

IMSP060BY: ADOPTION LEAVE POLICY

Version 1.2 (05/2025)

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Departments: HR

Document Owner: Group HR Director

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Document History			
Version number	Edited by	Date reviewed	Summary of changes
1.0	HR	January 2023	Version 1 – replacement of Family Friendly policy
1.1	HR	May 2023	Clarification on pay back clause and added option to elect for statutory pay only.
1.2	HR	May 2025	Clarification of time off for appointments

1. PURPOSE

The purpose of this document is to provide detail of the adoption rights, the period of leave that should be applied and confirmation of applicable payments when taking adoption leave. Mears Group are committed to supporting employees to understand the choices available to them when planning for the adoption of a child.

2. SCOPE

This policy and procedure applies to all Mears Group Plc employees unless you have been notified that a separate policy or policies apply with respect to your employment. Any enhancements to statutory pay entitlements referred to within this policy will be applicable to employees on Mears Standard terms and conditions only. They do not form part of any employee's contract of employment and may be amended at any time.

3. DEFINITIONS

Additional Adoption Leave - The period of 26 weeks, taken immediately after Ordinary Adoption Leave.

Ordinary Adoption Leave – The period of 26 weeks that those adopting a child are entitled to.

Matching Certificate – The certificate, provided by the adoption agency, that indicates when the child is due to be adopted. This needs to be provided to the employer to receive adoption benefits.

Statutory Adoption Pay - Payment of 6 weeks at 90% of earnings followed by a set number of weeks at the Standard Rate or 90% of Average Weekly Earnings if this is less than the Standard Rate.

Average Weekly Earnings – The earnings between the last normal pay day to fall in or before the date of the matching certificate, and the day after the last normal pay day falling at least eight weeks earlier.

HR – primarily refers to the HR Shared Services team who will be responsible for providing advice, guidance and support on this policy, list of key terms and definitions which are used within the policy.

Line Manager - refers to the direct line manager on Workday for the employee, or alternatively in the event that they are not available, then the manager's manager.

Employee – is an individual who is directly employed by Mears Group and or any of its subsidiaries. It does not include self-employed, agency or contractors for the Group.

4. RESPONSIBILITIES

Line Manager: -

- Read and understand the contents of the policy and procedure
- Responsible for ensuring that the leave is logged correctly on Workday
- Process terminations on Workday for those employees who are not returning from adoption leave

Employee: -

- Must provide relevant documentary evidence/certificates as required
- Must give the relevant notice to take adoption leave or if they wish to return earlier than planned leave entitlement

HR: -

- Write to employees notifying of them of specific dates and entitlements.
- Provide advice/ guidance and support in line with the policy
- Notify payroll of any variations in an employee's terms and conditions of employment
- Liaise with management and employees where appropriate.

5. POLICY

Notification

Adopting parents wishing to benefit from these provisions are asked to give the maximum possible notice of their intention to take Adoption Leave in order that alternative arrangements can be made to cover necessary work.

Employees must give their line manager notice 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.

Employees who wish to receive adoption benefits are asked to produce the 'Matching Certificate' which their adoption agency will provide.

Adoption Appointments

An employee is entitled to paid time off to attend up to five adoption appointments in the period between being notified of a match with a child and the date the child joins their family.

Eligibility

To qualify for Adoption Leave the employee must be newly matched with a child for adoption by an approved adoption agency.

Adoption benefits will be available to an individual employee who adopts or to one member of a couple where a couple adopts jointly (in the latter case the couple must specify which partner receives adoption benefits).

Leave will be available to those adopting children up to 18 years of age, as long as the child is newly placed for adoption.

Adoption Leave applies to those adopting children overseas as well as in the UK.

Only one period of Adoption Leave is available at a time irrespective of whether more than one child is placed for adoption as part of the same arrangement.

Employees do not qualify for Adoption Leave or Pay if they:

- arrange a private adoption
- become a special guardian or kinship carer
- adopt a stepchild
- adopt a family member

Adoption Leave

Employees are entitled to adoption leave from the first day of employment. Employees have the right to take 26 weeks Ordinary Adoption Leave (“OAL”) followed by up to 26 weeks Additional Adoption Leave (“AAL”).

Adoption leave is not available for both parents. If the employee’s partner or spouse has taken adoption leave either with Mears or another company, the employee (if eligible) may be entitled to take paternity leave and/or shared parental leave. Please see the relevant policies for further information.

The entitlement to adoption leave applies to partners of the same sex whether married or not who must be able to demonstrate they will have or be expected to have responsibility for the upbringing of the child.

Employees are not entitled to adoption leave and pay if they are becoming a special guardian or kinship carer, adopting a stepchild, adopting a family member or have a private adoption arrangement.

When leave can start

- For UK adoptions - up to 14 days before the child starts living with the Employees
- For overseas adoptions - when the child arrives in the UK or within 28 days of this date
- For surrogacy arrangements - the day (or the day after) the child is born

Disrupted Adoption

Adoption Leave is disrupted if it has started and:

- The employee is notified the placement will not take place;
- The child is returned to the adoption agency after placement; or
- The child dies after placement.

In case of disruption employee’s entitlement to adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred, unless their entitlement to leave and/or pay would have ended earlier in the normal course of events.

If the employee wants to change the start date of the placement, they must give 28 days’ notice, and this will need to be amended in Workday.

Adoption Pay for employees who have 26 weeks service at the date the employee is told that they have been matched with a child

Employees who have been employed for at least 26 weeks at the date the employee is told that they have been matched with a child and whose Average Weekly Earnings exceed the qualifying earnings for Statutory Adoption Pay, are entitled to receive the following pay (subject to eligibility):

- 14 weeks full pay, equivalent to 100% of their Average Weekly Earnings followed by;
- 12 weeks half pay equivalent to 50% of their Average Weekly Earnings followed by;
- 13 weeks statutory pay (Statutory pay is reviewed by the government annually and can be accessed via the government website followed by;
- 13 weeks unpaid

Eligibility for enhanced adoption pay:

- Within seven days of being matched the Employees must provide confirmation to their Line Manager
- Within 7 days the employee must provide the line manager with documentary evidence, usually a matching certificate from their adoption agency, to show that they have the right to paid adoption leave.
- An employee must give their manager at least 28 days' notice, in writing, of the start date of adoption leave (unless this is not reasonably practicable).
- The adoption agency must be one which is properly recognised in UK law
- Employee must return to the business for a minimum of six months following adoption leave

Enhanced Adoption Payback

If an Employee does not return to the business for a minimum of six months on the same contractual hours they were working at the time their Average Weekly Pay was calculated (as above) (or gives notice of their intention to leave within six months) following the end of their adoption leave, the Company reserves the right for employees to pay back their enhanced adoption pay in full.

As full pay is calculated on the basis of average earnings prior to an employee taking maternity leave as indicated in this policy; should a reduction in hours be approved prior to taking maternity leave, this may result in pay back in full for the employee.

Should an employee wish to be paid statutory maternity pay only, this should be made clear at least 1 month prior to taking maternity leave.

Adoption Pay for employees who do not have 26 weeks service at the date the employee is told that they have been matched with a child

the employee does not qualify for Statutory Adoption Pay they will be given a SAP1 form to complete. Statutory Adoption Pay is reviewed annually by the Government. The latest rate can be found on the Government website.

Keeping in touch days (KIT)

Up to 10 days' work known as Keeping in Touch days may be undertaken during the adoption leave period by agreement on both sides. KIT days may include activities that would ordinarily be classed as work under the contract of employment, which could be particularly useful for the employee to attend such as training, a team meeting or a conference. Line managers are expected to give the employee as much notice as is reasonably possible if they wish the employee to work on a KIT day.

Any days worked will be paid, as per the employee's contract of employment; this will not have an effect on adoption pay. If the employee works only part of a day, this will still count as one of their 10 Keeping in Touch days.

Line managers cannot insist that the employee attends KIT days if they do not wish to, nor does the employee have the right to work KIT days if the line manager does not agree to them.

The line manager will need email payroll@mearsgroup.co.uk confirming the name of the employee, Workday ID, the date(s) and number of hours worked for payment to be made.

Annual leave during Adoption Leave

Annual leave is accrued during both Ordinary Adoption Leave and Additional Adoption Leave in the same way, and at the same time, as if the employee is at work. Once adoption leave has started, it cannot be interrupted by annual leave.

Returning to work

It will be assumed that the employee will take his/her full entitlement to adoption leave unless he/she notifies the Company of his/her intention to return earlier.

If an employee intends to return to work before the end of the full adoption leave entitlement, he/she must give the Company at least 8 weeks' notice, in writing, of the date of his/her return to work.

An employee who has notified the Company that he/she wishes to return to work before the end of the adoption leave is entitled to change his/her mind, however any change should be made in writing giving 8 weeks' notice of the new later date of return at least 8 weeks before the earlier date.

If an employee attempts to return to work earlier than the end of the adoption leave without giving the Company 8 weeks' notice, then the Company may postpone his/her return until the full 8 weeks' notice has been given. The employer may not, however, postpone the return to a date later than the end of the adoption leave period.

Return to work after ordinary adoption leave

An employee returning from Ordinary Adoption Leave, in accordance with the provisions above is entitled to return to the same job on the same terms and conditions as if he/she has not been absent, unless a redundancy situation has arisen. The employee is entitled to benefit from any general improvements to the rate of pay or other terms and conditions which may have been introduced for his/her grade or class of work during his/her absence and which would have been applicable if he/she had not been on adoption leave.

Return to work after additional adoption leave

An employee returning from Additional Adoption Leave in accordance with the provisions above is also entitled to return to the same job on the same terms and conditions as if they had not been absent, unless a redundancy situation has arisen. If, however, there is some reason other than redundancy why it is not reasonably practicable for the employer to take them back in the original job, he/she is entitled to be offered suitable alternative work.

Not Returning to work from adoption leave

An employee who does not wish to return to work after Adoption Leave must give his/her employer the notice required by her contract of employment and the Line Manager should process the termination through Workday. If an employee is unable to return to work at the end of Ordinary or Additional Adoption Leave due to sickness, the normal contractual arrangements for sickness absence will apply.

if the employee wants to amend their hours or duties on their return from adoption leave, they have the right to make a flexible working request.

It is the responsibility of the line manager to ensure that the return from adoption leave is processed on Workday.

Confidential support is available through the Employee Assistance Programme (EAP). The EAP service is a confidential 24/7, 365 days a year service. Accredited counsellors and experienced information specialists offer support and signposting across a range of personal legal, medical, health and wellbeing issues, as well as a telephone counselling service.

Support can be accessed via the telephone helpline and there is also an online portal available, where further information can be accessed. The service is also available to partners and dependents over the age of 18, (or over 16 in full-time education) residing in the same household.

This service can be used as often as required and all details remain totally anonymous. The EAP helpline contact details are as follows; 0800 756 0834 .

6. OTHER RELATED POLICIES & PROCEDURES

Maternity Policy
Paternity Policy
Parental Leave Policy
Shared Parental Leave Policy
Holiday Policy
Authorised Leave Guide
Management of Attendance Policy
Equality, Diversity & Inclusion Policy
Flexible Working Policy

7. APPENDICES

None