

Adoption and Surrogacy Leave policy

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Section 1: Overview

1.1 Purpose

1.1.1 This policy sets out the statutory and occupational rights and responsibilities of employees who wish to take adoption leave or will become the legal parents of a child through surrogacy.

1.1.2 This policy is here to help you and us plan ahead when you're thinking about starting a family through adoption or surrogacy. We want to make sure everything is as clear as possible for you, so you can plan your finances, time off and any support you may need.

1.2 Scope

1.2.1 This policy applies to all permanent and fixed term employees.

1.2.2 This policy will be available in the People folders in the Fewer Better Rules Book

1.3 Responsibilities

1.3.1 The Head of People is accountable for ensuring that this policy is applied correctly.

1.3.2 The People team are involved in delivering the policy.



1.3.3 Line managers are responsible for liaising with the employee in relation to their period of leave, and where necessary arranging cover for the role.

1.3.4 Employees who are applying for adoption leave are responsible for following the process outlined in this policy.

1.4 Definitions

Expected placement date The date on which an adopted child is expected to be placed with you.

Expected week of childbirth (EWC) The week, starting on a Sunday, in which the doctor/midwife expects the employee to give birth (as stated on the MATB1)

Occupational adoption pay (OAP) OAP refers to payment made by Frontline over and above the statutory requirement

Statutory adoption pay (SAP) SAP refers to the statutory pay requirement for adoption leave for the first 39 weeks of adoption (based on eligibility)

Section 2: Policy and procedures

2.1 Notification of adoption

2.1.1 When to tell your manager about adoption

To make managing your leave as easy as possible, you should discuss your plans about adoption with your manager as early as possible, ideally before you start the process. Early notice will mean your manager will know that you are entitled to paid time off for adoption appointments and allow for both you and your manager to plan ahead.



2.1.2 Formal Notice – Your manager and the People team

To be entitled to take adoption leave you must to give the correct notice. You must provide the following details within 7 days of being matched with a child to both your manager and the People team:

- how much leave you want to take
- your leave start date
- the 'date of placement' - the expected or actual date the child is placed with you

NB: Notice requirements vary slightly if you are adopting from overseas or becoming the legal parent of a child by surrogacy (see section 2.3.2 - Eligibility)

2.1.3 Adoption leave plans

Your manager will need to plan ahead and make arrangements for covering the period while you are away. You should therefore try and give the People team the earliest possible notice of each the following:

- whether or not you intend to return to work
- if you intend to return to work: the likely date of return and whether you would prefer to work the same or different hours
- how you plan to use your annual leave

2.1.4 What documentation you need to supply

You must supply the People team with the following documents where relevant:

- proof of adoption (for adoption in the UK)
- confirmation of the EWC date and confirmation of intent to adopt (for surrogacy arrangements)
- SC6 form (if you are adopting from abroad)



2.2 Adoption appointments

2.2.1 You are entitled to take time off to attend adoption appointments. The amount of time you will be entitled to take of is broken down as:

- if you are adopting a child alone you are entitled to take paid time off to attend up to five adoption appointments
- if you are jointly adopting a child, the couple can elect for one person to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments

2.2.2 The appointment must have been arranged by or at the request of the adoption agency. You would need to take any time for appointments before the date of the child's placement for adoption.

2.3 Adoption Leave

2.3.1 Adoption leave is a single continuous period, made up of 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave. Additional Adoption Leave follows Ordinary Adoption Leave and there must be no gap between the two.

2.3.2 Eligibility – Adoption (UK)

You are entitled to 52 weeks' adoption leave from your first day of employment if you plan to adopt a child through an approved adoption agency. You must provide the correct notice shown above to be eligible.

2.3.3 You must however give 28 days' notice before you want to be paid Statutory Adoption Pay (where eligible), unless the time between the child being matched and placed is less than that.

2.3.4 Eligibility – Adoption (overseas)

You will be entitled to adoption leave provided you notify your manager and the People team within 28 days of getting your 'official notification'. You must include:



- the date of the notification
- when you expect the child to arrive in the UK
- how much leave you want and when you want it to start (giving at least 28 days' notice)

2.3.5 Eligibility – Surrogacy

Parents who will become the legal parents of a child under a surrogacy arrangement are entitled to take statutory adoption leave. You must apply to become the legal parent within 6 months of the child's birth to be eligible for surrogacy rights, leave and pay.

2.3.6 You will be entitled to adoption leave provided you have given notice at least 15 weeks before the due date outlining;

- how much leave you want to take
- your leave start date

2.3.7 If you're in a couple, only one of you will be eligible for adoption leave and pay. The person who does not get adoption leave and pay might be able to use paternity leave and pay or Shared Parental Leave (see Paternity and Shared Parental Leave policies).

2.3.8 Ordinary Adoption Leave (OAL)

Your contract of employment continues throughout the 26 weeks of OAL. During this time, you continue to benefit from the terms and conditions of employment which would have applied to you had you been at work. The only element of your contractual rights that does not continue is your full salary.

2.3.9 Additional Adoption Leave (AAL)

Additional Adoption Leave (AAL) lasts for 26 weeks and, if taken, must follow immediately after OAL. There cannot be a gap between the two types of adoption leave.



2.3.10 Your contract of employment continues throughout AAL unless either party expressly ends it or it expires.

2.3.11 When adoption leave can start

Adoption leave can start;

- on the day the child is placed for adoption, or up to 14 days earlier.
- on the date the child starts living with you or up to 14 days before the expected placement date (UK adoptions)
- when the child arrives in the UK or within 28 days of this date for overseas adoptions
- the day the child is born or the day after (parents in surrogacy arrangements)

2.3.12 Changing your adoption start date

You should agree your start date for adoption leave and pay with line manager and the People team following the notification process. Once you have advised the date you want to start your adoption leave, you can change this date as long as you notify your manager and the People team of the new start date by whichever is the earlier of either 28 days before the original start or 28 days before the new date you want to start your leave.

2.3.13 However, if it is not reasonably practicable to give this much notice (for example if the baby is born early and you need to start adoption leave straight away) then in these circumstances you should give as much notice as practically possible.

2.3.14 If you do not provide the correct notice and reasonable amount of time to make a change it could delay the start date of adoption pay.



2.3.15 People team confirming your adoption leave

Once you've provided the necessary notice of the intended start date of leave and pay, the People team will in turn provide confirmation of your adoption leave plans writing within 28 days.

2.4 Statutory Adoption Pay (SAP)

2.4.1 Eligibility

To be eligible for SAP you must:

- be employed by Frontline continuously for at least 26 weeks up to any day in the week you are matched with a child (adoption) or EWC date (surrogacy)
- earn at least £120 a week (before tax) in an 8-week 'relevant period'
- give the correct notice

2.4.2 If you are adopting a child from overseas the requirements are the same except you must have been employed continuously for at least 26 weeks at the start of the week **when the pay will begin.**

2.4.3 Entitlement to SAP does not affect your right to any other adoption payments.

2.4.4 How much is statutory adoption pay

Statutory Adoption Pay is paid for a continuous period of up to 39 weeks. The April 2021 rate of SAP is 90% of your average weekly earnings for the first six weeks, followed by the lesser of a flat rate of £151.97 a week, or 90% of average weekly earnings for the remaining 33 weeks if that is less than £151.97. The flat rate is subject to review every April.



2.5 Occupational Adoption Pay (OAP)

2.5.1 Eligibility for Occupational Adoption Pay

To be eligible for occupational adoption pay you must have one year's continuous service the 15 weeks before the week in which notification of matching is given by the adoption agency, or 15th week before the EWC for surrogacy.

For example: if you're given notice from the adoption agency in the week of 30th August 2021, the qualifying period for OAP is week commencing 17th May 2021 and therefore your employment start date would need to be before 17th May 2020 to be eligible for OAP. If you started after 17 May 2020 you would not be eligible for OAP but may be eligible for SAP (see table 2.5.4.)

2.5.2 The qualifying period of one year's paid service could include:

- periods of paid employment within Frontline immediately prior to joining Frontline (for example a temporary agency contract)
- previous periods of casual service, if these are continuous and joined to permanent service without a break

2.5.3 Periods of secondment or loans do not affect your entitlement to paid or unpaid adoption leave.

2.5.4 Summary of adoption pay entitlement by length of service

This table provides a breakdown of what you will be entitled to be paid based on your length of service on the 15th week before notification of matching (adoption) given or EWC (surrogacy)



Length of service	Adoption Pay
Less than 26 weeks continuous service by the 15 th week before EWC/Notification	<ul style="list-style-type: none"> Not eligible for SAP
More than 26 weeks continuous service, up to 1 year by the 15 th week before EWC/Notification date	<ul style="list-style-type: none"> Will be paid SAP for the first 6 weeks at 90% of your average weekly earnings (AWE) before tax the remaining 33 weeks: £151.97 or 90% of your AWE (whichever is lower) the final 13 weeks will be unpaid
1 year continuous service at the 15 th week before the EWC/Notification date	<ul style="list-style-type: none"> Entitled to additional occupational adoption pay (inclusive of SAP) see rates below

2.5.5 Pay for employees adopting a child from overseas:

The requirements are the same if you are adopting from overseas as above, except you must have been employed continuously for at least 26 weeks at the start of the week **when the pay will begin.**

2.5.6 How much is Occupational Adoption Pay

The breakdown for Frontline OAP for eligible employees is outlined in the table below.

Weeks	Payment *
1 – 24 (24 weeks)	100% salary (inclusive of SAP)
25 – 39 (15 weeks)	Paid SAP (151.97 p/week)
40 – 52 (13 weeks)	Unpaid leave



2.5.7 Adoption pay will be paid into your bank account on the same date as your normal pay date and will be subject to the deduction of Income tax and National Insurance Contributions.

2.5.8 Benefits while on adoption leave

Benefits in kind (e.g. laptops, mobile phones etc.) will continue throughout adoption leave. If you are already a member of the childcare voucher scheme Frontline will continue to contribute to your childcare voucher payments throughout adoption leave based on the contributions made before going on leave.

NB: The childcare voucher scheme is closed to new employees

2.5.9 Pension contribution while on adoption leave

Employer contributions: We will continue to make your usual contributions throughout adoption leave. The amount paid throughout will be based on what you were contributing before going on leave.

Employee contributions: If you normally make contributions to your pension, your contributions will continue will you receive payment on adoption leave (OSP and SShP). Your contributions will be based on the amount you are paid each month.

2.5.10 If you want to pause your contributions during your adoption leave let the People team know as soon as possible.

2.6 Annual leave

2.6.1 Accruing annual leave and public holidays

You will continue to accrue Frontline contractual annual leave throughout both OAL (26 weeks) and AAL (26 weeks). Frontline annual leave which accrues during OAL and AAL cannot be taken until you return to work. It is not possible to take annual leave at the same time as adoption leave. All public holidays and any non-contractual holidays given to all employees (such as the Christmas Closure) occurring during



adoption leave will be accrued as annual leave, and you will have the right to take these on your return to work.

2.6.2 It will be possible for you to use any untaken annual leave either before you start your adoption leave, or once your period of leave has finished. Although wherever possible, you should take any annual leave you have left before you start your adoption leave. You will be eligible to carry over any unused and accrued leave to the following calendar year while on leave. If your manager and the People team agree, annual leave may also be taken immediately before you return to work i.e. appended to your adoption leave, or used to support a phased return to work. If you take annual leave immediately following adoption leave you will be unable to resume adoption leave thereafter.

2.6.3 It is useful, once you have given notice that you are planning to adopt (or have a child through a surrogacy arrangement), to incorporate annual leave arrangements into your plans.

2.6.4 Buying or selling annual leave

While on adoption leave, you are not eligible to receive any additional pay other than KIT days (see Section 2.10). This means that if you want to sell any annual leave while on adoption leave (this can only happen during either of the windows), the payment would be delayed and made when you return to work. You would only be eligible to sell up to the maximum of 5 days in a rolling year (see [Leave and Absence policy](#)).

2.6.5 Carrying over annual leave after returning to work

Once you have returned to work, the usual carry over rules apply (see [Leave and Absence policy](#)), and annual leave may be carried over to the following leave but no more than 5 days, so it is advisable you use it as part of your return to work plans.



2.7 Sickness absence following adoption leave

2.7.1 If, due to illness you are unable to return to work following your adoption leave, normal sickness absence rules apply from the date you intended to resume duty (see [Leave and Absence policy](#)). You are not allowed to bring forward your intended date of return to qualify for paid sickness absence.

2.8 Redundancy during adoption leave

2.8.1 If a redundancy situation arises at any stage during your adoption leave which means it is not practicable for Frontline to continue to employ you under your original contract of employment, you are entitled to be offered (before that contract ends) a suitable alternative vacancy, where one is available.

2.8.2 If you are offered a suitable alternative vacancy (you are entitled to a four-week trial period in which to decide whether the employment is suitable, and this period may be extended beyond four weeks by written agreement).

2.9 Contact during adoption leave

2.9.1 During the adoption leave period, your manager or the People team may wish to contact you, and in the same way you may wish to contact your manager or the People team. The frequency and nature of the contact will depend on a number of factors, such as the nature of your work and post, any agreement that you and your manager might have reached before adoption leave began as to contact; and whether either party needs to communicate important information to the other.

2.10 KIT days

2.10.1 What are KIT days?

You may, by agreement with your manager and the People team, carry out up to 10 days work – known as “Keeping in Touch” days at any time during the adoption leave period, with the exception of the first two weeks after your baby is born. Such days



are different to the reasonable contact described above, as during Keeping in Touch days you can actually carry out work, for which you will be paid.

2.10.2 Any work on any day during the adoption leave period will count as a half or whole KIT day, up to the 10-day maximum. For example; if you come in for a one-hour training session and carry out no other work that day; you will have used half of one of your KIT days and be paid as such.

2.10.3 The type of work that you may undertake on Keeping in Touch days is a matter for agreement between you and your manager. They may be used for any activity which would ordinarily be classed as work under your contract; examples could include (but are not limited to) attending a conference, undertaking a training activity or attending a team meeting.

2.10.4 Work during adoption leave may only take place if you both agree. We cannot require you to work during your leave, nor do you have the right to work KIT days if your manager doesn't agree to them. If you are offered an opportunity to work a KIT day you are entitled to turn it down.

2.10.5 KIT day pay

Because Keeping in Touch days allow work to be done under your contract of employment, you are entitled to be paid for that work. You will be paid full pay for the hours in half day blocks. The payment for KIT days would be made on top of any SMP or OMP you are eligible to receive.

2.11 Returning to work after adoption leave

2.11.1 Unless otherwise notified, the date you return to work will normally be the first working day 52 weeks after your adoption leave began.



2.11.2 Returning to work before end of adoption leave

If you want to return to work before the end of your adoption leave, you must give at least 8 weeks' notice before your original return to work date, or the new intended return to work date (whichever is sooner).

2.11.3 If the you attempt to return to work earlier than the end your adoption leave without giving 8 weeks' notice, you may need to postpone your return until the full eight weeks' notice has been given. However, this will not be to a date later than the end of your adoption leave period.

2.11.4 Returning to work later than originally notified

If you have notified that you want to return to work earlier than expected as outlined in the paragraphs above, you are still entitled to change your mind. However, in these circumstances you should give notice of this new, later, date of return at least eight weeks before the earlier date.

For example, if, if, you decide that you do not want to take the full 52 weeks and give notice that you will return after six months (for example, on 1 October) you can still change your mind and tell your manager and the People team that you want to take a longer period – up to the full year of adoption leave – as long as you give eight weeks' notice before your existing return date (in this case, eight weeks before 1 October – i.e. 6 August).

2.11.5 What if I don't want to return to work after adoption leave?

If you do not want to return to work after adoption leave, you must give the notice of termination required by in your contract of employment. It will help Frontline if you can give as much notice as possible.

2.11.6 If you are unable to return to work at the end of your entitlement to adoption leave because you are medically unfit to work, you should submit medical certification in the



usual way and you will then transfer from adoption leave to sick leave. Subsequently, the normal sickness procedures will be followed.

2.11.7 If you do not return to work or do not work out your full notice period, and you have received OSP in excess of your statutory entitlement, we reserve the right to claim this back. Repayment is waived if you provide medical evidence that you are unable to return because your child has a disability and requires continuous attention at home. You must provide medical evidence of your child's disability.

2.11.8 What if I resign and then my circumstances change?

If you resign because you do not then intend to return to work, but later wish to return because of an unexpected change in your circumstances, you will have no absolute right to return and may need to apply if a vacancy is available.

2.12 Shared parental leave

2.12.1 Shared parental leave enables you to share any untaken leave and pay as shared parental leave and pay with your partner provided you end your adoption leave early (to “share” what you have left).

2.12.2 To be able to take shared parental leave, you and your partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes you curtailing your adoption leave. You and your partner should ensure that you're both liaising with your employers when making requests for shared parental leave.

2.12.3 Please refer to the [Shared Parental Leave policy](#), where you will find full details of the eligibility requirements, as well as instructions of how adoption leave can be curtailed.



2.13 Your position on returning to work following adoption leave

2.13.1 Return to Work before, or at the end of, Ordinary Adoption Leave (OAL)

On returning to work following OAL you have a right to return to the same job, which in the Frontline context normally means a similar job in the same job family, on the same terms and conditions as you were subject to previously. You are entitled to benefit from any general improvements to the rate of pay, or other terms and conditions, which may have been introduced for your tier while you were away, as if you hadn't been away.

2.13.2 Return to work before, or at the end of, Additional Adoption Leave (AML)

If returning to work after AML, in other words you have taken more than 26 weeks' adoption leave; you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent, unless there is a reason why it is not reasonably practicable for you to return to your old job, in which case you will be offered a similar job on terms and conditions which are not less favourable than your original job.

2.13.3 Taking ordinary parental leave following adoption leave

A period of ordinary parental leave of four weeks or less has no impact on your right of return. If you take a period of parental leave straight after adoption leave, you will be treated as though returning to work after additional adoption parental leave. Full details on ordinary parental leave are in the [Leave and Absence policy](#).

2.13.4 If there is a reason which makes it impracticable for you to return to your original job, a similar job will be found for you. The new job will be such that:

- the work carried out is both suitable and appropriate for you to do in the circumstances; and
- the terms and conditions of your employment are no less favourable to you than they would have been had you continued to be employed in your old job.



2.13.5 If offered a new position that fulfils the criteria above and you refuse it, you will have effectively resigned.

2.13.6 Can I request to work flexibly?

All employees have the right to request flexible working patterns. Full details are provided in the [Leave and Absence policy](#).

Section 3: Relevant references

3.1 Frontline policies and documents

3.1.1 Refer to other Frontline policies for further information on:

- Shared parental leave
- Paternity leave
- Leave and Absence