

# Adoption Policy

Reference: HR013

<b>Document Type:</b>	Policy
<b>Status of Document:</b>	Final
<b>Version:</b>	2.0
<b>Date Approved:</b>	13/11/2023
<b>Approved By:</b>	Chief People & Corporate Services Officer
<b>Publication Date:</b>	14/11/2023
<b>Review Date:</b>	13/11/2026
<b>Policy Owner:</b>	HR Services Manager
<b>Applies to:</b>	All Staff
<b>Document Location:</b>	Sharepoint - CRC
<b>Publication:</b>	Internal & External

**DOCUMENT STATEMENT:**

All Translink Group Corporate Procedural Documentation (policies, procedures and guidelines) should be consistent in terms of development, approval, implementation, communication, control and review in line with these guidelines.



Do you need to print this document? If yes, please consider the environment; print double-sided copies and print only those pages you need using the 'Page Range' in Print Properties.

## Version Control Record

<b>Policy Owner:</b>		HR Services Manager	
<b>Main Contributors/co- authors:</b>		HR Services Manager HR Compliance & Governance Officer	
<b>Executive Sponsor:</b>		Chief People & Corporate Services Officer	
<b>Version Reviewed</b>	<b>Reviewed by / Consultation Sought from</b>	<b>Date of Consultation</b>	<b>Comments</b>
1.0	HR Compliance & Governance Officer	June 2023	<ul style="list-style-type: none"> <li>• Document reformatted to new version.</li> <li>• Statutory entitlement amended</li> <li>• Notification Requirements amended</li> <li>• Statutory Adoption Pay qualifying criteria and rates amended</li> <li>• Inclusion of differences when adopting from overseas included as required</li> <li>• Early Return to work amended to 'Returning to work...' with more detail added. Early return to work notice amended from 28 days to 8 weeks.</li> <li>• Sections added: Annual Leave, Shared Parental Leave, Contact during Adoption Leave, KIT Days, Pension Scheme, Related Policies</li> <li>• Addition of information relevant to surrogacy arrangements.</li> <li>• Reformatted for each type of adoption type (from UK, Overseas or surrogacy)</li> </ul>
1.1	HR Management Team  Stonewall	September 2023	Format change to separate each type of adoption for easier understanding. Approval received to match company adoption pay with company maternity pay entitlement. Reviewed by Stonewall for inclusion review.

This is a controlled document. Whilst this document may be printed, the electronic version is maintained within the Corporate Records Centre within Sharepoint by the Policy Owner.

Introduction .....	4
Scope.....	4
ADOPTIONS FROM WITHIN THE UK.....	4
1. Entitlement .....	4
2. Start Date for Adoption Leave .....	4
3. Eligibility.....	4
4. How to Claim .....	6
5. Response to Notification .....	6
6. Changing Your Dates.....	6
ADOPTIONS FROM OVERSEAS .....	6
1. Entitlement .....	6
2. Start Date for Adoption .....	7
3. Eligibility.....	7
4. How to Claim .....	8
5. Response to Notification .....	9
6. Changing Your Dates.....	9
ADOPTIONS VIA SURROGACY .....	9
1. Entitlement .....	9
2. Eligibility.....	10
3. How to Claim .....	11
4. Response to Notification .....	11
5. Changing Your Dates.....	11
ADOPTION PAY AND LEAVE VIA UK OR OVERSEAS ADOPTIONS OR SURROGACY.....	12
1. Statutory Adoption Pay (SAP).....	12
2. Annual Leave and Adoption.....	12
3. Dismissal or Resignation before the Intended Start Date .....	12
4. Disrupted Placement in the Course of Adoption Leave .....	12
5. Shared Parental Leave (SPL) .....	12
6. Returning to Work After Adoption Leave.....	13
7. Contact during Adoption Leave .....	13
8. Keeping in Touch (KIT) Days .....	13
9. Pension Scheme.....	13
10. Related Policies.....	14

## **Introduction**

Throughout this Policy, the words 'Translink' 'Company' and/or 'the Group' refer to all corporate entities under the ownership of the Northern Ireland Transport Holding Company (NITHC). This includes the parent company and each subsidiary either individually or taken together as a group.

## **Scope**

Eligible employees have the right to up to 52 weeks Adoption leave on the adoption of a child from within the UK, from overseas or via a surrogacy arrangement. There is also an entitlement to Statutory Adoption Pay (SAP) (see below).

All rights outlined in this policy apply to full-time and part-time employees, no matter how many hours they work, or regardless of how much they are paid (**except for entitlement to Statutory Adoptive Pay (SAP)**).

## **ADOPTIONS FROM WITHIN THE UK**

### **1. Entitlement**

Adoption leave can be taken by an employee who has either adopted a child or is one of two people who have jointly adopted a child.

To qualify for leave, you must:

- be the child's adopter
- have received official notification confirming the central authority has or is prepared to issue a certificate confirming you are eligible to adopt and have been assessed and approved as being a suitable adoptive parent.

If you get adoption leave, the main adopter can also get paid time off work to attend up to 5 adoption appointments after they've been matched with a child. The second adopter can take unpaid time off for up to two appointments.

Where a couple is adopting, only one parent can take the Adoption Leave, however a partner may qualify for paternity/ parental leave and pay.

If you qualify, you have the right to 52 weeks Statutory Adoption Leave, which is made up of 26 weeks Ordinary Adoption Leave followed by 26 weeks of Additional Adoption Leave.

### **2. Start Date for Adoption Leave**

Adoption leave can start:

- From the date the child starts living with you
- up to 14 days before the date the child starts living with you

### **3. Eligibility**

There are different eligibility rules for leave and pay.

#### **Adoption Leave**

To get Statutory Adoption Leave, you must:

- be an employee

- give the [correct notice](#)
- give [proof of the adoption or surrogacy](#),

### **Adoption Pay**

To get Statutory Adoption Pay, you must:

- have been [continuously employed by your employer](#) for at least 26 weeks by the week you were matched with a child
- earn on average at least £123 a week (before tax) (Figure given valid at April 2023: changes each year)
- give the [correct notice](#)
- give [proof of the adoption or surrogacy](#)

### **Company Adoption Pay for UK Adoptions**

To qualify for company adoption pay an adopting employee must have had at least one years' continuous service with the company by the week you were matched with a child.

Company Adoption Pay is payable in addition to Statutory Adoption Pay provided that the combined sums of Company Adoption Pay and Statutory Adoption Pay will not exceed normal earnings.

Company adoption pay is payable for 12 weeks directly following the first 6 weeks of SAP at the rate of 50% of the employee's basic rate of pay or salary and will not include any additional elements of remuneration.

The employee must declare to the company prior to commencing adoption leave that they intend to return to work after adoption leave and they must actually return to work after adoption leave.

For the purpose of this clause "return to work" means that an employee must return to their job with the company at the end of their adoption leave and must maintain a normal attendance level for at least the next 3 months. Normal attendance level means the normal level of attendance acceptable to the company for staff in its reasonable discretion.

If an employee does not return to work after adoption leave within the provisions of this clause then they must refund to the company their company adoption pay on the following basis:

- in the event that they do not return to work at the end of adoption leave – repayment in full
- if they return but leave their employment within 3 months or do not maintain a normal attendance level for a period of 3 months – amount proportionate to the remaining balance of the 3-month period i.e. the period not worked

Adopting employees who are employed on term time contracts will not be allowed to use the two months summer break as part of their 3 months return to work period.

### **You're fostering for Adoption**

If you're eligible for adoption pay and leave, you'll receive them from when the child comes to live with you.

### **Exceptions**

You do not qualify for Statutory Adoption Leave or Pay if you:

- arrange a private adoption

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

#### 4. How to Claim

##### **Statutory Adoption Leave**

Within 7 days of being matched with a child you must tell Translink:

- how much leave you want
- your leave start date
- the 'date of placement' - the date the child is placed with you

##### **Statutory Adoption Pay**

Tell Translink you want to stop work to adopt a child and when you want your Statutory Adoption Pay to start. You must give them at least 28 days' notice. They can ask for this in writing and for proof of the adoption.

Translink must confirm within 28 days how much Statutory Adoption Pay you'll get and when it will start and stop.

If we decide you're not eligible, we will give you form SAP1 within 7 days of making our decision and explain why.

##### **Proof of Adoption**

You must give Translink proof of adoption to qualify for Statutory Adoption Leave and Pay.

The proof must show:

- your name and address and that of the agency
- the match date - for example the matching certificate; the adoption agency must be recognised in the UK
- the date of placement - for example a letter from the agency

#### 5. Response to Notification

HR will write to the employee within 28 days, giving the date on which the employee is expected to start and return from adoptive leave.

#### 6. Changing Your Dates

You must tell your line manager within 28 days if the date of placement changes.

You must give your manager at least 8 weeks' notice if you want to change your return-to-work date.

### **ADOPTIONS FROM OVERSEAS**

#### 1. Entitlement

Adoption leave can be taken by an employee who has either adopted a child or is one of two people who have jointly adopted a child.

To qualify for leave, you must:

- be the child's adopter
- have received official notification confirming the central authority has or is prepared to issue a certificate confirming you are eligible to adopt and have been assessed and approved as being a suitable adoptive parent.

If you get adoption leave, the main adopter can also get paid time off work to attend up to 5 adoption appointments after they've been matched with a child. The second adopter can take unpaid time off for up to two appointments.

Where a couple is adopting, only one parent can take the Adoption Leave, however a partner may qualify for paternity/ parental leave and pay.

If you qualify, you have the right to 52 weeks Statutory Adoption Leave, which is made up of 26 weeks Ordinary Adoption Leave followed by 26 weeks of Additional Adoption Leave.

## 2. Start Date for Adoption

Adoption leave can start:

- When the child arrives in the UK or within 28 days of this date

## 3. Eligibility

There are different eligibility rules for leave and pay.

### Statutory Adoption Leave

To get Statutory Adoption Leave, you must:

- be an employee
- give the [correct notice](#)
- give [proof of the adoption or surrogacy](#),

You must also sign [form SC6](#) if you're adopting from overseas with a partner. This confirms you're not taking paternity leave or pay (you are entitled to either Statutory Adoption Pay and/Leave, OR Paternity Pay or leave, but not both).

### Statutory Adoption Pay

To get Statutory Adoption Pay, you must:

- Have been [continuously employed by your employer](#) for at least 26 weeks by the end of the week during which you are sent official notification by the relevant authority saying that you are eligible to adopt a child from overseas.
- Earn on average at least £123 a week (before tax) (Figure given valid at April 2023: changes each year)
- Give the [correct notice](#)
- Give [proof of the adoption](#)

You must also sign [form SC6](#) if you're adopting from overseas with a partner. This confirms you're not taking paternity leave or pay.

### **Company Adoption Pay for Overseas Adoptions**

To qualify for company adoption pay an adopting employee must have had at least one years' continuous service with the company by the end of the week during which you are sent official notification by the relevant authority saying that you are eligible to adopt a child from overseas.

Company Adoption Pay is payable in addition to Statutory Adoption Pay provided that the combined sums of Company Adoption Pay and Statutory Adoption Pay will not exceed normal earnings.

Company adoption pay is payable for 12 weeks directly following the first 6 weeks of SAP at the rate of 50% of the employee's basic rate of pay or salary and will not include any additional elements of remuneration.

They must declare to the company prior to commencing adoption leave that they intend to return to work after adoption leave and they must actually return to work after adoption leave.

For the purpose of this clause "return to work" means that an employee must return to their job with the company at the end of their adoption leave and must maintain a normal attendance level for at least the next 3 months. Normal attendance level means the normal level of attendance acceptable to the company for staff in its reasonable discretion.

If an employee does not return to work after adoption leave within the provisions of this clause then they must refund to the company their company adoption pay on the following basis:

- in the event that they do not return to work at the end of adoption leave – repayment in full
- if they return but leave their employment within 3 months or do not maintain a normal attendance level for a period of 3 months – amount proportionate to the remaining balance of the 3-month period i.e. the period not worked

Adopting employees who are employed on term time contracts will not be allowed to use the two months summer break as part of their 3 months return to work period.

## **4. How to Claim**

### **Statutory Adoption Leave**

Notify Translink of the date of your 'official notification' and when you expect the child to arrive in the UK. You must usually do this within 28 days of getting the notification.

You can only take longer if you've worked for the Company for less than 26 weeks. You should notify us within 28 days of completing 26 weeks' service.

You must also tell us:

- the actual date the child arrives in the UK - within 28 days of this date
- how much leave you want and your start date - giving the Company 28 days' notice

### **Statutory Adoption Pay**

Tell Translink you want to stop work to adopt a child and when you want your Statutory Adoption Pay to start. You must give them at least 28 days' notice. They can ask for this in writing and for proof of the adoption.

Translink must confirm within 28 days how much Statutory Adoption Pay you'll get and when it will start



and stop.

If we decide you're not eligible, we will give you form SAP1 within 7 days of making our decision and explain why.

### **Proof of Adoption**

You must give Translink proof of adoption to qualify for Statutory Adoption Leave and Pay.

The proof must show:

- the relevant UK authority's 'official notification' confirming you're allowed to adopt
- the date the child arrived in the UK - for example a plane ticket, copy of passport stamp or visa

### **5. Response to Notification**

HR will write to the employee within 28 days, giving the date on which the employee is expected to start and return from adoptive leave.

### **6. Changing Your Dates**

You must tell your line manager within 28 days if the date of UK arrival date for overseas adoptions changes.

You must give your manager at least 8 weeks' notice if you want to change your return-to-work date.

## **ADOPTIONS VIA SURROGACY**

### **1. Entitlement**

Adoption leave can be taken by an employee who has either adopted a child or is one of two people who have jointly adopted a child.

To qualify for leave, you must:

- be the child's adopter
- have received official notification confirming the central authority has or is prepared to issue a certificate confirming you are eligible to adopt and have been assessed and approved as being a suitable adoptive parent.

If you get adoption leave, the intended parent can get unpaid time off to attend 2 antenatal appointments with the person giving birth. If you're in a couple, only one of you can accompany the person giving birth to the antenatal appointments. You should decide between yourselves who that will be.

Where a couple is adopting, only one parent can take the Adoption Leave, however a partner may qualify for paternity/ parental leave and pay.

If you qualify, you have the right to 52 weeks Statutory Adoption Leave, which is made up of 26 weeks Ordinary Adoption Leave followed by 26 weeks of Additional Adoption Leave.

Adoption leave can start the day the child's born or the day after or if your baby is born earlier than

expected or is premature, your adoption leave starts straight away.

## 2. Eligibility

There are different eligibility rules for leave and pay.

### Statutory Adoption Leave

To get Statutory Adoption Leave, you must:

- be an employee
- give the [correct notice](#)
- give [proof of the adoption or surrogacy](#),

### Statutory Adoption Pay

To get Statutory Adoption Pay, you must:

- have been [continuously employed by your employer](#) for at least 26 weeks by the 15th week before the baby's due date.
- earn on average at least £123 a week (before tax) (Figure given valid at April 2023: changes each year)
- give the [correct notice](#)
- give [proof of the adoption or surrogacy](#)

You must also:

- intend to apply for a [parental order](#)
- expect the order to be granted (for example because you do not have any convictions involving children, and the birth mother or father agree to the arrangement)

If you're genetically related to the child (the egg or sperm donor), you can choose to get [paternity leave and pay](#) instead. You cannot get both Adoption entitlements AND Paternity entitlements

### Company Adoption Pay – Surrogacy Arrangements

To qualify for company adoption pay via a surrogacy arrangement, an adopting employee must have had at least one year's continuous service with the company at the 15<sup>th</sup> week before the baby's due date. They must declare to the company prior to commencing adoption leave that they intend to return to work after adoption leave and they must actually return to work after adoption leave.

Company Adoption Pay is payable in addition to Statutory Adoption Pay provided that the combined sums of Company Adoption Pay and Statutory Adoption Pay will not exceed normal earnings.

Company adoption pay is payable for 12 weeks directly following the first 6 weeks of SAP at the rate of 50% of the employee's basic rate of pay or salary and will not include any additional elements of remuneration.

They must declare to the company prior to commencing adoption leave that they intend to return to work after adoption leave and they must actually return to work after adoption leave.

For the purpose of this clause "return to work" means that an employee must return to their job with the company at the end of their adoption leave and must maintain a normal attendance level for at least the next 3 months. Normal attendance level means the normal level of attendance acceptable to the

company for staff in its reasonable discretion.

If an employee does not return to work after adoption leave within the provisions of this clause then they must refund to the company their company adoption pay on the following basis:

- in the event that they do not return to work at the end of adoption leave – repayment in full
- if they return but leave their employment within 3 months or do not maintain a normal attendance level for a period of 3 months – amount proportionate to the remaining balance of the 3-month period i.e. the period not worked

Adopting employees who are employed on term time contracts will not be allowed to use the two months summer break as part of their 3 months return to work period.

### **3. How to Claim**

The rules are slightly different if you're adopting from overseas or you're having a child through a surrogacy arrangement.

#### **Statutory Adoption Leave**

By the end of the 15<sup>th</sup> week before the baby's due date you must tell Translink:

- how much leave you want
- your leave start date
- the 'date of placement' - the date the child is placed with you

If you use a surrogate to have a baby, tell the Company, in writing, the due date and when you want to start your leave at least 15 weeks before the expected week of birth.

You will also need to provide a written statement ('statutory declaration') to confirm you've applied or will apply for a [parental order](#) in the 6 months after the child's birth. You must sign this in the presence of a legal professional.

#### **Statutory Adoption Pay**

Tell Translink you want to stop work to adopt a child and when you want your Statutory Adoption Pay to start. You must give them at least 28 days' notice. They can ask for this in writing and for proof of the adoption or parental order.

Translink must confirm within 28 days how much Statutory Adoption Pay you'll get and when it will start and stop.

If we decide you're not eligible, we will give you form SAP1 within 7 days of making our decision and explain why.

### **4. Response to Notification**

HR will write to the employee within 28 days, giving the date on which the employee is expected to start and return from adoptive leave.

### **5. Changing Your Dates**

You must tell your line manager within 28 days if the date of placement changes.

You must give your manager at least 8 weeks' notice if you want to change your return-to-work date.

## **ADOPTION PAY AND LEAVE VIA UK OR OVERSEAS ADOPTIONS OR SURROGACY**

### **1. Statutory Adoption Pay (SAP)**

If you qualify for adoption leave, you may be entitled to Statutory Adoption Pay for 39 weeks. SAP is paid at 90% of your average weekly earnings for the first six weeks and the statutory flat rate per week applicable at that time (or 90% of average weekly earnings if they are less than the statutory flat rate) for 20 weeks. For the next 13 weeks SAP is paid at the statutory flat weekly rate applicable at that time, or 90% of average weekly earnings if they are less than the statutory flat rate.

Should the adoptive parent wish to remain on additional adoption leave after the 39 weeks of SAP has been paid, the remaining 13 weeks will be unpaid.

Statutory Adoption Pay starts when you take your adoption leave.

### **2. Annual Leave and Adoption**

You will retain your entitlement to statutory annual leave and contractual annual leave during both ordinary adoption leave and additional adoption leave.

It is not possible for you to take annual leave at the same time as adoption leave although it will usually be possible for you to use any untaken annual leave either before the adoption leave starts or once the adoption leave has finished. This should be in agreement with your line manager.

You will accrue Public Holidays during the ordinary adoption leave and additional adoption leave and these can be taken at a convenient time once the adoption leave ends.

### **3. Dismissal or Resignation before the Intended Start Date**

If you resign or are dismissed before the date you have notified, or before you have notified a date, the right to adoption leave is lost, but you will still be eligible for SAP if the qualifying criteria is met.

### **4. Disrupted Placement in the Course of Adoption Leave**

If the child's placement ends during the adoption leave, you can choose to remain on adoption leave for up to eight weeks after the end of the week in which the placement ended, in the following circumstances:

- If you have already begun your adoption leave and the adoption agency notifies you that the placement will not occur, or
- The child dies during the adoption leave, or
- The child is returned to the adoption agency

### **5. Shared Parental Leave (SPL)**

Regulations provide eligible parents to choose how to share the care of their child during the first year of birth or adoption by utilising Shared Parental Leave. In the instance of adoption, up to 52 weeks can be shared between parents.

Shared Parental Leave is an entitlement for eligible parents of children placed for adoption on or after 5th April 2015. The [Shared Parental Leave Policy](#) provides further details on eligibility, entitlement and notification. If you choose to avail of Shared Parental Leave, the terms of the Adoption Policy will no longer apply and the terms of the SPL policy will apply thereafter.

## **6. Returning to Work After Adoption Leave**

You may return to work at any stage during the ordinary adoption leave or additional adoption leave periods.

Should you wish to return to work earlier than the date on which you are otherwise due to return, you must notify your manager of the proposed earlier return date at least 8 weeks before the date in question. Should you not do so, your return may be delayed until those 8 weeks have elapsed or until the date on which you are otherwise due to return, whichever occurs sooner. There is no obligation for the Company to pay you if you return to work early without prior warning.

If you return to work after ordinary adoption leave (i.e. 26 weeks) 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 a redundancy situation has arisen, in which case you are entitled to be offered a suitable alternative vacancy.

If you return to work after additional adoption leave (i.e. 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 would be offered a similar job on terms and conditions which are no less favourable than your original job.

If you do not wish to return at the end of the adoption leave you must give your line manager the notice of termination required by your contract of employment. However, it is beneficial if you are able to provide as much notice as possible – by doing so will not automatically end adoption leave or pay (if in receipt). You should also note that if you were paid Company Adoption Pay during your adoption leave, you will be required to repay this should you not return to work at the end of your absence.

## **7. Contact during Adoption Leave**

During the adoption leave period your line manager may make reasonable contact with you, and in the same way, you can make contact with your line manager. Your line manager should discuss with you the arrangements for staying in touch prior to your adoption leave period.

## **8. Keeping in Touch (KIT) Days**

You may, by agreement with your manager, work up to 10 “keeping in touch” days, under your contract of employment during the adoption leave period. Such days are different to the reasonable contact explained above as you may actually carry out work, for which you will be paid. These will allow you to attend work in order to keep in touch with developments, training etc.

Availing of KIT days does not bring the adoption leave to an end, nor will it affect the statutory adoption pay.

Basic daily rate will be paid for any day worked and will be offset against SAP. Days must be agreed between you and your line manager but there is no obligation on either party to avail of the “keeping in touch” days.

## **9. Pension Scheme**

During any period of relevant child related leave the pensionable pay figure used to work out your pension is the assumed pensionable pay (where this is higher than the pay the employee receives). This means that you continue to build up a pension as though you were working normally and receiving pay. You will continue to pay your Scheme contributions on any pay that you receive.

Any period of unpaid additional adoption leave will not count for pension unless you elect to pay Additional Pension Contributions (APCs) to buy the amount of pension lost during that period.

If you wish to buy the amount of lost pension and make your election within 30 days of returning to work then the cost of the APC is split between you and the Company. You will pay 1/3rd of the cost and the Company will pay 2/3rd of the cost. You can pay these contributions as a one-off lump sum or by regular payments.

If you have a Keeping in Touch (KIT) day during a period of unpaid adoption leave you will build up pension for the day or days that you are paid.

## **10. Related Policies**

You may find it useful to review other related policies in conjunction with the Adoption Policy. These include:

- [Parental Leave Policy](#)
- [Paternity/ Partners Leave Policy](#)
- [Shared Parental Leave Policy](#)
- [Maternity Policy](#)
- [Time off for Dependants Policy](#)
- [Flexible Working Policy](#)
- [Pension Policy Statement](#)