

## Live Active Leisure

### GUIDE TO ADOPTION PROVISIONS

#### INTRODUCTION

Live Active Leisure is fully committed to helping working parents balance work and family life, whilst this is compatible with the interests of the Company.

Live Active Leisure's policy on adoption provision covers entitlement to adoption leave, payment during leave, notification procedures, effects on terms and conditions and contact during adoption leave.

Live Active Leisure offers enhanced adoption pay in the form of a scheme of Occupational Adoption Pay (OAP) for those employees that meet the scheme criteria.

Live Active Leisure also provide a range of support for women returning to work following adoption leave, including the childcare voucher scheme and policies on flexible working arrangements.

This policy reflects the Company's commitment to promote equality in all its activities in line with the Company's Equality & Diversity policy.

Please note that this policy relates to employees newly matched with a child.

Sections included in this guide are:

A guide to;

1. Entitlement to Adoption Leave
2. Entitlement to Paid Leave
3. Notification Procedures
4. Effect on Terms and Conditions of Service
5. Contact During Adoption Leave
6. Glossary of Terms
7. Flowchart Guidance

#### SECTION 1 – ENTITLEMENT TO ADOPTION LEAVE

You will be entitled to adoption leave provided that you:

- Have been **newly** matched with a child by an approved adoption agency
- Are the adopter, i.e. where a couple jointly adopt a child/children, the couple must choose one person to take leave under this scheme, namely the adopter
- Cease to work for the Company because of adoption from the date of the child's placement or from a fixed date up to 14 days prior to the expected date of placement
- Satisfy the notification procedure criteria outlined in Section 3

There are two types of adoption leave, Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL).

**Ordinary Adoption Leave** of 26 weeks is available to all employees who meet the above criteria.

**Additional Adoption Leave** of a further 26 weeks is available to employees who have completed at least 26 weeks' continuous service by the week you are notified of being matched with a child for adoption.

## SECTION 2 – ENTITLEMENT TO PAID LEAVE

- Employees who are only entitled to Ordinary Adoption Leave have no entitlement to any paid leave from the Company and will be ineligible for Statutory Adoption Pay (SAP)
- Employees who are entitled to Ordinary Adoption Leave and Additional Adoption Leave are eligible for the following payments, providing you are entitled to Statutory Adoption Pay
- Adoption pay is payable for a maximum of 39 weeks. The adoption pay period begins immediately you start your adoption leave

Service	Intention to Return to Work for at Least Three Months	Payments
Less than 26 weeks' continuous service by the week you are notified of being matched with a child for adoption.	N/A	Nil – see note below
At least 26 weeks' continuous service by the week you are notified of being matched with a child for adoption (OAL & AOL)	No and/or resigned	<ul style="list-style-type: none"> <li>• 6 weeks @ 100% salary – made up of Occupational Adoption Pay (OAP) – 10% and Statutory Adoption Pay (SAP) – 90%. OAP is an enhanced level of adoption pay provided to eligible employees.</li> <li>• 33 weeks @ SAP</li> <li>• Remaining period of leave is unpaid</li> </ul>
At least 26 weeks' continuous service by the week you are notified of being matched with a child for adoption (OAL & AOL)	Yes	<ul style="list-style-type: none"> <li>• 6 weeks @ 100% salary made up of Occupational Adoption Pay (OAP) – 10% and Statutory Adoption Pay (SAP) – 90%. OAP is an enhanced level of adoption pay provided to eligible employees.</li> <li>• 20 weeks @ 50% salary (OAP) * plus SAP</li> <li>• 13 weeks @ SAP               <ul style="list-style-type: none"> <li>• Remaining period of leave is unpaid</li> </ul> </li> </ul> <p>* reduced where half pay plus benefits payable exceeds full pay</p>

### **Note**

If you are ineligible for Statutory Adoption Pay due to your average weekly earnings being below the Lower Earnings Limit for National Insurance Contributions, you may be able to seek financial support from your local Jobcentre Plus office or Department of Work and Pensions.

Entitlement to Statutory Adoption Pay is dependent on the following;

- You must have 26 weeks' continuous service by the week in which the adoption agency tells you that you have been matched with a child for adoption
- Your average weekly earnings must be at least equal to the Lower Earnings Limit for National Insurance Contributions
- You should give your employer at least 28 days notice of your intention to take adoption leave or have good reason for providing less notice
- You must submit evidence of your entitlement, (e.g. Matching Certificate) at least 28 days before the start of your adoption leave other than in exceptional circumstances
- You cannot get SAP during any week when you are entitled to Statutory Sick Pay
- You are not in legal custody on or after the first day of the SAP pay period

- You cannot get SAP during any week when you work for your employer or start working for a new employer

#### Definition of Service

- Continuous Service** is continuous service with the Company, or other employer deemed by the Company to be appropriate.

#### Additional Adoption Leave – Salary Payments

Employees entitled to Additional Adoption Leave who intend to return to work may elect to receive payment of 50% salary (OAP) during adoption leave for up to 20 weeks or suspend payment until their return.

Should you elect to receive payment of 50% salary (OAP) during your adoption leave and subsequently decide not to return or you return for less than 3 months, you will be required to refund to the Company a proportion of the amount of half pay paid to you for the 20 week period. The proportion will be determined with reference to the percentage of the period worked in the three month period.

### SECTION 3 – NOTIFICATION PROCEDURES

The following sets out the obligations on both the employee and the employer

<b>Timescales</b>	<b>Employee Obligations</b>	<b>Employer Obligations</b>
Not later than 7 days after being notified by your adoption agency that you have been matched with a child for adoption	Where practical, provide at least 28 days written notification of your intention to commence adoption leave and submit a Matching Certificate received from your adoption agency to your Line Manager/HR & Admin Section at Company Head Office. If you are unable to provide 28 days' notice you should notify your Line Manager/HR & Admin Section as soon as reasonably practical.	Respond to the employee in writing, confirming your leave and pay entitlements within 28 days.  Line Manager forward your Matching Certificate to HR & Admin Section who will update payroll to ensure SAP is paid, where applicable.
During adoption leave  28 days' written notice required	Should you wish to return before the end of the adoption leave to which you are entitled (date confirmed in letter from employer) you are required to give at least 28 days' written notice to your Line Manager/HR & Admin Section	Line Manager/HR & Admin Section will consider your request and confirm whether your proposed date is acceptable  If insufficient notice is given, your return may be deferred by up to 7 days (OAL entitlement) or 28 days (AAL entitlement) to a date not beyond your latest return date
At least 28 days before your intended return date	Should you wish to Request to Work Flexibly at least 28 days written notice should be given to your Line Manager	Your Line Manager will consider your request and respond to you in accordance with the Company's agreed application process and timescales.

## SECTION 4 – EFFECT ON TERMS AND CONDITIONS OF SERVICE

- **Assessment for Adoption**

All employees who wish to be considered as prospective adopters are eligible for reasonable time off work with pay to participate in the adoption assessment process.

Where possible, appointments should be arranged outwith your normal hours of work. However, where time off work is necessary you may be required to produce evidence from your adoption agency stating that you have applied to be considered as an adoptive parent. You must also produce evidence of all pre and post adoption acceptance appointments.

- **Annual Leave**

All employees will accrue annual leave during adoption leave. Prior to going on adoption leave, your proportionate annual leave entitlement will be calculated up to the end of the 26-week Ordinary Adoption Leave period. This may be taken before your adoption leave starts or on your return.

Annual leave accrued during the unpaid 26-week Additional Adoption Leave period may only be taken upon your return to work.

All annual leave should be taken following discussion with your line manager, generally within the current leave year (where time allows) or at the earliest opportunity within the following leave year.

- **Fixed Holidays**

All employees will be entitled to a day off in lieu for each fixed holiday that falls within your entire adoption leave period.

Days off in lieu of fixed holidays should only be taken upon your return to work following discussion with your line manager. Generally any days off in lieu of fixed holidays should be taken within the current leave year (where time allows) or at the earliest opportunity within the following leave year.

The Company recognises 4 fixed holidays which are 1, 2 January and 25, 26 December each year.

- **Pension Contributions**

You will continue to pay pension contributions during your paid period of adoption leave. If you wish to buy back any lost pensionable pay, for any unpaid period of leave, you will be notified of the amount of your lost pensionable pay upon return to work and will be advised to contact the pension provider direct to arrange payment.

- **Right to Request to Work Flexibly**

On returning to work from adoption leave, you may wish to consider changing the hours that you work, the times when you work.

Requests to work flexibly should be made in line with the Company's 'Right to Request Flexible Working' policy. This should be done at least 2 months prior to your intended return date or sooner to allow any necessary arrangements to be put in place prior to your return, if your request is approved.

- **Adoption Benefit on Resignation**

If you qualify for Additional Adoption Leave but do not intend to return to work and you submit your resignation, the Company will pay adoption pay for 6 weeks @ 100% salary and 20 weeks @ SAP. This is provided your resignation takes effect not earlier than 14 days prior to the expected date of placement.

- Other Benefits

During the 26-week Ordinary Maternity Leave period, you are entitled to continue to receive all the benefits set out in your Statement of Employment Particulars, with the exception of "remuneration". For further details of this provision, you should consult the Head of Corporate Support Services.

## Special Provisions

- Where a child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to eight weeks after the end of the placement.
- Where an employee is eligible for Adoption Leave but has chosen instead to terminate their employment, and the child's placement ends, the employee shall be entitled to return to employment with the Company, although not necessarily to the same post, grade or salary, provided that:
  - a) A suitable vacancy exists, and
  - b) They give their Line Manager/HR & Administration Manager at least 28 days notice in writing of the proposed date of their return to work which must be within the relevant adoption leave period

## SECTION 5 - CONTACT DURING ADOPTION LEAVE

### Keeping in Touch (KIT) Days

An employee on Adoption Leave can carry out up to 10 days' paid work during the leave period without bringing their leave period to an end, and without affecting their SAP. This could be useful where managers wish to hold briefings on changes or training sessions that may be relevant to an employee who is currently on adoption leave.

KIT days can only be arranged by mutual agreement between you and your line manager and can be used for any work done under your contract of employment. KIT days can be worked before or after the matching process.

If you decide to undertake KIT days, whether you only work a few hours or a whole day, it will still be counted as on day for 'KIT' purposes. For example, it cannot be agreed that you will work 20 half days.

The payment that you receive for a KIT day will be determined by the stage you have reached during your Adoption Leave.

### Reasonable Contact

In addition to KIT days the Company has the right to make reasonable contact with the employee during adoption leave. Employees are therefore encouraged to maintain reasonable contact with their Line Manager. Such contact could involve updating staff about what has been happening in the workplace or talking about return to work plans.

In addition you can expect your Line Manager to notify you of any significant changes that may impact on you on your return.

## SECTION 6 – GLOSSARY OF TERMS

Matching Certificate	The certificate issued by the adoption agency as proof that the employee has been matched with a child for adoption under UK law
Adoption Leave (SAL), (OAL) & (AAL)	Eligible employees can take up to 52 weeks Statutory Adoption Leave (SAL). The first 26 weeks is known as 'Ordinary Adoption Leave' (OAL), the last 26 weeks as 'Additional Adoption Leave' (AAL).
Statutory Adoption Pay (SAP)	Payments made by an employer to an eligible employee who is absent from work due to their adoption
Occupational Adoption Pay (OAP)	Payment granted by Live Active to eligible adopters , which is normally greater than the statutory amounts
Keeping in Touch Days	Days agreed between a member of staff and their manager when they will carry out work or attend training.

## SECTION 7 – FLOWCHART GUIDANCE

Live Active Leisure values its employees and their wellbeing. Where possible and in conjunction with operational demands the Company aims to be flexible in its approach to assisting an employee's work / life balance. The following flowchart aims to assist employees to ensure that they and therefore the Company can meet legislative requirements and to allow prompt and efficient payment and processing of adoption leave. It also aims to ensure that all parties are aware of their individual responsibilities.

The flowchart details the line of responsibility for each party and trusts that each step is followed through.

