



Adoption policy

The ORR adoption policy is intended to support you while you are adopting a child both at work and during your period of absence due to adoption. It ensures terms and conditions relating to you are fair, equitable and comply with current legislation.

This policy does not include the provisions connected to Paternity Leave or for Parental Leave for either natural or adoptive parents – these are detailed in the Paternity leave policy and the Leave policy.

This policy applies to all permanent and fixed term employees. It does not apply to agency staff, consultants or contractors who provide work under a contract for service. This policy is incorporated into your contract of employment.

The HR team has the responsibility for ensuring the maintenance, regular review and updating of this policy.

Before adopting a child

1. If you are intending to jointly adopt you must choose which of you is to be the Adopter and which is to be the Other Parent. The other parent may be eligible for other leave under provisions detailed in the Parental, Paternity and Shared Parental Leave policy.

Definitions

- **Adopter:** this is yourself or your partner who has been approved by the Adoption Agency as being matched with a child for adoption and who is intending to take Adoption Leave and Adoption Pay.
 - **Other Parent:** this is yourself or your partner who is:
 - in an enduring family relationship with the Adopter; and
 - will be jointly responsible for the child's upbringing; and
 - will take time off work to support the Adopter or to care for the child.
2. There are other terms used throughout this policy require clarification. These are defined as follows:
 - **Ordinary Adoption Leave:** this is the initial period of leave due to adoption it may begin on either, the day your child is placed with you or a pre agreed date no earlier than 14 days before your child is placed with you and no later than the actual placement date

- **Additional Adoption Leave:** this is any absence additional, to Ordinary Adoption Leave. It will begin after the 26 weeks' Ordinary Adoption Leave and may extend the absence period for a further 26 weeks from the end of the Ordinary Adoption Leave, to a maximum total of 52 weeks.
- **Departmental Adoption Pay (DMP):** for staff with the eligible continuous service these are the normal salary payments made by ORR whilst absent as detailed within this policy
- **Statutory Adoption Pay (SAP):** this is the minimum amount payable during the first 39 weeks of adoption leave and is worth approximately £108 per week. In order to qualify for Statutory Adoption Pay your average earnings must be more than the lower earnings limit for paying National Insurance Contributions (approximately £111.00 per week). Check the [Department for Business, Enterprise and Regulatory Reform](#) website for further information.
- **Matching:** this means that a child under the age of 18 years old is proposed to be placed with you for adoption, and is certified by the Adoption Agency. A **Matching Certificate** is issued by the Adoption Agency providing confirmation of the date the child will be placed with you.
- **The Date of Placement:** this means the date you legally adopt your child and your child normally starts to live with you as a member of your family. This will be the date given on the matching certificate.
- **A week:** for the purpose of calculating the week in which you are notified of a match means the period of 7 days beginning with Sunday.

What adoption leave am I entitled to?

3. To qualify for adoption leave you must:

- Be matched with a child that will be placed with you by a UK adoption agency; and
- Have agreed that the child should be placed with you and agreed a placement date.

4. Intended parents in a surrogacy arrangement who meet the criteria to apply for a parental order under the Human Fertilisation and Embryology Act 2008 can apply for adoption leave and pay.

Ordinary Adoption Leave (OAL)

5. This leave can commence either on the day your child is placed with you or on a pre-agreed date no earlier than 14 days before your child is placed with you and no later than the actual placement date.

6. To qualify for OAL you must:

- Provide at least 28 days notice of your intention to take adoption leave and the date you'd like your leave to begin. This notice should be in writing, using the adoption leave planner.

- Adoption occurs early. Adoption leave begins automatically at this time, but you must inform ORR that the adoption has occurred, in writing, at the earliest opportunity or Statutory Adoption Pay will be reduced.

Additional Adoption Leave

7. Everyone entitled to OAL may take Additional Adoption Leave. This will begin after the 26 weeks of Ordinary Adoption Leave and may extend your absence by a further 26 weeks from the end of the Ordinary Adoption Leave. This may extend your total adoption leave up to a maximum of 52 weeks. ORR will assume that you will be taking the Additional Adoption Leave unless you inform HR or your line manager to the contrary.

Pre-adoption interviews and appointments

8. A single, or primary adopter in a joint adoptive couple, is entitled to take paid time off work to attend up to five pre-adoption appointments. Any appointments should be agreed in advance with your line manager. You will be required to provide evidence for your appointments.
9. Attendance by partners at these appointments is encouraged, but proof of the appointment is required when applying to take paid time off work. Managers have discretion to agree up to two hours paid special leave for such appointments, within reasonable limits. Unpaid special leave is available to attend two further pre-adoption appointments.
10. This includes prospective adopters with who a child is placed under a 'fostering to adopt' arrangement.

Changes may arise

11. If you start your adoption leave and are then notified that the child is not being placed with you, your adoption leave period will end eight weeks after the week in which you are notified.
12. If during your adoption leave the child dies or is returned to the adoption agency, your adoption leave period will end eight weeks after the week in which this happens, unless you are on Additional Adoption Leave and this expires before the end of this eight week period. If this eight week period extends beyond the end of your Ordinary Adoption Leave period and you are taking Additional Adoption Leave, the Additional Adoption Leave ceases at the end of that eight week period.

What adoption pay am I entitled to?

13. Details about adoption pay and qualifying periods are detailed below.

Employees with less than 26 weeks' service

14. If you have less than 26 weeks service with the civil service by the end of week in which you are notified of being matched you will not be entitled to adoption pay.

Employees with 26 weeks' service or more but less than 52 weeks' service

15. Provided you have been continuously employed by the civil service for at least 26 weeks but less than 52 weeks up to and including the week in which you are notified of being matched you will receive:
- for six weeks, 90% of your previous average earnings; and
 - for the next 33 weeks, Statutory Adoption Pay (SAP).

Employees with 52 weeks' service

16. Provided you have been continuously employed by the civil service for at least 52 weeks up to and including the week you are notified of being matched you will receive Departmental Adoption Pay (full pay) for 26 weeks, then Statutory Adoption pay (SAP) for 13 weeks and 13 weeks at no pay.
17. Departmental Adoption Pay is only payable during Ordinary Adoption Leave. It may be reduced if you fail to comply with the notification provisions in this policy. It is illegal to receive normal pay from any employment and Statutory Adoption Pay at the same time. All SAP, therefore, ceases upon return to work (except when on 'keeping in touch days').

What do I need to do if I am adopting a child?

18. It would be helpful if, as you know you are wanting to adopt or have been matched to a child you let your line manager and HR know. You can then agree who else should know about your news and when. HR will then arrange a meeting with you to discuss your adoption leave. Before this meeting you should complete the adoption leave planner. It does not matter if some of the information it requests is not yet available the planner can be amended later provided that you give at least 28 days' notice in writing of your intend to start your adoption leave.
19. It is up to you when you decide to do this but at the very latest you must inform HR within 7 days of the matching certificate being issued, as this is the minimum notice required to take adoption leave.
20. It is important you discuss your adoption with your line manager so that any reasonable adjustments can be made in your work or routine. Your matching certificate should be sent to HR as soon as it has been issued.
21. HR will then write to you within 28 days of receiving the notification of the date you intend your adoption leave to commence, stating your adoption pay, expected date of return from adoption leave and any other leave agreed.

What do I do if a member of my staff tells me they are adopting a child?

22. As a line manager you are responsible for ensuring that your employee follows the guidance detailed in this policy. Your specific responsibilities are detailed below:
- Make sure that your employee informs HR of their intention to adopt a child at least 28 days before the start of their adoption leave.

- Meet with your employee to discuss whether reasonable adjustments need to be made to their work.
- Complete a break report before they go onto adoption leave.
- You will be responsible for authorising their attendance at any pre-adoption interviews and appointments.

23. Any queries on the application or interpretation of this policy must be discussed with your HR officer prior to any action being taken.

Additional cover

24. The responsibilities of your employee during the adoption absence may be covered by a temporary employee. The temporary employee will be advised that they are replacing an employee currently on adoption leave.

During your adoption leave

Keeping in touch days

25. During your adoption leave you will be entitled to take 10 'keeping in touch' days. These are days where you can return to work without losing departmental or statutory adoption pay (SAP) and without being deemed as returning to work. You will be paid for attendance on these days at your normal salary rate (not at SAP).

26. These days are designed to allow you to keep in touch with us by attending work, training sessions or to just keep in touch with your colleges.

27. There is no obligation for you to take up these days but we would encourage you where practical to do so. If you would like to have a 'Keeping in touch' day then please speak to your line manager and HR at any time during your adoption leave.

How will I be paid?

28. Departmental Adoption Pay (full salary) will continue to be paid on a monthly basis in accordance with the normal payroll timetable.

29. Statutory Adoption Pay (SAP) will be paid as complete weeks, and you will continue to be paid on a monthly basis in accordance with the normal payroll timetable and payment method. SAP is subject to tax and national insurance deductions.

30. If you advise ORR that you will not be returning to work you will need to give your contractual notice period; your P45 will then be made available as soon as possible. The date the contract of employment ends is the date upon which your notice period ends.

31. You will continue to receive a payslip during any unpaid additional adoption leave.

Does going on adoption leave affect my employment?

32. Your contract of employment will continue to apply throughout both your Ordinary and Additional Adoption Leave unless you or we provide notice of termination in

accordance with your required contractual notice period as shown in your Statement of Terms and Conditions of Employment.

33. In the case of a fixed term appointment the contract will expire in accordance with the terms of that agreement. This will be dealt with separately from your adoption leave.
34. Whilst on Ordinary Adoption Leave, you will benefit from all of the terms and conditions which would have applied to you as if you had been at work instead of on adoption leave, except the terms and conditions regarding 'remuneration' (where remuneration is defined as monetary wages or salary payable).
35. Whilst on Additional Adoption Leave the only terms of the contract that must apply in accordance with statute are ORR's obligations of trust and confidence to you and your obligation of good faith to ORR. However, ORR will enhance these requirements by providing additional protection against dismissal.
36. The dismissal of an employee will automatically be unfair, regardless of your length of service or hours of work, if:
- it is on adoption-related grounds and takes place during your Ordinary/Additional Adoption Leave;
 - it occurs after the end of your adoption leave of absence and is on the grounds that you have taken the benefits of that leave;
 - it is on the grounds of redundancy and ORR has not first complied with the requirement to offer you any suitable alternative vacancy which is available; or
 - you are unfairly selected for redundancy for one of the above reasons.
37. If you were to be dismissed at any time and for any reason while you are during your Ordinary/Additional Adoption Leave you will be entitled to receive a written statement of the reasons for your dismissal. This will be without having to request it, and will be regardless of your length of service or hours of work.

What happens to my annual pay rise?

38. Absence due to adoption will not affect the nature or timing of performance appraisals and pay increases.
39. A performance appraisal (break report) must be completed by you and your manager just before the start of your adoption leave. Pay awards may affect the level of Statutory Adoption Pay (SAP). On no account will you suffer any detriment through not being at work on a daily basis at the time when these appraisal procedures are implemented.

Performance bonuses

40. Any pay increases will be paid to you, if you are eligible while you are on adoption leave, in accordance with the terms of the relevant Pay Agreement. Any bonus payment due will be pro-rata'd to reflect your time at work plus any period of time on paid adoption leave during the relevant reporting period.

What happens to my pension?

- 41. If applicable, you will remain a member of the civil service pension scheme whilst on adoption leave.
- 42. There will be no change to the terms under which you and we pay contributions into your pension scheme during your adoption leave.
- 43. The same percentages of income will apply and pensionable service will continue to be accrued. However, contributions made by yourself and us will reduce in line with your salary. Your pension contributions will cease altogether during any period of unpaid leave although pensionable service would continue to be accrued.

What happens to my annual leave?

- 44. Your normal annual leave allowance will continue to accrue during your ordinary and additional adoption leave in accordance with the Working Time Regulations 1998. You are also entitled to a day in lieu for any public or privilege holiday days occurring during your ordinary and additional adoption leave. These will be added to your annual leave entitlement and should be taken before returning to work.
- 45. You cannot take annual leave whilst on ordinary and additional adoption leave, but you are able to take annual leave before and/or after your adoption leave. Carry-over of excess annual leave entitlement from one leave year to the next, or payment in lieu of annual leave will only be allowed in exceptional circumstances, and so it is recommended that you consider taking excess annual leave either before or at the end of your adoption leave – your HR officer can help you with planning this.
- 46. If you wish to take your accrued annual leave at the end of your Ordinary Adoption Leave you must return to work immediately after the annual leave. Under these circumstances, your adoption leave will be considered ended, and you will not be able to take any untaken additional adoption leave.

What happens about my other benefits?

- 47. You may continue to access the Employee Assistance Service and Occupational Health Service throughout your adoption leave.
- 48. If you are on ORR terms and conditions you can also continue to receive gym membership subsidy, even when you are on unpaid adoption leave.

After adopting a child

What do I do if I want to return to work?

- 49. You will be given support and positive encouragement to return to work so that we do not lose your skills and experience.
- 50. If you wish to return before the end of the 26 week Ordinary Adoption Leave period or before the end of the Additional Adoption Leave period you must inform us in writing at

least 8 weeks before your intended date of return otherwise we may delay your return to a date that gives 8 weeks' notice of your return. You would not be paid during the time of the postponed return.

51. If you decide to return to work during or after your Ordinary Adoption Leave you are entitled to return to the same job on the same terms and conditions as if you had not been absent, unless a redundancy situation has arisen.
52. If you decide to return to work during or after your Additional Adoption Leave, you normally would be entitled to return to the same job on the same terms and conditions as if you had not been absent, unless a redundancy situation has arisen. However, if there is a reason, other than redundancy, which means that it is not reasonably practicable for to return to the same job, you are entitled to be offered suitable alternative work.
53. 'Suitable' in this context means suitable to you and appropriate in the circumstances, although your decision must still be reasonable if the alternative employment is refused.
54. You have no right to delay your return beyond your ordinary and additional adoption leave entitlement. If you are sick you must provide a doctor's certificate to this effect. If you do provide a doctor's certificate then we will treat you as having returned, but as being absent due to sickness. If you do not return to work on the agreed date and we are not told of the reason why you have not returned then we will treat this as unauthorised absence and you may be subject to disciplinary action. We strongly advise you to speak to HR if you are concerned about your return to work day.
55. You must not work for another employer whilst on Ordinary or Additional Adoption Leave. It is your responsibility to inform us if you do as entitlement to Adoption Pay will cease and employment may also be terminated.

Will I be able to change my hours when I return to work?

56. If you wish to return to work and need to regularly work fewer or more flexible days, hours or locations than prior to the adoption then your request will be considered sympathetically, having taken account of our business requirements.
57. Details of the various options available for part time and/or flexible working arrangements can be found on the staff intranet, or you can discuss your options with your HR officer.
58. It must be stressed that we have the right to refuse such requests where operational requirements would make it impossible or uneconomical to adopt such a reduction or flexibility in hours of work, and if this is the case the reasons will be explained in full to you and other options explored.

What do I do if I decide not to return to work?

59. If you decide not to return to work for any reason within 52 weeks from the start of your adoption leave period or take an agreed career break. You must work for a calendar

month immediately after your adoption leave; otherwise you will have to refund your adoption pay less any Statutory Adoption Pay (SAP) that you may have received.

60. If you resign you must give the required contractual notice in writing. If you qualify for Adoption Pay you will stay on payroll until your entitlement ceases at which time you will receive your P45.
61. However, for all other purposes your employment ceases at the end of the contractual notice period - upon which date all outstanding monies will be calculated and paid (such as payments for untaken annual leave or reimbursement of season ticket loans).

General Data Protection Regulations and Data Protection Act 2018

62. Personal data collected as part of this policy will be processed in accordance with the ORR's Data Protection Policy, [Privacy Notice](#) and Records Retention schedule. The Privacy Notice explains what personal data ORR holds about you, how we collect it, and how we will use and may share information about you. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the ORR's security incident process immediately. It may also constitute a disciplinary offence, which will be dealt with under the ORR's disciplinary procedure.