [here](#).
- The Employee Assistance Programme (EAP) provides you access to counselling services and a team of Telephone Information Specialists who provide 'in-the-moment' practical information and advice services around issues that may be affecting you at home or at work. The EAP is available 24 hours a day, 365 days a year. More details can be found [here](#).
- Our mental health first aiders within Kier are available if you need someone to talk to.
- Please [visit Your Kier](#) for full details on all our wellbeing support.

## Forms to complete

Who	Action	When	Form
Primary Adopter	Confirm intention to take adoption leave	Within seven days of being matched with child by adoption agency	<a href="#">Adoption leave request</a>
Primary or Joint Adopter	Attending adoption appointments	Provide as much notice as possible	<a href="#">Request to attend adoption appointment</a>