

UK - Adoption Procedure

Purpose and Scope

This procedure sets out the rights of employees when a child is matched and placed for adoption, including time off for attending adoption appointments and entitlement to adoption leave and pay.

This procedure applies to all employees who are employed by Wood in the United Kingdom. Sections 2.6.1.2 and 2.6.1.3 apply to eligible employees on a Professional Technical contract of employment; no other contract styles are eligible.

This procedure does not form part of an employee's terms and conditions of employment, and the Company reserves the right to amend it at any time.

This procedure will be superseded by the content of any recognised collective bargaining/working rule agreements, site agreements or individual contracts of employment, in the event of there being any difference(s) in arrangements.

This procedure does not apply to contractors, consultants or any self-employed individuals providing services to Wood.

Applicability - United Kingdom

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1.0 Key Roles and Responsibilities

The following roles and responsibilities apply within the context of this procedure.

1.1 Employees

Employees are responsible for ensuring they act in compliance with this procedure.

1.2 Manager

Managers are responsible for ensuring the application and adherence to this procedure.

1.3 Human Resources (HR)

HR will provide support and guidance for the application of this procedure.

2.0 Adoption Leave Procedure

2.1 Entitlement to Ordinary and Additional Adoption Leave

Adoption leave is available to eligible employees when a child, up to the age of 18 years, is newly placed for adoption. Adoption leave is available to:

- individuals who adopt through a UK or overseas adoption agency; or
- one member of a couple where a couple adopt jointly (the couple may choose which partner takes adoption leave); or
- individuals fostering a child with a view to possible adoption; or
- individuals having a child through a surrogate mother.

The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and pay under the United Kingdom - Paternity Procedure.

To qualify for adoption leave in adoption or fostering cases, an employee must:

- be newly matched with a child for adoption by an approved adoption agency, or be a local authority foster parent who has been approved as a prospective adopter; and
- have received written notice from the adoption agency or local authority that they have been matched with a child for adoption, or that it will be placing a child with the employee under a fostering for adoption arrangement, and tells the employee the date the child is expected to be placed into their care; and
- have notified the agency that they agree to the child being placed with them on the date set out.

In the case of surrogacy, the following conditions must be met to qualify for adoption leave:

- a surrogate mother gives birth to a child who is a biological child of the employee, or the employee's spouse or partner, or the child of both; and
- the employee expects to be given parental responsibility for the child under a parental order from the court. The child must live with the employee and the employee must apply for the parental order within six months of the child's birth.

Adoption leave is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's child or when arranging a private adoption such as adopting or fostering a relative.

Only one parent can take adoption leave. If the employee's spouse or partner takes adoption leave with their employer, the employee will not be entitled to adoption leave but they may be entitled to paternity leave and/or shared parental leave. Further details can be found in the United Kingdom - Paternity Procedure and the United Kingdom - Shared Parental Leave Procedure.

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2.2 Duration of Adoption Leave

Eligible employees are entitled to take up to 52 weeks' adoption leave. Adoption leave is a single continuous period and is made up of 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption Leave (AAL). AAL immediately follows OAL and there must be no gap between the two.

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

In the case of surrogacy, a parental order must be applied for to become the legal parents of the child if the intended parents are genetically related to the baby. If the intended parents are not genetically related, an adoption order must be applied for through a registered adoption agency.

Employees can decide how much adoption leave to take.

2.3 Notice Requirements

2.3.1 UK Adoptions

The employee must notify their manager and HR of:

- their intention to take adoption leave; and
- the Expected Placement Date (EPD); and
- the intended start date for adoption leave.

Notice is to be given on the UK - Adoption Leave and Pay form as early as possible but, in any case, within 28 days of receiving the Official Notification. At least 28 days before the intended start date (or as soon as possible), the employee must also provide the Company with a Matching Certificate from the adoption agency. The Company will respond to the employee's notification within 28 days.

An employee can choose to start their leave from the date of the child's placement (whether this is earlier or later than expected) or from a fixed date which can be up to 14 days before the expected date of placement. An employee may change their mind about when they would like the leave to start, provided they give the Company at least 28 days' notice (or as soon as possible) before the original date or the new date they want the leave to start, whichever is earlier. Leave can start on any day of the week.

2.3.2 Overseas Adoptions

For overseas adoptions, the employee must notify their manager and HR of:

- their intention to take adoption leave; and
- the date they received the Official Notification; and
- the date the child is expected to arrive in the UK.

Notice is to be given on HMRC SC6 form as early as possible but in any case, within 28 days of receiving the Official Notification.

The employee must also give the Company at least 28 days' notice, in writing, of the date they intend to start their adoption leave. This can be the date the child arrives in the UK or a predetermined date no more than 28 days after the child's arrival.

An employee may change their mind about when they would like the leave to start, provided they give the Company at least 28 days' notice (or as soon as possible) before the original date or the new date they want the leave to start, whichever is earlier.

Within 28 days of the date the child arriving in UK, the employee must notify the Company of the arrival date and provide the Company with a copy of the Official Notification and evidence of the date the child arrived for adoption pay purposes. The Company will respond to the employee's notification of the adoption leave and pay within 28 days.

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2.3.3 Surrogacy Cases

In surrogacy cases, the employee must notify their manager and HR of:

- their intention to take adoption leave; and
- the Expected Week of Childbirth (EWC).

The employee must give the above information by the end of the 15th week before the EWC, or if that is not possible, as soon as is reasonably practicable. The Company will respond to the employee's notification within 28 days.

When the child is born, the employee must confirm the date of birth to their manager and HR.

Adoption leave is available to eligible employees who become the legal parents following an application for adoption or parental order if the employee's spouse or partner will not be taking adoption leave with their employer (although they may be entitled to take paternity leave). The Company may ask for a statutory declaration to confirm the employee has applied or will apply for a parental order in the six months after the child's birth.

2.4 Time off to attend Adoption Appointments

Where the employee is adopting a child with their spouse or partner, they must decide who will be treated as the main adopter and who will be treated as the secondary adopter for the purposes of time off. The employee must notify the Company of their decision the first time they request time off for an adoption appointment. Where an employee is adopting a child alone, they will be treated as the primary adopter.

The main adopter will be entitled to paid time off during working hours to attend up to five adoption appointments for the purposes of enabling the employee and their partner to have contact with the child prior to placement, and for any other purpose connected with the adoption for example, to meet with the professionals involved in the care of the child. The secondary adopter will be entitled to take reasonable unpaid time off to attend up to two adoption appointments.

Appointments must have been arranged by or at the request of the adoption agency and time off must be taken before the date of the child's placement for adoption. Employees are to give their manager as much notice as possible prior to appointments and may be asked to show their appointment card, or other documentation provided by the adoption agency.

Where the agency is placing more than one child as part of the same arrangement, this is treated as one adoption and will not increase the number of appointments the employee can take time off to attend.

In surrogacy cases, if the employee intends to apply for a parental order and expects to become the child's legal parent, the employee is entitled to unpaid time off work to accompany the surrogate at up to two antenatal appointments. If the employee is in a couple, only one of them can accompany the person giving birth to the antenatal appointments.

2.5 Disrupted Adoption

Adoption leave is disrupted if it has started but:

- the employee is notified that the placement will not take place; or
- the child is returned to the adoption agency after placement; or
- the employee failed to apply for a parental order or the application for a parental order was not granted and any time limit for appeal or further application has passed; or
- if the child passes away.

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

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2.6 Terms and Conditions during Adoption Leave

While an employee is on adoption leave, all the terms and conditions of their contract of employment, including where applicable, company car/transport allowance, with the exception of normal pay (see 2.6.1) will continue and their continuity of employment will not be affected.

During adoption leave, the employee continues to be bound by the terms and conditions of their employment.

2.6.1 Adoption Pay

2.6.1.1 Statutory Adoption Pay (SAP)

SAP is payable for up to 39 weeks.

The first six weeks is payable at 90% of the employee's average weekly earnings calculated over the relevant period.

The remaining 33 weeks is payable at the rate which is set by the government for the relevant tax year, or at 90% of the employee's average weekly earnings (whichever is lower).

To qualify for SAP, the employee must meet the following conditions:

- have been continuously employed for at least 26 weeks by the Qualifying Week (QW) and still be employed by the Company during that week; and
- have had average weekly earnings during the eight weeks ending with the QW not less than the lower earnings limit set by the government; and
- have provided the Company with documentary evidence as set out in the notification provisions at section 2.3 of this procedure; and
- have given at least 28 days' notice (or as much notice as possible) of the intention to take adoption leave.

Payment of SAP is made on the usual pay dates and is subject to tax and National Insurance (NI) deductions.

Employees continue to be eligible for SAP if they leave employment for any reason after the start of the QW. In such case, SAP starts either (i) 14 days before the expected date of placement, or (ii) the day after employment end date, whichever is later.

If an employee is not eligible for SAP, they will receive a SAP1 from HR explaining the reasons why.

2.6.1.2 Company Adoption Pay (CAP)

Employees engaged on a Professional Technical contract of employment may be eligible for CAP.

To be eligible for CAP, an employee is required to have at least 52 weeks' continuous employment with the Company by the end of the QW and remain in continuous employment with the Company until the week before commencing adoption leave.

Any CAP due during adoption leave will be paid as follows using average earnings calculated over the calculation period:

- full basic salary during the first 13 weeks of adoption leave;
- half basic salary for the subsequent 13 weeks of adoption leave; and
- the SAP rate will be paid during the subsequent 13 weeks of adoption leave.

CAP includes any entitlement to SAP.

Payment of CAP is made on the usual pay dates and is subject to tax and NI deductions.

2.6.1.3 Repayment of CAP

An employee will have no further entitlement to CAP and will be required to repay any received CAP (less any SAP) as set out below:

- If the employee advises the Company that they will not be returning to work, or if they do not exercise their right to return to work following OAL or AAL, the employee will be required to repay 100% CAP paid to them (less any SAP paid).

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- If the employee gives, or is given, notice of termination of employment (unless termination is by reason of redundancy or ill health), they will have no further entitlement to CAP and will be required to repay the amounts as set out below within 12 months of returning to work.

Timescale	Repayment Terms
Within 6 months	100% CAP paid to employee (less any SAP paid)
Between 6 and 12 months	50% CAP paid to employee (less any SAP paid)

The assessment of the 12-month period relates to the period between the employee returning to work and the effective date of termination.

The terms of this clause will be discussed with the employee prior to commencing leave, and the employee will be required to agree to the Company deducting the net sums (less any statutory payments) under this clause from any final outstanding payments due.

2.6.2 Annual Leave

During the adoption leave period, annual leave will continue to accrue at the rate provided in the employee's contract terms and conditions of employment. Employees are to discuss their intentions regarding taking annual leave with their manager.

Annual leave may be added to the beginning or the end of adoption leave. It is expected that annual leave accrued during the current holiday year up to the adoption leave start date, is to be taken prior to starting adoption leave. Where possible, annual leave accrued during adoption leave should be used within the current holiday year. However, accrued annual leave may roll over into the following holiday year in circumstances where it is not possible for the employee to take their accrued annual leave within the current holiday year. Any rolled over annual leave must be taken prior to returning to work.

2.6.3 Pension

During periods of paid adoption leave, the Company will continue to pay contributions into the employee's pension scheme. The amount to contribute will differ depending on the employee's pension arrangements.

In the case of non-salary sacrifice pension arrangements, the employer contribution will be based on what the employee earnings would have been had they not been on adoption leave. The employee contribution will be the relevant percentage of earnings whilst on paid leave.

In the case of salary sacrifice pension arrangements, the employee contribution will be the relevant percentage of earnings whilst on paid leave and the employers' contribution will be based on what the employee earnings would have been had they not been on adoption leave. The employer Company will also make up for the shortfall in the employee contribution to ensure the sum paid into the pension remains unchanged.

Employee and employer contributions will cease during unpaid periods of adoption.

2.6.4 Flex Benefits

Any deductions for flex benefits will continue during adoption leave provided there are funds to deduct from. Where there are no funds to deduct from, deductions will recommence at the next possible pay run and continue until the balance due is fully paid.

2.7 Salary Review

If a salary review occurs during adoption leave, any change to the employee's salary will be applied to any applicable benefits and will be effective from the salary review date. Employees on adoption leave will be notified of any changes to their salary and pay will be recalculated accordingly.

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2.8 Redundancy

An employee on adoption leave retains all statutory rights in respect of redundancy, including the right to a notice period. If an employee's role is at risk of redundancy during the protected period, they will be offered any suitable and appropriate alternative vacancy that exists. To be suitable and appropriate, the role will have terms and conditions not substantially less favourable than the previous role and the Company will normally determine the suitability of an alternative vacancy by considering job content, seniority, terms and conditions, location, and hours of work. Further information can be found in the UK - Redundancy Policy.

2.9 Contact During Adoption Leave

The Company reserves the right to maintain reasonable contact with employees during adoption leave. This may be to discuss the employee's plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

Employees are to discuss their preferred method of contact with their manager and ensure their contact details are up to date prior to going on leave.

An employee can agree to work for the Company (or to attend training) for up to ten days during adoption leave without that work bringing the adoption leave period to an end. These days are known as 'keeping in touch' (KIT) days.

KIT days are optional and by agreement between the employee and the Company. The Company has no right to require the employee to carry out any work, and employees have no right to undertake any work during their adoption leave. Employees must not work at all during the compulsory adoption leave period.

KIT days will be paid at the employee's equivalent hourly rate for the hours worked, however, any payment due will be offset against any adoption pay due within the same pay period, providing that pay for KIT days meets National Minimum Wage. Working part of a day will count as one KIT day, however payment will only be made for actual hours worked.

To ensure payment of the KIT day, the employee's manager must advise HR of the dates of each KIT day and the number of hours worked. Employees should record KIT days in the Company's timewriting system as appropriate. Returning to Work.

2.10 Returning to Work

The Company will contact the employee shortly before they are due to return to work to discuss arrangements for their return.

If an employee wishes to return to work earlier than the expected return date, they must give the Company at least eight weeks' written notice that they are returning to work early. If an employee fails to give the Company the required period of notice, the Company may postpone their return until the full eight weeks' notice has been given. However, the Company may not postpone the employee's return to a date later than the end of their adoption leave.

If an employee wishes to return to work later than the expected return date, they may request unpaid ordinary parental leave in accordance with the UK - Ordinary Parental Leave Policy; and/or request paid annual leave in the normal way.

If an employee does not intend to return to work after adoption leave, or is unsure, they are to contact their manager or HR as early as possible. If an employee decides not to return, they are to give notice of resignation in accordance with their terms and conditions of employment. The amount of adoption leave left to run when the employee gives notice must be at least equal to the contractual notice period otherwise, the Company may require the employee to return to work for the remainder of the notice period.

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2.10.1 Rights on Returning to Work

An employee returning to work after a period of OAL is entitled to resume working in the same position held immediately before going on leave.

If an employee has taken a period of AAL, they have the right to return to the same position held immediately before going on leave this is not reasonably practicable. In these circumstances, if it is not reasonably practicable for the Company to permit a return to the same job as before, the Company will offer the employee another job that is both suitable and appropriate in the circumstances on terms and conditions no less favourable than those that applied previously.

2.11 Requests for Flexible Working

Requests to change working patterns are to be made as soon as possible prior to returning to work and in accordance with the applicable flexible working procedure.

2.12 Shared Parental Leave

Employees and their partners who meet the eligibility criteria and comply with relevant curtailment, notice and evidence requirements may be able to take shared parental leave. Shared parental leave enables mothers/adopters to commit to ending their maternity/adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner/the child's other parent, or to return to work early from maternity/adoption leave and opt in to shared parental leave and pay at a later date. Further information can be found in the United Kingdom - Shared Parental Leave Procedure.

3.0 References and Supporting Documents

Document Number	Description
HRM-FOR-100407	UK - Application for Adoption Leave and Pay
HRM-PLD-100010	UK - Ordinary Parental Leave Policy
HRM-PLD-100023	UK - Redundancy Policy
HRM-PRO-110120	UK - Flexible Working Procedure
HRM-PRO-110122	UK - Paternity Procedure
HRM-PRO-110123	UK - Shared Parental Leave Procedure

4.0 Abbreviations and Definitions

Term	Description
Additional Adoption Leave (AAL)	The 26 weeks of adoption leave that immediately follows Ordinary Adoption Leave (OAL).
Adopter	The person with whom the child is, or is expected to be, placed for adoption, or, in a case where two people have been matched jointly, whoever has elected to be the child's adopter for the purposes of adoption leave.
Calculation Period	The 8 week period ending with the 15th week before the Expected Week of Childbirth (EWC) or the week in which the employee or their partner were notified of being matched with a child.
Expected Placement Date (EPD)	The date on which an adoption agency expects that it will place a child into the employee's care with a view to adoption.
Expected Week of Childbirth (EWC)	The week, beginning on a Sunday, in which the doctor or midwife expects the employee's child to be born.

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Term	Description
Matched (for adoption)	An adoption agency deciding that a person would be a suitable adoptive parent for a child either individually or jointly with another person. A person is notified of having been "matched for adoption" with a child on the date on which the person receives notification of the adoption agency's decision.
Mother	The mother or expected mother of the child.
Official notification	Notification, issued by or on behalf of the relevant central authority, that it is prepared to issue a certificate to the overseas authority concerned with the adoption of a child from overseas, or that it has issued a certificate and sent it to that authority, confirming, in either case, that the adopter is eligible to adopt, and has been assessed and approved as being a suitable adoptive parent.
Ordinary Adoption Leave (OAL)	The first 26 weeks of adoption leave.
Partner	The person who is married to, or the civil partner or the partner of, the employee at the date of the child's date of birth, or the date on which the child is placed for adoption (for adoptions from overseas, at the date on which the child enters Great Britain). This includes someone, of whatever sex, who lives with the mother/adopter and the child in an enduring family relationship but who is not the mother's/adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.
Placed for adoption	Placed for adoption under UK adoption laws, including placement with a local authority foster parent who is also a prospective adopter ("foster to adopt").
Protected period	The protected period applies for a period of 18 months after the child was placed for adoption (or entered Great Britain in the case of overseas adoption).
Qualifying Week (QW)	Qualifying Week is the end of the 15th week before the expected week of childbirth. The week the adoption agency advised the employee of the match.
The Company	References to the "Company" in this procedure are references to the employee's current employer.

5.0 Revision History

Rev	Date	Summary of Changes
0	04 April 2024	Issued for use, update from Policy to new procedure and inclusion of legislative changes effective 6 th April 2024, replaces HRM-PLD-100008
1	02 October 2024	Section 2.6 wording updated to reference company car/transport allowance.

6.0 Author/Checker/Owner

Author	Checker	Owner
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