

Adoption, Fostering and Surrogacy Policy

This policy must be read in conjunction with the Parenthood Policy. It does not form part of any team members contract of employment and may be amended or withdrawn (in whole or in part) at any time and works in conjunction with respective policies as appropriate.

Who is this for?

This policy applies to:

- Team members
- Line managers

In the following countries:



When does it apply?

This policy sets out the support that team members may receive if they are adopting, fostering or having a child through surrogacy. This details the time off and, in many cases, the enhanced payments available and what is required to make the most of these benefits. This policy applies equally to all employees irrespective of gender identity, gender expression or sexual orientation.

Team members who are adopting, fostering or having a child through surrogacy must inform their line managers as soon as possible so they can prepare for the time required for leave, arrange cover and ensure that the team member can continue to work safely. Line managers must be notified within seven days of:

- being matched with a child for adoption
- an adoption placement being confirmed, if fostering a child permanently and becoming their legal parent ('fostering to adopt')

Team members should confirm to their line manager in writing their expected date of placement (EDP) and the date in which they wish to commence adoption leave which must give at least 28 days' notice.

Line managers will also require proof of the adoption, placement or surrogacy which must show:

For the countries this policy applies in:

- Team member name and address
- Name and address of the agency
- Date matched with the child
- Expected date of placement

For overseas adoptions:

- Authority's 'official notification' confirming the parent is allowed to adopt
- Date the child arrived in the team members country, for example a plane ticket

Fostering to adopt:

- Evidence of a placement (for example, a letter from the adoption agency).

Surrogacy:

- In the six months after the child's birth, evidence that a parental order has been applied for. The criteria for applying for a Parental Order is set out in Section 54 of the [Human Fertilisation and Embryology Act 2008](#).

Line managers must send all the team members details, the letter from the team member along with the proof to SD Worx to calculate eligibility for leave and pay either by email at whitbread@sdworx.com or to the following address:

SD Worx Shared Service Centre – Whitbread, PO Box 5474, Woden Road, Wolverhampton, WV1 9NJ

The team member will receive a letter to confirm the start date, entitlement, pay and set out the date they are expected to return to work if they decide to take the full adoption leave entitlement. Without the letter and proof, adoption pay cannot be calculated or processed.

The earliest date leave can commence is 14 days before the expected date of placement (EDP) and the latest is the date of placement of the child.

If the adoption leave commences at the start of the team members working week, SAP will start from that week. However, if the adoption leave commences part way through the normal working week, then SAP will start from the following Sunday.

If the team member would like to swap leave with their partner (irrespective of gender identity, gender expression or sexual orientation) then refer to the [Shared Parental Leave](#).

Line managers must contact [Employee Relations](#) if the team member is working on a Tier 2 Visa (Certificate of sponsorship) to ensure a change of employment application is completed.

Leave and pay entitlements**United Kingdom, Isle of Man and Guernsey**

The maximum adoption leave is 52 weeks – regardless of working hours or length of service. Team members can take less than 52 weeks' adoption leave if preferred.

Team members will receive the following pay* when on adoption leave depending on their length of service by the week they were notified of being matched with a child (see diagram in the **What makes it work?** section):

Length of continuous service at the week notified of being matched with a child	Entitlement
Less than 26 weeks	May be entitled to further support from the team members

	local council. If this applies, team members will be advised who to contact directly in the letter received after the details have been provided to SD Worx.
26 weeks to 24 months	Entitled to Statutory Adoption Pay (SAP) which will be: 6 weeks' pay at 90% of their average weekly earnings 33 weeks of SAP 13 weeks unpaid
More than 24 months	May be entitled to Company Adoption Pay (CAP) which will be: 13 weeks of their average weekly earnings inclusive of SAP (if eligible) 13 weeks of pay at 50% of their average weekly earnings inclusive of SAP (if eligible) 13 weeks of SAP (if eligible otherwise they may be entitled to an allowance) 13 weeks unpaid

**The weekly average of what the team member has been paid in the 8 weeks immediately prior to the date the team member was notified of being matched with a child must be equal to (or above) the [lower earnings limit](#) to receive Statutory Adoption Pay (SAP) (i.e. they pay National Insurance). Team members will be advised who to contact if they do not qualify for SAP. Team members with more than one job may receive SAP from each employer. The third 13 weeks of SAP do not apply in the Isle of Man and Guernsey.*

The weekly average earning calculations may include bonus or incentive payments, back pay, salary adjustments, SSP or SMP.

Both Income Tax and National Insurance may be deducted from any adoption pay received. Team members who receive a pay-rise between when entitlement is calculated or while they are on adoption leave, will have their adoption pay amended to reflect this. This may appear as a separate line on the payslip for the difference between what was originally calculated and the new salary/rate of pay.

Team members who have been matched with a child are entitled to take paid time off work to attend five adoption appointments, so must show their line manager a copy of the appointment card and should try and arrange appointments for times when not scheduled to work i.e. at the start or at the end of a shift.

Jersey

The maximum adoption leave is 52 weeks – regardless of working hours or length of service. Team members can take less than 52 weeks' adoption leave if preferred.

Team members will receive the following pay when on adoption:

Entitlement
Entitled to Statutory Adoption Pay (SMP) which will be: 6 weeks' pay at 100% of their average weekly earnings 7-26 weeks of Adoption Allowance 26 weeks unpaid

The weekly average earning calculations may include bonus or incentive payments, back pay, salary adjustments, SSP or SMP.

Both Income Tax and National Insurance may be deducted from any adoption pay received. Team members who receive a pay-rise between when entitlement is calculated or while they are on adoption leave, will have their adoption pay amended to reflect this. This may appear as a separate line on the payslip for the difference between what was originally calculated and the new salary/rate of pay.

Team members who have been matched with a child are entitled to take paid time off work to attend five adoption appointments, so must show their line manager a copy of the appointment card and should try and arrange appointments for times when not scheduled to work i.e. at the start or at the end of a shift.

Republic of Ireland

The maximum adoption leave is 40 weeks – regardless of working hours or length of service. Team members can take less than 40 weeks' leave if preferred.

Team members will receive the following pay when on leave:

Entitlement

Entitled to:

24 weeks' pay to match average weekly earnings. Team members will be required to claim benefit from the Department of Social Protection and Whitbread will make up the difference between the Adoption leave payment and normal pay.

16 weeks unpaid leave

The weekly average earning calculations may include bonus or incentive payments, back pay, salary adjustments or SSP.

Income Tax, PRSI and USC may be deducted from any adoption pay received. Team members who receive a pay-rise between when entitlement is calculated or while they are on adoption leave, will have their adoption pay will be amended to reflect this. This may appear as a separate line on the payslip for the difference between what was originally calculated and the new salary/rate of pay.

Team members who have been matched with a child are entitled to take paid time off work to attend five adoption appointments, so must show their line manager a copy of the appointment card and should try and arrange appointments for times when not scheduled to work i.e. at the start or at the end of a shift.

What makes it work?

The table below outlines roles and responsibilities team members at Whitbread have for making this policy work:

TEAM MEMBERS

Accountable for:

- Providing the line manager in writing the expected date of placement (EDP) and the date in which they wish to commence adoption leave which must give at least 28 days' notice.
- Providing proof of the adoption, placement or surrogacy to ensure leave and pay are set up correctly.
- Providing any appointment cards for so that leave can be planned accordingly.
- Discussing any workplace adjustment requirements with their line manager.
- Giving at least eight weeks' notice if: a return earlier than the 52 weeks of leave is required, accrued holiday is to be added onto the end of the leave or there is a requirement to transfer leave to the team members partner as per the [Shared Parental Leave policy](#).

Responsible for:

- Keeping the line manager updated of any potential changes to the start date of adoption leave.
- Agreeing with the line manager routines and practices to keep in contact for when on adoption leave.
- Keeping the line manager updated on considerations for the return to work.
- Taking any accrued holiday entitlement and up to one week more before starting adoption leave.

LINE MANAGERS

Accountable for:

- Ensuring the team member is clear on their accountabilities and responsibilities in the Parenthood policies and that they are made available for them to read.
- Maintaining and respecting the confidentiality of the team member if requested.
- Sending any documentation received from the team member to SD Worx. For hourly paid team members, line managers may need to create a default timesheet within WFM to ensure the team member doesn't feature on any dormancy reports and are paid correctly.
- Ensuring any appointments are accommodated as far as possible and paid for (the team member must not be asked to make up time spent at any appointments).
- Working through any potential workplace adjustments to support the team member.
- Ensuring the team member continues to:
 - Have the same opportunities for development, career as other team members
 - Informed of any vacancies that may be of interest
 - Notified of important communication (such as organisational or team changes)
- Contacting Employee Relations if the team member is working on a Tier 2 Visa (Certificate of sponsorship) to ensure a change of employment application is completed.
- Agreeing and processing any agreed KIT days.
- Ensuring the team member has a positive return to work experience including the use of a [Parenthood buddy](#) if appropriate.

- Responding to and actioning any requests to end adoption leave sooner than the originally agreed date.

Responsible for:

- Encouraging the team member to take all accrued holiday plus one week up to the point of going on adoption leave before the leave starts. For salaried team members, any bank holidays that fall during the period of adoption leave will need to be added to the team members outstanding holiday entitlement by emailing whitbreadhrservice.centre@whitbread.com
- Agreeing and actioning the amount and frequency of contact that will be maintained during the adoption leave with the team member.

How does it work?

Contents of sections below

1. Performance Reviews
2. Whilst on leave
3. Returning to work
4. Data management in the process

1. Performance Reviews

Line managers will aim to conduct Half Year or End of Year Review prior to the start of adoption leave.

If the team member is on leave during the performance review periods (normally March and September), the ratings received prior to the leave starting will remain in place. This rating will be used in calculating any performance-related pay review, and any entitlement to Bonus, whilst the team member is on adoption leave.

2. Whilst on leave

Prior to the team member going on leave, line managers must agree and action the amount and frequency of contact that will be maintained during the adoption leave with the team member.

Keeping In Touch days

Team members on adoption leave are entitled to 10 paid "Keeping in Touch" (KIT) days. These are really important in helping to support a team member on adoption leave to feel connected to their role, business and their teams and prepare them for their return to work. There is no obligation on the team member taking these days and days taken do not affect adoption leave or Statutory Adoption Pay in any way.

KIT days can be used to attend training, meetings, undertake some work or spend some time with the team. Double shifts or split shifts must not be worked as a KIT day.

KIT days can be taken as single days or a block of days, as agreed between team member and line manager.

Pay for KIT days will be calculated as:

- Hourly paid – the normal hourly rate for the hours actually worked. Team members must clock in and out as normal, so the hours worked are accurately recorded. As the team member will be on adoption leave on HRe, SD Worx will automatically process it as a KIT day.
- Salaried - payment for each KIT day is be calculated by dividing the annual salary by 52 (weeks) then by the number of days the team member is contracted to work in a normal week to give an accurate daily rate. Team members will need to agree with the line manager, whether they will work for either half a day (3.5 hours or less) or a full day (usually not in excess of 7 hours or a normal working shift, including breaks). Line managers must process this by emailing whitbread@sdworx.com with the details of when the KIT day took place and details of how much should be paid before payroll cut-off for that month.

Any work carried out whilst on adoption leave will be classed as a KIT day. Therefore if a team member attends work for a 1-hour meeting, they will have used 1 of their KIT days.

Only KIT days can be carried out whilst on Adoption Leave. SPLIT days (Shared Parental Leave in Touch days) are only available during Shared Parental Leave. Please refer to the [Shared Parental Leave Policy](#) for more information.

Holidays

Team members must try to take all accrued holiday entitlement and up to 1 week more than accrued, before the start of adoption leave. Holidays will continue to accrue as normal whilst on adoption leave. If the adoption leave spans two holiday years, and the team member has not been able to take the accrued holidays, the remaining holidays (accrued during adoption leave) from one year will be carried over into the next year, to be booked as annual leave on the team members return to work.

For salaried team members, any bank holidays that fall during the period of adoption leave will need to be added to the team members outstanding holiday entitlement by emailing whitbreadhrservice.centre@whitbread.com.

Team members who resign whilst on adoption leave and have any outstanding holiday pay due will be paid, based on the difference between the amount already taken and the entitlement accrued. However, if the team member has taken more holiday than accrued, their final pay will be deducted by the amount overpaid.

Bonus

Any discretionary bonus entitlement is not affected by the leave and team members will receive bonus for the financial year(s) in question, in line with the current bonus scheme rules.

Privilege Card and Your Benefits Website

Use of the Privilege Card continues during leave and team members can access their benefits on the [Benefits Page](#).

Sharesave

Payments can continue to be made into a Sharesave account whilst on leave. Whilst still receiving payment from Whitbread, savings will continue to be deducted via payroll in the normal way. In weeks/months of no pay from Whitbread, team members can elect to set up

a Standing Order with the Share Plan provider directly, to cover the monthly savings during this time.

Team members on leave can also choose to postpone saving for up to a period of 12 months at any time, but for each month deferred, the maturity date will be postponed by one month. If more than 12 months payments are missed, the account will automatically be closed, a refund of the total savings will be made to the team member, and they will no longer have the option to purchase shares.

Team members who decide not to return to work following leave, will no longer have the option to purchase shares at the end of the savings period. Team members will need to close their account and arrange for their savings to be returned. Any queries must be directed to Link on 0344 855 2327 with any queries.

Company car (including cash allowance), mobile phone and laptop

These benefits are maintained whilst on leave.

Any calls made on a Company mobile phone whilst on leave will need to be paid for as they will be classed as personal calls.

Policies and processes regarding Information Security and social networking remain in place during periods of leave.

Pension

Team members who are members of the Whitbread Pension Scheme, will continue to make contributions at the level they were before they went on leave. Contributions will be based on actual pay.

If during leave, the team member receives no pay from the Company, Whitbread will not make any contribution to the pension for that period. Life cover will continue during leave for those who have selected this option.

Bupa

Team members with private healthcare, will remain covered whilst on leave. Bupa should be contacted on 0345 6050 251 for any specific questions regarding cover or healthcare needs.

3. Returning to work

Our Diversity and Inclusion policy outlines how we value difference at Whitbread and line managers supporting team members returning from leave well is a great way to demonstrate:

- We believe in equal opportunities for all, with no barriers to entry and no limits to ambition.
- We treat everyone fairly, with respect and kindness. We have zero tolerance to discrimination.

Line managers must work closely with team members on leave to ensure a smooth and considered return to work taking into consideration the life changes the team member will be experiencing and the additional support that may be required. This may include reviewing the hours, days or times of work to ensure a balanced approach to home and work life. The Parenthood Policy outlines some of the other policies and areas that can support

throughout the different stages of Parenthood. These include use of the [Flexible Working](#) and [Workplace Adjustments](#) policies, the support available on the Wellbeing Hub and from [Nest](#) who work in partnership with [Hospitality Action](#) and the use of a [Parenthood buddy](#) if appropriate.

Team members who would like to return before the end of their agreed adoption leave are required to give eight weeks' notice period. This must be in writing to the line manager and if not received may result in the return being postponed allowing for the eight weeks' notice (so long as this is not later than the original expected return date). This is to ensure the line manager has time to review the temporary arrangements and cover for the period the team member is on leave.

Eight weeks' notice is also required if the team member would like to add any accrued holiday onto the end of the adoption leave or transfer adoption leave to their partner as per the [Shared Parental Leave](#) policy.

Notice is not required if the team member is taking their full leave entitlement or planning on returning on the date as agreed.

A team member returning from Ordinary Adoption Leave (before 26 weeks) is entitled to return to the same job employed before the leave. When returning from Additional Adoption Leave (between 27 and 52 weeks) the team member is also entitled to return to the same job, however in instances where this is not reasonably practicable to do so, they must be offered a suitable and appropriate job on terms and conditions that are no less favourable.

Line managers should take time to make the team member aware of any changes which have occurred while away and re-familiarise ways of working. Introductions should be made to new team members and updates given about team and business changes. Any passes/swipe cards/email accounts etc should be reactivated and consideration should be given to providing a [Parenthood buddy](#) to support the transition back to work.

Working safely

Line managers must ensure that team members who return from leave are treated fairly and protected from health and safety risks. A [Risk Assessment](#) can be carried out on the team members return to assess whether or not there are any tasks that should be avoided, for health and safety reasons. If the team members' doctor or health professional has any concerns these must be shared with the line manager for consideration.

Further information or evidence from the team members' doctor or health professional may be requested if any temporary adjustments are required to the team members role. The **Workplace Adjustments** policy and guidance can also be used to support any adjustments and ensure we provide equitable adjustments so that everyone can realise their full potential.

Time off for emergencies

Team members have a legal right to reasonable time off to look after a dependant, such as a child or partner. Refer to the [Time off for Dependants](#) policy.

Resignation

Should a team member wish to not return to work following leave, then the usual resignation process applies, and the team member must put this in writing to their line manager giving contractual notice and their intention to resign.

If the team member does not return to work once leave has finished without contacting their line manager, this absence will be regarded as unauthorised, and the Unauthorised Absence policy will apply.

4. Data Management in the process

It is important that you store any sensitive or personal data securely and in line with the Data Protection Guidance contained within the iSAT e-learning modules, Group Data Protection Policy and within the Finance Procedure Manual. Failure to follow the Data Protection Guidance will be treated seriously and may result in disciplinary action.

- Do make sure personal or sensitive data that you gather is stored securely.
- Hard copy documents should be held in a locked cabinet and access should be restricted to those who require access to do their roles.
- Electronic files must also be stored securely on a company server and must be password protected.

Updates to this policy

Published **March 2023**

Last updated **March 2023**

- Replaced previous Maternity, Adoption, Paternity, Shared Parental Leave, Parental Leave policies to restate Whitbread's position on Parenthood and make clearer accountabilities/responsibilities for team members and line managers.

September 2021

- Language updated to be more inclusive based on feedback from network groups