



ADOPTION LEAVE POLICY

During the COVID19 crisis, please read the policies in conjunction with any updates provided by National Guidance, which we are actively seeking to incorporate into policies through the Clinical Ethics Assurance Group.

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(Procedural document version numbering convention will follow the following format. Whole numbers for approved versions, e.g. 1.0, 2.0, 3.0 etc. With decimals being used to represent the current working draft version, e.g. 1.1, 1.2, 1.3, 1.4 etc. For example, when writing a procedural document for the first time – the initial draft will be version 0.1)

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NB This policy relates to the Isle of Wight NHS Trust hereafter referred to as the Trust

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1 Executive Summary

The Isle of Wight NHS Trust acknowledges its legal duties and obligations in the granting of adoption leave and pay. Adoption leave and pay entitles eligible employees to take paid leave when a child is newly placed for adoption. It is available to individuals who adopt and to one member of a couple where a couple adopt jointly (the couple may choose which partner takes adoption leave). Where the Trust employs both parents, one parent will be identified as the primary carer and will be entitled to leave under the policy. The other parent may be entitled to maternity support (Paternity) leave under the Paternity Leave Policy and/or Shared Parental Leave.

2 Introduction

The Trust strives to achieve a culture where employees receive equitable and reasonable treatment.

The Trust will therefore:

- Recognise its legal responsibilities.
- Promote good employment practice.
- Treat all staff fairly, sensitively and consistently.
- Recognise the commitments that are faced by staff who adopt a child, by the provision of time off to assist them in fulfilling these commitments.
- Provide procedures that will enable the management of all relevant cases within the principles of this policy.
- Issue appropriate guidance to all its managers to ensure that the provisions introduced in accordance with this policy are fairly, consistently and sensitively carried out.
- Review this policy and associated procedures regularly and in light of legal changes, which may impact on it.
- Comply with the Employment Rights Act 1996, Employment Relations Act 1999, Employment Act 2002, Work and Families Act 2006, Children and Families Act 2014 and other current legislation.

3 Definitions

Adoption leave is the period of time that an employee can be absent from work following the adoption of a child.

Adoption pay is the entitlement to pay during the adoption leave period based on the eligibility criteria outlined in the employee's terms and conditions of employment.

Keeping in touch (KIT) days are days that an employee and line manager can agree that the employee attends work without ending the period of adoption leave.

4 Scope

This policy applies to all staff employed by the Trust including those employed on fixed term contracts.

This policy does not apply to individuals employed by agencies or other contractors.

5 Purpose

Adoption leave is available to a single person who is adopting a child or to one partner of a couple (the Adopter) who jointly adopt a child under the age of 18 (the couple may choose which partner takes the adoption leave). The partner who elects not to take the Adoption Leave may be entitled to Paternity Leave and Pay. Where the Trust employs both parents, the period of leave and pay may be shared.

Leave granted is to cover all official meetings in the adoption process once the adoptee has been matched with a child as well as time immediately before and after the adoption itself.

To qualify for Adoption Leave, an employee must be newly matched with a child for adoption by an approved adoption agency (Adoption Leave and pay are not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's child).

Adoption pay and leave provisions are nationally agreed terms and conditions of employment. This policy reflects these nationally agreed terms and conditions and provides the local procedure that should be followed.

6 Roles and Responsibilities

6.1 Employee Responsibilities

- Employees are responsible for co-operating in the Adoption procedures.
- Employees must provide the relevant notification of their intention to commence adoption leave and of their return to work should this be prior to their adoption leave end date.
- Employees are responsible for requesting keeping in touch days should they wish to take advantage of these days.

6.2 Line Manager Responsibilities

- The line manager is responsible for ensuring that this policy and procedure is followed.
- Line managers are responsible for confirming to the employee their entitlement to adoption leave and pay.
- Line managers must ensure that notification is provided to Payroll for adoption pay purposes in line with this policy and procedure.
- Line managers must maintain contact with the employee during the period of adoption leave and must facilitate keeping in touch days if requested by the employee.

- Line managers should seek advice and guidance from the Human Resources Team.

6.3 Human Resources Responsibilities

- The Human Resources team are responsible for providing advice and guidance on a case by case basis in relation to the entitlements of adoption leave and pay.
- On receipt of the notification of adoption leave via a change form or e-leaver form, the Human Resources team are responsible for liaising with the Payroll Team to ensure adoption pay is received.

7 Policy detail/Course of Action

The Agenda for Change Terms and Conditions Handbook, Section 15 sets out the entitlements to adoption pay and leave under the NHS contractual adoption leave scheme.

For medical workforce, the relevant schedule in the relevant terms and conditions handbook should be referred to.

All terms and conditions handbooks can be accessed via NHS Employers website (www.nhsemployers.org).

7.1 Entitlement to Adoption Leave

All employees will be entitled to 52 weeks Adoption Leave. This includes employee's who are the primary carer in the adoption arrangement made by an official adoption agency, or they are the intended parent through a surrogacy arrangement and commit to applying for a parental or adoption order and those who have been fostering and intend to adopt. Only one period of Adoption Leave can be taken irrespective of whether more than one child is placed for adoption as part of the same arrangement. In order to qualify for Adoption Leave, the employee must provide a 'matching certificate' from their adoption agency as documentary evidence of their entitlement to take Adoption Leave.

7.2 Exceptions to the eligibility for adoption leave and pay

Employees are not entitled to adoption leave or pay in the following circumstances;

- The employee has arranged a private adoption
- The employee has become a special guardian or kinship carer
- The employee is adopting a stepchild
- The employee is adopting a family member or stepchild

7.3 Entitlement to Adoption Pay

The relevant terms and conditions handbook confirms entitlement to adoption pay.

7.4 Entitlement to Adoption Pay for Bank Workers

Bank Workers may be entitled to the Adoption Allowance or Statutory Adoption Pay this will be discussed on an individual basis seeking advice from Payroll and the Department for Work and Pensions.

7.5 Notification

7.5.1 Commencement of Adoption Leave

Adopters can choose to start their leave either on the date of the child's placement (whether this is earlier or later than expected). Or from a fixed date which can be up to 14 days before the expected date of placement. Adoption from overseas can commence on the day on which the child arrives in the UK or on a chosen date no later than 28 days after the child arrives in the UK.

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

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

7.5.2 Notification of Adoption Leave

Employees are advised to notify their manager when they are approved for adoption.

An employee is required to notify their manager in writing of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption unless this is not reasonably practicable.

If the date of the placement changes, the employee should give 28 days' notice to change the start date of the adoption leave, where this is reasonably practicable. In any event, as much notice as possible should be given and the adopter's manager must be kept informed.

7.6 Other provisions

7.6.1 Entitlement to Time-Off for Pre-Adoption Arrangements

Eligible employees with 12 weeks service are entitled to time off to attend adoption appointments, up to 6.5 hours is allowed for each appointment, in the period between being notified of a match and the child being placed with the family for adoption.

Single adopters are entitled to paid time off to attend up to 5 adoption appointments.

In the case of joint adoptions (i.e. a couple who have been jointly matched to adopt the child) one of the adopters will be entitled to paid time off to attend up to 5 adoption appointments. The other adopter may be entitled to unpaid time off work to attend up to 2 adoption appointments.

If an employee is eligible for and elects to take paid time off to attend adoption appointments they will not be able to take paternity leave in relation to the adoption of that child. It is, therefore, likely that the person who takes paid time off work to attend adoption appointments will also take adoption leave and pay.

Employees are entitled to reasonable unpaid time off to attend pre-adoption meetings subject to the eligibility criteria for adoption leave/pay being satisfied.

7.6.2 Implementation of a Pay Award or Annual Increment

Absence on Adoption Leave, whether paid or unpaid, counts towards the normal annual increment.

Where a pay award and/or annual increment are implemented from a date prior to the paid adoption leave period, the adoption pay will be calculated as though the pay award had effect throughout the entire Statutory Adoption Pay calculation period. If a pay award is agreed retrospectively, the adoption pay will be recalculated on the same basis.

Where a pay award and/or annual increment are implemented from a date during the paid adoption leave period, the adoption pay due from the operative date of the pay award or annual increment should be increased accordingly. Again, if such a pay award were agreed retrospectively, the adoption pay should be recalculated on the same basis.

7.6.3 Employees on a Fixed-Term or Training Contract

An employee who is entitled to full benefits under the NHS Scheme, and who meet the eligibility criteria and their contract is due to end prior to the period of Adoption Leave expiring will have their contract extended to enable them to receive 52 weeks Adoption Leave which includes paid occupational and statutory adoption pay and the remaining 13 weeks of unpaid leave.

Under these circumstances, there will be no right of return to be exercised because the contract would have ended if the adoption had not occurred.

7.6.4 Contractual Rights

An employee retains all their contractual rights, except remuneration, during the Adoption Leave period.

7.6.5 Professional Registration

It is a requirement that all Registered Staff maintain their professional registration throughout the period of adoption leave. For further guidance; refer to the Trusts Verification of Registration for Clinical Staff Policy.

7.6.6 Annual Leave

Annual leave and public holidays will continue to accrue during Adoption Leave, whether paid or unpaid.

Where unused annual leave and public holidays exceeds the normal carry over provisions into the next leave year it may be beneficial to the employer and employee for the employee

to take the unused annual leave and public holidays before and/or after the agreed (paid and unpaid) adoption leave period.

The amount of annual leave and public holidays to be taken in this way, or carried over, should be discussed and agreed between the employee and employer. Payment in lieu may be considered as an option where accrual of annual leave and public holidays exceeds normal carry over provisions.

All adoption leave, including unpaid leave, will count as service for the purpose of satisfying the service qualification for accruing additional annual leave entitlements.

7.6.7 Pension

Contributions will be deducted from salary as normal during adoption leave and will continue to be payable during unpaid leave. On return to work, arrears of contributions will be deducted by salaries over an agreed period of time.

7.6.8 Return to Work

An employee who intends to return to work on the date previously notified will not be required to give any further notification to the Trust. However, if an employee decides to return to work before the date previously notified, they are required to give the Trust 28 days' notice of the date they intend to return to work.

An employee who has taken adoption leave has the right to return to a job under the original contract and on no less favourable terms and conditions. However, this may not necessarily be the same job.

Employees have the right to apply to return to work on a part-time or flexible working basis. Applications should be made to their Line Manager and will be given fair and objective consideration in line with the Trust's Flexible Working Policy.

If a member of staff fails to comply with the requirements or fails to return to work at the end of their Adoption Leave, then it may be deemed that they have ended their contract. The last day of service may be deemed to be the last date of the end of their Adoption Leave period (including unpaid leave period)

8 Procedure

8.1 Notification & confirmation

Once the employee has notified their line manager of their intention to take Adoption Leave the following procedure must be followed.

A copy of the matching certificate must be provided with Appendix A which is the application for Adoption Leave for completion by the applicant, this will notify their manager:

- That they intend to take Adoption Leave
- When the child is expected to be placed with them

- When they want the Adoption Leave to start

The employee's manager must respond to this notification in writing within 28 days of receipt, setting out:

- The date on which they expect the employee to return to work if the full entitlement to Adoption Leave is taken
- The employee's paid and unpaid leave entitlement
- The length of any period of accrued annual leave which may have been agreed to be taken following the end of the formal adoption leave period
- Confirmation of the need to give at least 28 days' notice if they wish to return to work before the expected return date

The manager must complete a change form to confirm the adoption leave and pay arrangements. This must be received by HR prior to the adoption leave commencement date to ensure correct pay.

Before going on adoption leave employees should discuss and agree with their Line Manager any voluntary arrangements for keeping in touch during adoption leave, including:

- Any voluntary arrangements that the employee may find helpful to help keep in touch with development at work and, nearer the time of their return to work, to facilitate their return to work.
- Keeping the employer in touch with any developments that may affect their intended date of return.

A change form must be completed by the line manager to confirm the end of the adoption leave period and to confirm that the employee has returned to work. If there are any contractual changes on return to work, these must be recorded on the change form.

8.2 Overseas Adoption

For an employee to qualify for adoption leave and or pay resulting from an overseas adoption, they must:

- Notify their manager of the date of the official notification (permission from a GB authority for an adoption abroad) and the estimated date that the child will arrive in GB. This must be done within 28 days of receipt of the official notification;
- inform their employer the actual date the child arrives in GB within 28 days of this date;
- provide a minimum of 28 days' notice of when they wish to commence their adoption leave and pay (noting that adoption leave can only commence after the child has entered GB and must start no later than 28 days after the child has entered GB);

- provide appropriate documentation and proof of the adoption to the employer including but not limited to the official notification and evidence that the child has entered GB.

9 Keeping in Touch

Keeping in touch days are intended to facilitate a smooth return to work for employees returning from adoption leave. Keeping-in-Touch days enable an employee on adoption leave to agree their line manager to work for up to 10 days during the adoption leave period without bringing the period of adoption leave to an end and without the loss of a week's statutory adoption pay as a result of carrying out that work.

For these purposes, 'work' may include training or any other activity undertaken to assist the employee in keeping in touch with the workplace, such as attending conferences, appraisals or team meetings.

An employee may work for up to a maximum of ten keeping in touch days without bringing the adoption leave to an end. Any days of work will not extend the adoption leave period.

The work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace. Any such work must be by agreement and neither the employee nor the employer can insist upon it.

The employee will be paid at their basic daily rate, for the hours worked less appropriate adoption leave payment for keeping in days worked. Working for part of any day will count as one keeping in touch day.

To ensure that staff on Adoption Leave are not disadvantaged in promotion and training opportunities whilst they are absent, their manager will make them aware of internal vacancies and also details of any appropriate training events/opportunities throughout their Adoption Leave.

10 Consultation

Adoption pay and leave provisions are nationally agreed terms and conditions of employment. This policy reflects these nationally agreed terms and conditions and provides a local procedure that should be followed.

Consultation has been undertaken via the following mechanisms:

- Partnership Forum including a representative from LNC
- Draft Policy Site
- E-bulletin

11 Training

This Adoption Leave Policy does not have a mandatory training requirement or any other training needs.

12 Monitoring Compliance and Effectiveness

This policy confirms the procedure that must be followed to enable staff to benefit from adoption leave and pay in line with their terms and conditions of employment

13 Links to other Organisational Documents

- Paternity and Parental Leave Policy
- Shared Parental Leave Policy
- Flexible Working

14 References

- Agenda for Change Terms and Conditions Handbook
- Medical Practitioners Terms and Conditions Handbook

15 Appendices

Appendix A	Application for Adoption Leave
Appendix B	Financial and Resourcing Impact Assessment on Policy Implementation
Appendix C	Equality Impact Assessment (EIA) Screening Tool

APPLICATION FOR ADOPTION LEAVE

Please ensure you have read and understood the Adoption Leave Policy prior to completing this form.

Surname _____ Forename(s) _____

Department _____ Position _____

Employee Number _____ Expected Date of Adoption _____

Date of commencement at Isle of Wight NHS Trust _____

Date of commencement in the NHS _____

Have you had a break in service of more than 3 months in the year before Adoption Leave Commences? YES / NO

If yes, what were the dates? From _____ To _____

Adoption Pay Entitlement	Please Tick Your Option
<p>a) Eligible for Occupational Adoption Pay and I intend to return work; 52 weeks adoption leave with adoption pay based on;</p> <p>i) for the first eight weeks of absence the employee will receive full pay, less any Statutory Adoption Pay or allowance (including any dependents' allowances) receivable;</p> <p>ii) for the next 18 weeks the employee will receive half of full pay, plus any Statutory Adoption Pay or allowance (including any dependents' allowances) receivable, providing the total receivable does not exceed full pay;</p> <p>iii) for the next 13 weeks, the employee will receive any Statutory Adoption Pay or allowance that they are entitled to under the statutory scheme.</p> <p>I will return to work no later than 52 weeks after the commencement of my leave.</p> <p>I hereby declare that;</p> <ol style="list-style-type: none"> 1. It is my intention to return to work for at least 3 months after my Adoption Leave. 2. If I do not return for at least 3 months I agree to repay any money not due to me. 3. I will inform the Trust in writing not later than 28 days before my date of return should I wish to return before the end of 52 weeks leave. 	
<p>b) Eligible for Statutory Adoption Pay and I intend to return to work 52 weeks Adoption Leave including 6 weeks Adoption Leave at 90% full pay, a further 33 weeks at a flat rate sum and a further 13 weeks unpaid adoption leave and the right to return to work.</p>	
<p>c) Eligible for Statutory Adoption Pay and I do not intend to return to work 6 weeks Adoption Pay at 90% of full pay and a further 33 weeks at a flat rate sum. I do not intend to return to work.</p>	
<p>I wish to commence adoption leave on _____</p>	

Signed (Employee): _____ Date: _____

Signed (Line Manager): _____ Date: _____

**This application form and documentary evidence must be forward to HR Department.
A copy of the matching certificate must be provided with this form**

Financial and Resourcing Impact Assessment on Policy Implementation

NB this form must be completed where the introduction of this policy will have either a positive or negative impact on resources. Therefore this form should not be completed where the resources are already deployed and the introduction of this policy will have no further resourcing impact.

Document title	Adoption Leave Policy
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Totals	WTE	Recurring £	Non Recurring £
Manpower Costs	0	0	0
Training Staff	0	0	0
Equipment & Provision of resources	0	0	0

Summary of Impact:

Risk Management Issues:

Benefits / Savings to the organisation:

Equality Impact Assessment

- Has this been appropriately carried out? YES/NO
- Are there any reported equality issues? YES/NO

If "YES" please specify:

Use additional sheets if necessary.

Please include all associated costs where an impact on implementing this policy has been considered. A checklist is included for guidance but is not comprehensive so please ensure you have thought through the impact on staffing, training and equipment carefully and that ALL aspects are covered.

Manpower	WTE	Recurring £	Non-Recurring £
Operational running costs	0	0	0
Totals:	0	0	0

Staff Training Impact	Recurring £	Non-Recurring £
	0	0
Totals:	0	0

Equipment and Provision of Resources	Recurring £ *	Non-Recurring £ *
Accommodation / facilities needed	0	0
Building alterations (extensions/new)	0	0
IT Hardware / software / licences	0	0
Medical equipment	0	0
Stationery / publicity	0	0
Travel costs	0	0
Utilities e.g. telephones	0	0
Process change	0	0
Rolling replacement of equipment	0	0
Equipment maintenance	0	0
Marketing – booklets/posters/handouts, etc.	0	0
Totals:	0	0

- Capital implications £5,000 with life expectancy of more than one year.

Funding /costs checked & agreed by finance:	
Signature & date of financial accountant:	
Funding / costs have been agreed and are in place:	
Signature of appropriate Executive or Associate Director:	

Equality Impact Assessment (EIA) Screening Tool

Document Title:	Adoption Leave Policy
Purpose of document	The policy confirms the eligibility and entitlement for adoption leave and pay in accordance with terms and conditions of employment.
Target Audience	<i>Employees</i>
Person or Committee undertaken the Equality Impact Assessment	<i>Senior HR Manager</i>

1. To be completed and attached to all procedural/policy documents created within individual services.
2. Does the document have, or have the potential to deliver differential outcomes or affect in an adverse way any of the groups listed below?

If no confirm underneath in relevant section the data and/or research which provides evidence e.g. JSNA, Workforce Profile, Quality Improvement Framework, Commissioning Intentions, etc.

If yes please detail underneath in relevant section and provide priority rating and determine if full EIA is required.

		Positive Impact	Negative Impact	Reasons
Gender	Men	The policy document will support employees to understand their rights in line with the legislation and to ensure that there is fair and consistent application		The policy document will support employees to understand their rights in line with the legislation and to ensure that there is fair and consistent application
	Women	✓		<i>As above</i>
Race	Asian or Asian British People	A		<i>As above</i>

	Black or Black British People	A		As above
	Chinese people	✓		As above
	People of Mixed Race	✓		As above
	White people (including Irish people)	✓		As above
	People with Physical Disabilities, Learning Disabilities or Mental Health Issues	✓		As above
Sexual Orientation	Transgender	✓		As above
	Lesbian, Gay men and bisexual	✓		As above
Age	Children	✓		As above
	Older People (60+)	✓		As above
	Younger People (17 to 25 yrs.)	✓		As above
Faith Group		✓		As above
Pregnancy & Maternity		✓		As above
Equal Opportunities and/or improved relations		✓		As above

Notes:

Faith groups cover a wide range of groupings, the most common of which are Buddhist, Christian, Hindus, Jews, Muslims and Sikhs. Consider faith categories individually and collectively when considering positive and negative impacts.

The categories used in the race section refer to those used in the 2001 Census. Consideration should be given to the specific communities within the broad categories such as Bangladeshi people and the needs of other communities that do not appear as separate categories in the Census, for example, Polish.

3. Level of Impact

If you have indicated that there is a negative impact, is that impact:			
		YES	NO
Legal (it is not discriminatory under anti-discriminatory law)			
Intended			

If the negative impact is possibly discriminatory and not intended and/or of high impact then please complete a thorough assessment after completing the rest of this form.

3.1 Could you minimise or remove any negative impact that is of low significance? Explain how below:	
3.2 Could you improve the strategy, function or policy positive impact? Explain how below:	
3.3 If there is no evidence that this strategy, function or policy promotes equality of opportunity or improves relations – could it be adapted so it does? How? If not why not?	
Scheduled for Full Impact Assessment	Date:
Name of persons/group completing the full assessment.	
Date Initial Screening completed	