



Adoption leave and pay procedure

Procedure Summary

This procedure sets out the rights of all eligible British Red Cross employees to adoption leave and pay.

Policy Overview

Extract from HR Policy framework

5.3.3 Adoption leave

All adopting employees are entitled to 52 weeks adoption leave, which is made up of 26 weeks ordinary adoption leave and 26 weeks' additional adoption leave.

The employee is entitled to return to their same job on the same terms and conditions at the end of this leave. However if, following additional adoption leave, it is not reasonably practicable for the employee to return to the same role, the organisation will look for suitable alternative roles, on terms and conditions, which are not less favourable than would have applied had the employee not been absent.

During adoption leave the employee is entitled to all contractual benefits, with the exception that remuneration and pension will be subject to the following:

- a) Employees who have 26 weeks continuous service up the date of the approved adoption match and average weekly earnings of at least or equal to the **lower earnings limit** for National Insurance contributions are entitled to be paid for the first 39 weeks. The BRC enhances the statutory entitlement so that employees will receive: 100 percent of average weekly earnings for the first six weeks of Adoption leave; 50 percent of average weekly earnings plus lower rate statutory Adoption pay for the following 12 weeks (this cannot exceed the average weekly earnings); and then the lower rate of statutory Adoption pay for the following 21 weeks.
- b) Employees starting their Adoption leave on or after 1 June 2018 with at least 52 weeks service at the date on which their adoption leave begins are entitled to a further enhancement and will receive either half regular pay or the lower rate statutory Adoption pay (whichever is the greater) for the final 21 weeks of their paid period of Adoption leave
- c) Pension contributions will only be paid during the paid period of the adoption leave (first 39 weeks). The employee's pension contributions will be based on actual pay, whilst the employer's contributions will be based on the pay the employee would have received if they had not been on adoption leave.

Adoption pay for eligible staff members based internationally who are not entitled to benefits in the UK will be: 100 percent of average weekly earnings for the first six weeks of adoption leave; 50 percent of average weekly earnings for the following 12 weeks.

Owner	Executive Director of People and Learning
Procedure Lead	Workforce Policy Advisor
Formally endorsed by	Executive Leadership Team
Endorsed	February 2009
Next Review	June 2021
Audience	All staff
Related to policy	HR Policy framework section 5.3.3

1 Introduction

- 1.1 It is the British Red Cross' belief that employees should be assisted in balancing their work and personal lives. To this end, statutory rights to adoption leave and pay have been supplemented to provide the benefits detailed below.
- 1.2 In situations where more than one of the prospective parents is working, only one parent is entitled to adoption leave from their employer. Furthermore, only one period of adoption leave may be taken in cases of multiple adoptions.
- 1.3 The Red Cross will sympathetically consider requests for temporary or permanent part-time or flexible working on the employee's return from adoption leave.
- 1.4 This policy has been produced in line with, and should be interpreted in the light of our organisational values: compassionate, courageous, inclusive and dynamic.

2 Setting out the process

2.1 Notification

- 2.2 Employee's intending to take adoption leave must advise their line manager within seven days of being notified by an approved adoption agency that they have been newly matched with a child for adoption and evidence should be provided.
- 2.3 If this is not practicable, as much notice as possible should be given. Employees may change their mind about the date on which they intend to start their adoption leave, so long as they notify the Red Cross of the revised start date at least 28 days before the date in question.
- 2.4 The Red Cross will respond within 28 days confirming the employee's leave and pay entitlements.

2.5 Pre-adoption meetings

- 2.6 With effect from 5 April 2015 adopters are entitled to take time off for pre-adoption meetings, see details below:
- 2.7 Single adopters may attend up to five **paid** adoption appointments.
- 2.8 Joint adopters may elect for one person, known as the primary adopter to attend up to five paid appointments and the secondary adopter may attend up to two **unpaid** adoption appointments.
- 2.9 The time off must be taken before the date of the child's placement for adoption and the maximum time off during working hours per appointment is capped at 6.5 hours.
- 2.10 No qualifying period of employment is necessary for this day one right.

- 2.11 Time off for pre-adoption meetings should be agreed in advance with the line manager and should be supported by an appointment card or some other appropriate document.
- 2.12 In cases of joint adoptions, the primary adopter should provide a signed declaration stating they have elected to exercise the right to time off to attend the paid appointments and the secondary adopter can be asked to produce a signed declaration stating they have elected to exercise the right to time off to attend the unpaid appointments.
- 2.13 NB the **primary adopter** taking paid time off for appointments is likely to also be the adopter taking adoption leave and pay. This is because the primary adopter is not entitled to take paternity leave. Therefore, the **secondary adopter**, taking unpaid time off for appointments, is likely to also take paternity leave and pay.
- 2.14 **Adoption leave**
- 2.15 All adopting employees are entitled to 26 weeks' ordinary adoption leave followed by 26 weeks' additional adoption leave, providing they supply the Red Cross with evidence of the approved match and give 28 days' notice of their intention to take adoption leave.
- 2.16 During adoption leave the employee is entitled to all contractual benefits with the exception of remuneration, which is detailed in 'adoption pay' below.
- 2.17 Adoption leave may start on the date on which the child is placed with the adopting parent, or a date that is no more than 14 days before the expected date of placement.
- 2.18 The employee is entitled to return to their same job on the same terms and conditions at the end of this leave. However if, following additional adoption leave, it is not reasonably practicable to allow the employee to return to the same role, the organisation will look for suitable alternative roles, on terms and conditions, which are not less favourable than would have applied had the employee not been absent.
- 2.19 **Adoption pay**
- 2.20 Employees who have 26 weeks continuous service up to the beginning of the approved match and average weekly earnings of at least or equal to the **lower earnings limit** for National Insurance contributions are entitled to be paid for the first 39 weeks.. The Red Cross enhances the statutory entitlement so that employees will receive:
- > 100 per cent pay for the first six weeks of adoption leave
 - > this will be followed by 50 per cent pay plus lower rate statutory adoption pay for the next 12 weeks (this cannot exceed normal full pay)
 - > then the lower rate of statutory adoption pay for the next 21 weeks

- 2.21 For employees who are eligible for Statutory Adoption Pay, have 52 weeks continuous service at the date on which their adoption leave begins and are starting their adoption leave on or after 1 June 2018 the Red Cross will further enhance the statutory entitlement. They will receive:
- > 100 per cent of regular pay for the first six weeks of adoption leave
 - > this will be followed by 50 per cent regular pay plus lower rate statutory adoption pay for the next 12 weeks (this cannot exceed normal full pay)
 - > then either 50 per cent of regular pay or the lower rate of statutory adoption pay for the next 21 weeks, whichever is the greater.
- 2.22 Adoption pay is paid in the normal way (into the employee's bank or building society account) at the usual pay intervals and is subject to tax and NI deductions. Statutory adoption pay cannot be paid more than 14 days prior to the expected date of the approved match.
- 2.23 International staff with 26 weeks service at the beginning of the approved match, who are exempt from paying UK taxes will not be entitled to the UK statutory adoption payments. Therefore, the pay entitlement in this instance will be: 100 per cent pay for the first 6 weeks, followed by 50 per cent of pay for the next 12 weeks. The remaining weeks will be unpaid.
- 2.24 In the case of International staff with 52 weeks service at the beginning of the approved match the entitlement will be: 100 percent of regular pay for the first 6 weeks, 50 per cent of regular pay for the next 33 weeks.
- 2.25 Adoption pay calculations include per diem payments.
- 2.26 **Adoption pay for employees on fixed term contracts**
- 2.27 In cases where an employee qualifies for statutory adoption pay, and is on a fixed term contract which ends before adoption leave would commence; statutory adoption pay will be paid as a lump sum at the end of the fixed term contract; following this the employee will be made a leaver and no further payments can be made via payroll.
- 2.28 If the employee wishes to commence their adoption leave prior to the end date of the fixed term contract, the enhanced and statutory adoption payment above will be paid monthly until the end date of the fixed term contract. Any remaining statutory adoption pay will be paid in a lump sum at the end of the fixed term contract. No payments, including enhanced adoption pay, will be made for any adoption leave after the end of a fixed term contract, as employment will cease along with the entitlement to employee benefits.
- 2.29 If an employee is on a fixed term contract and qualifies for the statutory and enhanced adoption pay, and their adoption leave occurs mid-way through the contract, i.e. they will be returning to the fixed term contract following adoption pay, they will receive the same enhanced payment as outlined above.

- 2.30 NB if an employee does not qualify for statutory adoption pay, they may be able to get support from their **local council** instead.
- 2.31 The employee must inform the Red Cross if he or she starts work for another employer, or is taken into legal custody. In these instances, entitlement to statutory and enhanced adoption pay from the Red Cross is likely to cease.
- 2.32 **Pension arrangements**
- 2.33 An employee who is a member of the Red Cross pension scheme will continue to have pension contributions paid for the duration of the paid part of the adoption leave.
- 2.34 The employee's contributions will be based on actual pay, whilst the employer's contributions will be based on the pay the employee would have received if they had not been on adoption leave.
- 2.35 **Keeping in touch (KIT) days**
- 2.36 Employees may participate in up to ten KIT days with the prior agreement of their line manager, see details below:
- 2.37 The purpose of a KIT day is to enable the employee and the Red Cross to keep in touch during the period of adoption leave. Examples of when an employee might work a KIT day might include: to participate in a training event, to attend a meeting or to undertake a discrete piece of work.
- 2.38 KIT days will only be arranged with the mutual consent of the employer and the employee.
- 2.39 KIT days will be paid at the employee's normal salary rate and will not affect their adoption leave and pay (if applicable).
- 2.40 Any work done on a day during adoption leave will count as a whole KIT day (even if only part of a day is worked).
- 2.41 Employees may not take part in a KIT day after the end of adoption leave.
- 2.42 Line managers should inform the P&L Advice and Support Team of KIT days when they are taken and the P&L Advice and Support Team will process these for payment in the next available payroll using the Redroom change to job details form.
- 2.43 **Annual leave**
- 2.44 An employee will continue to accrue annual leave during the full duration of their adoption leave, see details below:
- 2.45 Employees should normally take the annual leave accrued up to the point they start their adoption leave before they go on adoption leave.
- 2.46 Annual leave accrued during the adoption leave period may be carried over to the next leave year in circumstances where it has not been possible to take the leave in the current leave year e.g. where the adoption leave period straddles two

leave years or the individual has returned to work at the end of the leave year. The limit of 5 days carry over does not apply in these situations.

- 2.47 It is not possible to take annual leave during adoption leave.
- 2.48 A period of unpaid ordinary parental leave may be taken at the end of the adoption leave period. Please refer to the [ordinary parental leave policy](#).
- 2.49 **The end of adoption leave**
- 2.50 If an employee wishes to return to work before the end of the agreed adoption leave period, they should give their line manager at least eight weeks' notice of the date on which they wish to return.
- 2.51 An employee wishing to work under different conditions to those he or she was contracted to prior to the adoption leave (e.g. part-time), should discuss this with his or her line manager as early as possible and confirm the request in writing, so that every effort may be made to accommodate the request.
- 2.52 If an employee does not wish to return to work at the end of their adoption leave, they should confirm this in writing as soon as the decision is made, giving the required notice under their contract of employment.

3 Key people

- > **Workforce Policy Adviser:** maintain and update policy and procedure where necessary.
- > **P&L Advice and Casework team:** advice and support available to employees and managers.
- > **Line manager:** manage adoption leave and pay requests.

4 Laws and regulations

- > Employment Rights Act 1996
- > Paternity and Adoption Leave Regulations 2002 (SI 2002/2788)
- > Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 (SI 2002/2822)
- > Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003 (SI 2003/921)
- > Shared Parental Leave Regulations 2014 (SI 2014/3050)
- > Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014 (SI 2014/3052)
- > Shared Parental Leave and Paternity and Adoption Leave (Adoption from Overseas) Regulations 2014 (SI 2014/3092)

5 Review and maintenance

This procedure will be reviewed every three years or as and when required to reflect any legislative change or good practice developments.

6 Appendices

Appendix 1: related documents

Appendix 2: document provenance

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Document title	Relationship to this policy
Fundamental Principles of the International Red Cross and Red Crescent Movement	Supporting document
HR Policy framework	Overarching policy
Equality and Diversity policy	Policy

Appendix 2: document provenance

Date endorsed	Category	Summarise changes made	Reason for changes	Consulted	Changes endorsed by
February 2009	Interim update	Unknown	Change in legislation	Unknown	Unknown
January 2014	Interim update	Employees must earn an average of £109 per week to qualify for statutory payment. Payment for KIT days should be made as and when taken.	Change in legislation and organisational procedure	Unknown	Unknown
April 2015	Interim update	New entitlements to pre-adoption meetings. Reference made to new shared parental leave policy. Line managers should inform HR of KIT days when they are taken and HR will process these for payment. Employees must earn an average of £112 per week to qualify for statutory payment.	Change in legislation	Unknown	Unknown

		Format updated.			
November 2016	Interim update	Replaced HR representative with 'P&L Advice and Support'	Changes within the P&L Directorate	Unknown	N/A
June 2017	Interim update	Review date aligned with related leave procedures.	Update	Unknown	Unknown
December 2017	Interim update	Updated to align with new HR Policy Framework and corporate procedure template	Introduction of new HR Policy framework	Corporate Policy Manager	Head of P&L Expert Services
March 2018	Interim update	Employees must earn on average £113 per week to qualify for payment for the first 39 weeks.	Change in legislation	N/A	N/A
June 2018	Scheduled review	<p>Update to reflect new enhanced maternity pay benefits</p> <p>Staff with at least one year's service at the date on which their adoption leave begins will be entitled to Occupational Maternity Pay, as follows:</p> <ul style="list-style-type: none"> •6 weeks at full pay •12 weeks at half pay plus SMP •21 weeks at half pay or SMP, whichever is the greater. <p>Staff who do not have the qualifying service but are eligible for SMP will be entitled to the current level of Occupational Maternity Pay, as follows:</p> <ul style="list-style-type: none"> •6 weeks at full pay •12 weeks at half pay plus SMP •21 weeks at SMP 	Change in procedure	P&L Directorate Staff Association DMTs ELT	ELT