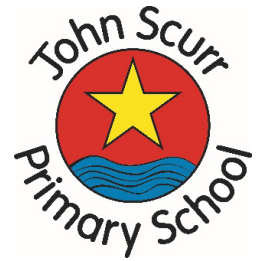


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School Adoption Leave Policy

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1. INTRODUCTION

- 1.1. The aim of this procedure is to provide employees and Headteachers with information regarding contractual and statutory entitlements to Adoption leave and adoption pay. It also gives details of the process the employee will need to follow when arranging their adoption leave.
- 1.2. The employee may be entitled to share their adoption leave and adoption pay with their partner by converting their adoption leave and pay to shared parental leave. Full details of this are in the Shared Parental Leave Policy and Procedure.
- 1.3. The term 'headteacher' has been used throughout this document, however depending on the size and structure of the school this role may be delegated to other members of the senior leadership team, school business managers or managers as appropriate. Where the head teacher is subject to this policy, this will be managed by the Chair of the relevant body or other nominated governor.
- 1.4. Continuous service is when an employee has worked for one employer without a break. For staff in maintained schools, continuous service for occupational adoption pay is recognised between maintained schools as the local authority is the ultimate employer and from one local authority to another and will be carried over in any transfer of employment under TUPE regulations, e.g. during academy conversion. However if an employee voluntarily changes employer in the maternity qualifying period or during the period of maternity leave then their entitlement to maternity pay may be affected. Advice on individual circumstances is available from school's HR provider.

2. SCOPE

- 2.1. This procedure applies to all employees who have a contract of employment with the school. It does not apply to agency workers or contractors.

3. ADOPTION LEAVE

- 3.1 Early in the adoption process it is recommended that you discuss your options and entitlements with your Human Resources provider, regardless of whether you are the main carer or their partner. It would also be helpful if you informed your headteacher

that you are involved in the process of adoption, as although many adoptions take many years from the first meeting to the placement of the child, they can also happen very swiftly.

- 3.2 The information below will explain the benefits offered by the school to employees who are adoptive parents and how you qualify.

4 ELIGIBILITY & SURROGACY

- 4.1 When a couple adopt a child, one person is the 'main adopter' and one is the 'secondary adopter'. Only one person in a couple can take adoption leave, however, the partner may be entitled to get paternity leave. Any staff member who is the 'main adopter' and is adopting a child is entitled to adoption leave with pay where the child is under 18 years of age, provided that they are newly matched with a child from an approved adoption agency.*

* Please note that the above provisions should be applied where the adopted child is new to the household i.e. a child adopted from care or from overseas. In the case of the adoption of a partner's child from a previous relationship, or the adoption of a relative's child, there will be no entitlement to the provisions, as it will generally be expected that there is an existing, established relationship.

- 4.2 The main adopter may be entitled to share their adoption leave and pay with their partner and take shared parental leave. Further information is in section 13 and the Shared Parental Policy and Procedure.
- 4.3 Where more than one child is being adopted at the same time, the staff member may not take more than one adoption leave entitlement.
- 4.4 This Policy applies equally to the intended parents in a surrogacy arrangement where they are eligible for and intend to apply for a Parental Order under the Human Embryology and Fertilisation Act 2008 (or where they have already obtained such an order) making them the legal parents of the child that they are having with the help of a surrogate mother.

5 PRE-PLACEMENT ENTITLEMENT

- 5.1 All staff, regardless of length of service, will be allowed Special paid leave for up to 5 adoption appointments (which may be taken in half or whole days). These may be used

for attendance at pre-placement meetings or court hearings. Documentary evidence of appointments must be provided.

- 5.2 The member of staff will usually be required to undergo a pre-placement introduction. The length of the introduction will depend on the age and needs of the child. They may take up to 5 days special paid leave which may be taken together (usually for very young children), or a combination of single and half days spread over a number of weeks to attend these introductions. The introduction for school age children usually begins after school i.e. from 3.30pm onwards. In these cases, discretion may be used around the time employees are released from work. A headteacher may request documentary evidence of pre-placement appointments and duration of meetings.
- 5.3 Staff who take adoption leave may request to alter their hours of work on their return to work in the same way as staff returning from maternity leave, subject to the demands of the service.
- 5.4 In the case of joint adoptions (i.e. a couple who have been jointly matched to adopt a child) one of the adopters will be entitled to paid time off to attend up to 5 adoption appointments, with the other adopter entitled to unpaid time off to attend up to 2 adoption appointments. Note that where there are joint adopters, the adopter who took paid time off to attend adoption appointments cannot claim paternity leave and pay. This means that the parent who intends to take adoption leave and pay, is likely to take the paid time off and the other parent is likely to take the unpaid time off.

6 OCCUPATIONAL ADOPTION LEAVE ENTITLEMENT

- 6.1 All relevant staff, regardless of their length of service, or part-time or full time status are entitled to 52 weeks adoption leave consisting of 26 weeks Ordinary Adoption Leave followed by 26 weeks Additional Adoption Leave. Adoption Leave/Adoption Pay is in line with Maternity Leave and Pay, which is outlined in the Maternity Leave Policy.
- 6.2 Leave can start on any day of the week, and you can choose to start your leave from either:
- the date of the child's placement (whether this is earlier or later than expected) or
 - a fixed date which can be up to 14 days before the expected date of placement.
- 6.3 The start date of your Adoption Leave may be changed provided you give at least 28 days' notice in advance. Adoption leave will commence no earlier than 14 days before the expected date of placement.

- 6.4 If you do not return to work for at least 3 months at the end of the Adoption Leave period, you will be required to repay the Occupational Adoption Pay received under the Scheme. You will, however, not be required to repay Statutory Adoption Pay (SAP) monies if you decide not to return to work.
- 6.5 The school, who reclaims a proportion from the Government at a later stage, pays Statutory Adoption Pay (SAP) directly to you. It is paid through the payroll on your normal pay day. Income tax and National Insurance contributions are deductible where appropriate. SAP is paid for 26 weeks at the equivalent of the Statutory Maternity Pay (SMP) lower flat rate, which is reviewed in April of each year.
- 6.6 Adopters who have average weekly earnings below the Lower Earnings Limit for National Insurance contributions will not qualify for SAP. There are a number of additional benefits available to new parents. These include Child Benefit and Tax Credits. Whether you qualify for these benefits will depend on your personal situation.

7 NOTIFICATION REQUIREMENTS

- 7.1 Staff must inform their headteacher in writing of the following details at the earliest opportunity but at least 28 days before the commencement of the adoption leave period, unless this is not reasonably practicable:
- When the child is expected to be placed;
 - When they want their adoption leave to start;
 - The evidence of written confirmation from the adoption agency that the child is placed for adoption, the proposed or actual dates of arrival of the child or children and the place/address of that placement. This is known as the 'matching' certificate.
- 7.2 The Adoption Leave application form is attached.
- 7.3 You will receive a reply in writing within 28 days of receipt of your form, giving you information on your entitlement and your expected date of return.
- 7.4 If you wish to return to work before the end of your adoption leave, you should give 8 weeks' notice in writing to your headteacher of your intention to resume your duties, so that arrangements can be made for your return.

- 7.5 These time limits apply unless it is not reasonably practicable, in which case notice must be given as soon as possible.

8 CESSATION OF ADOPTION ARRANGEMENTS

- 8.1 In the unfortunate event that the child's placement ends during the adoption leave period, the adopter may be able to continue adoption leave for up to eight weeks after the end of the placement. In these circumstances you should contact your Human Resources provider as soon as possible for further advice.

9 KEEPING IN TOUCH (KIT) DAYS

- 9.1 In order to facilitate occasional training, or keeping in touch without losing SAP, regulations now provide for reasonable contact from time to time during an adoption leave period without bringing the statutory adoption period to an end. In addition, you can work for the school for 10 days at your normal rate without losing SAP. Important points to note:

- you can go in for one hour or a whole day. This will still be a Keeping in Touch (KIT) day although your pay will be pro rata;
- you will receive the normal hourly rate, but you cannot earn more than your daily rate of pay. If SAP and pay is higher than the normal days' pay it would be adjusted accordingly;
- the decision to undertake a KIT Day must be made by agreement with your headteacher;
- the KIT Day will not bring your adoption leave period to an end;
- the school has no right to demand that any such KIT work is undertaken, and you have no right to undertake such work.

- 9.2 Your headteacher should ensure that they keep in regular contact with you during your adoption leave, ensuring that you are briefed in terms of service developments and changes and kept up to date with issues raised at staff meetings. In cases where there is likely to be a change in services, regular information and contact must be maintained. You should be sent copies of all staff newsletters, team updates and any information relating to the school.

10 DELAYING YOUR RETURN TO WORK

10.1 If you wish to spend a greater period away from work than the Adoption leave policy allows or have decided that you want to return to work when your child is older, you may wish to consider applying for the Parental Leave Scheme. However, after taking Parental Leave, you will be required to return to work for a period of at least 3 months, otherwise you will need to repay the money that you received under the Occupational Adoption Scheme.

10.2 Details of the Shared Parental Leave/Shared Parental Pay Schemes are available.

11 WHAT MONIES DO I PAY BACK IF I DO NOT RETURN TO WORK?

11.1 If whilst you are on adoption leave you receive SAP payments and then change your mind and decide not to return to work, you will be able to keep your SAP payments.

11.2 Once made, SAP payments cannot be recovered unless an error has been made in payment or eligibility for the allowance ceases, e.g., the employee starts working elsewhere or is taken into legal custody.

11.3 The Payroll Section will recover the monies awarded to you under the Occupational Adoption Leave Scheme if you do not return to work for a period of at least 3 months. You should contact your HR provider about how this will be arranged. Failure to repay will result in legal proceedings being taken to recover the monies.

12 PART TIME/FLEXIBLE WORKING

12.1 All requests for flexible working arrangements will be considered and a staff member can request flexible working from their first day of employment with the school. A staff member is entitled to submit two statutory flexible working requests in a 12 month period, however, only one request can be considered at a time.

12.2 Should a staff member wish to change their working hours or pattern on their return to work, they should discuss this with this headteacher and can submit a flexible working request in line with the Flexible Working Policy.

13 PENSION

13.1 Pension contributions only continue during paid periods of adoption leave for as long as the statutory payment is made. The Teachers' Pension Scheme does not allow service

during periods of unpaid leave to be purchased but there is provision for Additional Pension to be purchased when returning to paid teaching service. Full details are on the Teachers' Pensions website.

- 13.2 If you contribute to the Local Government Pension Scheme, contributions are deducted from your adoption pay. The school also makes contributions to your pension whilst you are receiving pay. If you take unpaid leave you can elect to make full contributions. If you do not elect to pay contributions, this period of service will not count towards the calculation of your pension therefore reducing your benefits.
- 13.3 If you decide to take unpaid leave or you change from full-time to part-time or job share working, you should contact the Pension Section for further information about the effects on your pension benefits.
- 13.4 You should check the details of your particular case with the appropriate Pension Department.

14 PATERNITY LEAVE

- 14.1 Paternity leave (also known as adoption support leave) allows an eligible staff member to take up to two working weeks paternity leave (pro rata for part time staff) on normal pay (inclusive of statutory paternity pay). Full details of eligibility and entitlements are in the Paternity Policy.
- 14.2 To be eligible to take paternity leave, the 'secondary adopter' must be:
- married to the civil partner or partner of the mother or birth parent or co-adopter. This includes same-sex partners;
 - taking the leave to care for the child or support their partner.
- 14.3 The paternity leave period can start:
- on the date of placement;
 - an agreed number of days after the placement;
 - on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions only);
 - in the case of surrogacy, the day the child's born or the day after if the staff member is working that day.
- 14.4 Leave must be taken within 52 weeks of the date of placement or in the case of overseas adoption, 52 weeks after the child's arrival in the UK.

- 14.5 The staff member must inform their headteacher of the following within seven days of being notified by an approved adoption agency they have been matched with a child.
- the date they were notified of being matched with the child;
 - when they expect the placement to start, or when it started if the placement has already started;
 - how much paternity leave they plan to take;
 - the date they want to start their leave.
- 14.6 The staff member must provide supporting documentation to their headteacher. This can be a letter from the adoption agency or the 'matching certificate'.
- 14.7 If the adoption is 'disrupted' and does not go ahead, the staff member will still be entitled to paternity leave and pay.
- 14.8 The staff member can choose to take either one or two working weeks. The same amount of leave applies if the partner adopts more than one child.
- 14.9 The two weeks leave may be taken as either two separate one week periods of leave (non-consecutive) or as one continuous period of leave. A week is the same amount of days that would normally be worked in a week. For example, for a part time staff member who works Monday and Tuesday, their working week is two days.

15 SHARED PARENTAL LEAVE & SHARED PARENTAL PAY

- 15.1 Shared Parental Leave and Shared Parental Pay applies to directly employed permanent and temporary Council staff who fulfil the criteria detailed in the Shared Parental Leave Policy.
- 15.2 An adopter is entitled to share the adoption leave with their partner by converting the leave/pay to Shared Parental Leave/Pay. The same arrangements apply to two people in surrogacy arrangements. This section gives a brief overview of the Shared Parental Leave and/or Shared Parental Pay (SPL and ShPP). You will need to read and act in line with the school's Shared Parental Leave Policy to make an application. Note that whilst the Shared Parental Leave policy does not refer to adoption, all its provisions apply to the parents of adopted children.
- 15.3 An adopter is entitled to take up to 52 weeks of adoption leave on the adoption of the child, some of which will be paid. The school's adoption pay is significantly better than the statutory minimum.

- 15.4 The parents of the child can share up to 50 weeks of the adoption leave and adoption pay. The adopter's partner can take leave while the adopter is still using his/her adoption entitlements, provided that the total leave taken by both is no more than 50 weeks.
- 15.5 To opt in to SPL and ShPP, the adopter must reduce his/her adoption leave entitlement, allowing the remainder of the leave to be converted to SPL.
- 15.6 When parents chose to share the paternal leave and pay, the school will pay ShPP for the partner (if they are a school employee) in line with the school's Maternity Scheme.

In brief, to be entitled to take SPL and claim ShPP:

- the primary adopter of the child must be entitled to statutory adoption pay or adoption allowance and must have ended or given notice to reduce his/her adoption entitlements;
- the staff member must still be working for the school at the start of each period of SPL;
- the staff member must have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date;
- to receive ShPP in line with the school's Maternity Scheme, the school staff member (whether the primary adopter or the partner) must return to work for a period of 3 months directly following the SPL period.

15.7 Note also the following:

- SPL can be taken as a continuous block of leave or two or more periods of discontinuous leave;
- SPL must end no later than one year after the placement of the child;
- the father/partner/spouse can take SPL immediately following the adoption of the child but may first choose to exhaust any adoption/paternity support leave entitlements.

15.8 Further conditions apply, relating to qualification for Shared Parental Leave and Pay, notification periods, refusals by either employer. These are detailed in the Shared Parental Leave Policy.

16 FURTHER GUIDANCE

16.1 For further guidance please contact your HR provider.

17 USEFUL CONTACTS

British Agencies for Adoption and Fostering (BAAF)

Saffron House, 6-10 Kirby St., London EC1N 8TS

Tel: 020 7421 2652 www.baaf.org.uk

Provides Information and advice for prospective adoptive parents and foster carers

Overseas Adoption Helpline

First Floor 71-73 High Street, Barnet, Herts EN5 5UR

Tel: 0208 447 4753 www.oah.org.uk

Independent advice to anyone in the UK considering adopting a child from abroad

Post Adoption Centre

5 Torriano Mews, Torriano Avenue, London, NW5 2RZ

Tel: 020 7284 5879 www.patient.co.uk/support/Post-Adoption-Centre.htm

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Provides independent advice, counselling and support to anyone affected or dealing with adoption.

