

<b>ADOPTION LEAVE POLICY</b>			
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<b>For use by:</b>	All employees of Burgess Farms and its subsidiary Companies		
<b>Purpose:</b>	To provide employees with information surrounding their entitlement to statutory adoption leave and pay, and to ensure that these rights are understood.		
<b>This document supports:</b> <i>Standards and legislation</i>	Employment Rights Act 1996 Employment Relations Act 1999 Employment Act 2002 Work and Families Act 2006		
<b>Key related documents:</b>	BFPHRPO19 Family Friendly Policy Summary BFPHRPO30 Shared Parental Leave Policy and Procedure BFPHRPO28 Paternity Leave Policy and Procedure BFPHRPO27 Parental Leave Policy and Procedure BFPHRPO20 Flexible Working Policy and Procedure		
<b>Review date:</b>	Changes to legislation / Changes to Company policy		



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# Definitions

“**Company**” means Burgess Farms

“**Subsidiary Companies**” means all Companies owned by Burgess Farms

## 1. Policy Statement

The Company provides all employees with adoption benefits in line with legislation. This policy aims to provide employees with information surrounding their entitlement to statutory adoption leave and pay, and to ensure that these rights are understood. It is also our aim to encourage employees who are adopting a child to take enough time off work to adjust to having a child and to spend time getting to know the child.

## 2. Scope

This policy and procedure applies to all employees employed by Burgess Farms and its subsidiary companies who have been notified of a match with a child for the purpose of adoption.

## 3. Key principles

An employee who becomes an adoptive parent, or an intended parent after surrogacy, will be entitled to a period of leave of absence subject to the following key principles:

- An employee must have 26 weeks continuous service prior to the date upon which they are officially matched with a child, or prior to the 15<sup>th</sup> week before the expected week of childbirth (if surrogacy).
- An employee must be adopting a child through an approved adoption agency or have applied for a parental order in 6 months after the child’s birth (if surrogacy) to be entitled to up to 52 weeks' adoption leave. Adoption leave is split into 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave.
- An application for adoption leave must be made with 28 days' notice wherever possible, or at least 15 weeks prior to the expected week of birth, (for surrogacy).
- In the event of both the employee and their partner being employees of the Company, only one of them will be eligible for the adoption leave – the employee may choose who is going to take the leave. The other parent will be entitled to the equivalent of paternity leave as detailed in the Paternity Leave Policy.
- The adoption leave provisions will be available to the employee if they are adopting a child /children up to 18 years of age as long as the child is newly placed with the family for adoption, or in the child’s first year of life (for surrogacy).

- Adoption leave applies if the employee is adopting children from overseas as well as in the UK.
- The adoption leave provisions will not apply where the child is already living as a family member, including where the spouse/partner of a natural parent adopts their partner's child / children.
- All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave subject to their following the correct notification procedures

## **4. Adoption Leave**

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier, or within 28 days the child arrives in the UK (for overseas adoptions). In the case of surrogacy, adoption leave can start the day the child is born, or the day after. In order to make administration as easy as possible, the employee should discuss the timing of their adoption leave with their immediate manager as early as possible.

## **5. Notice requirements**

In order to be entitled to take adoption leave and receive statutory adoption pay, the employee is required to give the Company written notification of their intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency, or prior to the 15<sup>th</sup> week before the expected week of birth (for surrogacy).

Notice, which must be in writing if the Company requests it, must specify the date the child is expected to be placed with the employee for adoption, or expected week of birth (for surrogacy) and the date the employee intends their adoption leave to start.

The employee is permitted to bring forward their adoption leave start date, provided that they advise the Company in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone their adoption leave start date, provided that they advise the Company in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The employee must also, if the Company requests it, provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency or birth certificate in cases of surrogacy.

Within 28 days of receiving the employee's notice of intention to take adoption leave, the Company will write to the employee confirming the latest date on which the employee must return to work after adoption leave.

## **6. Statutory adoption pay**

Employees who qualify for adoption leave may also qualify for statutory adoption pay provided that their average weekly earnings are not less than the lower earnings limit for national insurance contributions and they have 26 weeks continuous employment with the Company at the time they match with a child, or prior to the 15<sup>th</sup> week before expected week of childbirth (for surrogacy). If you are adopting a child from overseas, 26 weeks continuous service must be achieved from the time you begin receiving adoption pay and have signed form SC6.

Statutory adoption pay is payable for up to 39 weeks at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

Statutory adoption pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

## **7. Rights during adoption leave**

During ordinary adoption leave and additional adoption leave, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by statutory adoption pay if the employee is eligible to receive it. This means that, while sums payable by way of salary will cease, all other benefits will remain in place. Pension contributions will continue to be paid.

Holiday entitlement will continue to accrue through all of an employee's Statutory Adoption Leave. An employee can add their holiday entitlement to the beginning or end of their Statutory Adoption Leave. An employee may not be able to carry over un-used holiday entitlement if the Statutory Adoption Leave goes over two holiday years therefore the employee has the option to take this at the beginning of the leave.

## **8. Contact during adoption leave**

The Company reserves the right to maintain reasonable contact with employees during adoption leave. This may be to discuss employees' plans for 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.

## **9. Keeping-in-touch days (KIT)**

Employees can agree to work for the Company (or to attend training) for up to 10 days during their adoption leave without that work bringing their adoption leave to an end and without loss of a week's statutory adoption pay. These are known as "keeping-in-touch" (KIT) days. Any work carried out on a day shall constitute a day's work for these purposes.

The Company has no right to require employees to carry out any work and employees have no right to undertake any work during their adoption leave. Any work undertaken, and the amount of salary

paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and the Company.

## **10. Returning to work after adoption leave**

The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that they give the appropriate notification. Alternatively, the employee may take their full period of adoption leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of adoption leave has elapsed, they must give at least eight weeks' notice in writing to the Company of the date on which they intend to return.

The employee has the right to resume working in the same job if returning to work from ordinary adoption leave. If the employee returns to work after a period of additional adoption leave, they are entitled to return either to the same job, or if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

If the employee decides during adoption leave that they do not wish to return to work, they should give written notice of resignation to the Company as soon as possible and in accordance with the terms of their contract of employment.

## 11. Transfer of adoption leave

If an employee proposes to return to work early without using the full 52-week entitlement to adoption leave by giving proper notification of an early return in accordance with the rules set out above, they may be eligible for shared parental leave (SPL). Further information on SPL can be found in the Shared Parental Leave Policy.

Where any information is given by the employee or about the employee, their right to absolute confidentiality on all personal matters will be guaranteed by all parties.

Access to this information will be restricted to the business where appropriate and for business statistical purposes unless otherwise mandated by law.

## 13. Breach of Policy

Knowingly providing false information and choosing to breach the Adoption Leave Policy will be treated as a disciplinary matter, which could potentially amount to gross misconduct and lead to dismissal.

Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the adoption leave period.

## 14. Document Control

Version	Revision	Action	Author	Date
001	0.2	Removed Gender Pronouns – adjusted formatting	GT	18/02/2026