



Stepney Primary School



A Small School With Great Expectations

Adoption Leave Policy for teachers and school support staff

**Hull City Council
Human Resources
Implementation Date: 1997
Revised: July 2010**

SCHOOLS ADOPTION LEAVE POLICY

INTRODUCTION

1. The Employment Act 2002 introduced a new statutory right for eligible employees to have paid adoption leave when a child is newly placed for adoption.
2. Paid adoption leave is available both to individuals who adopt and to one member of a couple where a couple adopt jointly. The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paid paternity leave (see the School's Paternity Policy for details and an application form). Therefore, where a couple are adopting jointly they must decide which one will take adoption leave and which one will take paternity leave. Adoption leave rights also apply to partnerships of the same sex.
3. This policy and accompanying guidelines outline the entitlements to adoption leave and pay for eligible employees and the procedure to be followed.

ELIGIBILITY FOR ADOPTION LEAVE

4. The employee must have been notified that he/she has been matched with a child for adoption by an approved adoption agency.
5. Adoption leave and pay 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. If an employee is adopting a child they are fostering, they must be matched for adoption by a recognised agency to be eligible for statutory adoption leave and pay. If an employee adopts a relative from overseas they can also qualify for adoption leave and pay if they have been assessed and approved as being a suitable adoptive parent.

ENTITLEMENT TO ADOPTION LEAVE

6. **Employees with less than 26 weeks' continuous service at the end of the week in which he/she is notified of being matched with a child for adoption:**

Entitled to 12 weeks' contractual leave only.

7. **Employees with 26 weeks' or more continuous service at the end of the week in which he/she is notified of being matched with a child for adoption:**

Entitled to Ordinary Adoption Leave (OAL) of 26 weeks and 26 weeks' Additional Adoption Leave (AAL). AAL starts on the day immediately following the day on which OAL ends, making a total of 52 weeks adoption leave.

8. There is an entitlement to only one period of adoption leave regardless of the number of children placed.

SPECIAL LEAVE

9. An adoptive parent is entitled up to 3 days with pay, to be taken as and when necessary, to attend to the legal and technical formalities in connection with the adoption.

ADOPTION PAY

10. **Employees with less than 26 weeks' continuous service at the end of the week in which he/she is notified of being matched with a child for adoption:**

Entitled to 12 weeks' full contractual pay. To be repaid if the employee does not return to work for three months or in the case of teachers – 13 weeks including periods of school closures. If a full time teacher returns to work on a part time basis they must work the equivalent of 13 weeks multiplied by their full time hours. Where a part time teacher returns to work on a different part time basis they must also work for a period which equates to 13 weeks part time service relating to their previous contract.

11. **Employees with 26 weeks' or more continuous service at the end of the week in which he/she is notified of being matched with a child for adoption who are earning not less than the lower limit for the payment of NI contributions:**

Entitled to 39 weeks' Statutory Adoption Pay (SAP) (or 9/10 of pay if this is less).

In addition the Council will pay employees a sum which will ensure that they receive their full contractual pay for the first 12 weeks. This additional amount to be repaid if the employee does not return to work for three months or in the case of teachers 13 weeks including periods of school closures. If a full time teacher returns to work on a part time basis they must work the equivalent of 13 weeks multiplied by their full time hours. Where a part time teacher returns to work on a different part time basis they must also work for a period which equates to 13 weeks part time service relating to their previous contract.

The current rate of Statutory Adoption Pay (SAP) with effect from 4 April 2010, is the lower of £124.88 per week or 9/10 of average weekly earnings.

The Statutory Adoption pay rate is revised by the Government each April.

Details of the current SAP rate can be found here : www.direct.gov.uk

If an employee is eligible for Statutory Adoption Pay and also participates in a salary sacrifice scheme e.g. childcare vouchers, the 9/10 of pay calculation will be based on the adjusted, reduced salary level

12. No extra SAP is paid where more than one child is placed together for adoption.

POOLING OF ADOPTION LEAVE

- 13 Where both parents are employed by the City Council, as an alternative to taking their adoption leave as specified earlier, they can pool their adoption leave entitlements and split the leave in the way they prefer, subject to approval of the Headteachers/Chair of Governors of their respective school where both employees are working in schools with delegated budgets.

COMMENCEMENT OF ADOPTION LEAVE

14. The employee can choose to start his/her adoption leave on:
- The date the child is placed.
 - A chosen date which is no more than 14 days before the date on which the child is expected to be placed with the employee and no later than that date.

Adoption from overseas

The employee can choose to start his/her adoption leave on:

- The day on which the child enters Great Britain.
 - A chosen date no later than 28 days after the child enters Great Britain.
15. Additional Adoption Leave commences on the day after the last day of the employee's Ordinary Adoption Leave period.

NOTICE REQUIREMENTS

16. To help schools plan effectively, employees who have been accepted by a recognised adoption agency, should let their Headteacher know that they may require adoption leave as soon as they are notified by the adoption agency that they have been approved for adopting.
17. All employees applying for adoption leave must submit an Adoption Leave Notification Form, AD1 (Appendix A of the Adoption Leave Guidelines) at least 28 days before the date, unless this is not possible, in which case it should be submitted as soon as is reasonably practicable. This form must be accompanied by a matching certificate from the adoption agency.
18. The employee can change his/her mind about the date on which the leave is to start providing he/she gives at least 28 days notice, or as soon as possible if this is not reasonably practicable.
19. Adoption from overseas:
within 28 days of the child's entry into Great Britain the employee must inform the Headteacher of the date of entry and provide evidence of the date in the form of a plane ticket or copies of entry clearance documents.

ACKNOWLEDGING THE EMPLOYEE'S NOTIFICATION

20. The Headteacher must write back to the employee within 28 days of receiving this notification specifying the end date of his/her adoption leave.

MAINTAINING CONTACT WITH THE EMPLOYEE

21. During the adoption leave period the employee should be notified of any changes taking place within the school which affect employees. The employee should also be made aware of any vacancies that arise within the school. Arrangements should be made for any information that employees at the school would normally receive to be sent to the employee's home address throughout the adoption leave period.

KEEPING IN TOUCH DAYS

22. The employee is allowed to work up to 10 days during ordinary or additional adoption leave without bringing the adoption leave period to an end.
23. The keeping in touch days do not have to be consecutive and can be used for training, a staff meeting or any other activity that enables the employee to keep in touch with the workplace.
24. If the employee works part of the day this will count as a full day's work.
25. Any work carried out during adoption leave must be done by agreement of both the employee and Headteacher. The employee or Headteacher cannot insist that these days are taken.
26. The number of keeping in touch days taken will not extend the adoption leave period.
27. Once the keeping in touch days have been used up, the employee will lose a week's SAP for any week in which he/she does any work under her contract of service for the employer paying her SAP.

RETURN FROM ADOPTION LEAVE

28. It will be assumed that the employee will be returning at the end of AAL (or the 12 week period if he/she is only entitled to contractual leave) If an employee wishes to return earlier than this he/she must give notice, in writing, at least 28 days before the date of the intended return using form AD2 (Appendix B of the Adoption Leave Guidelines).
29. If this notice is not given the school may postpone the employee's return to work to a date that will secure the full period of notice. However, the Headteacher has the discretion to agree to a mutually acceptable earlier return date where 28 days notice has not been given.

DISRUPTION OF PLACEMENT

30. Where, after starting their leave, an employee is notified that the child will not be placed, or after the child is placed, the child dies or is returned to the adoption agency, the employee will not be entitled to the full adoption leave period. In this situation adoption leave will end 8 weeks after the end of the week in which the disruption occurred.

31. There is no extension of AAL if disruption occurs with less than 8 weeks to go.
32. When the disruption occurs during the 12-week period when the employee is receiving full pay he/she will be entitled to 7 days pay at the full pay rate. Those employees entitled to statutory pay will continue to be paid SAP for the remainder of the 8 week period (if applicable).
33. Where a follow-up meeting after a placement ends is held after an adoptive parent has returned to work he or she can take paid leave to attend.
34. If an employee's adoption leave has been cut short due to disruption of the placement the employee must still give 28 days' notice to return early. However, the Headteacher has the discretion to agree to a mutually acceptable earlier return date where 28 days notice has not been given.

RIGHT TO RETURN TO WORK

35. The employee will be entitled to return to the job in which he/she was employed under his/her original contract of employment and on terms and conditions not less favourable than those which would have been applicable to the employee if the period of adoption leave had not intervened. The only exception to this is where a return to his/her exact job is not possible, because of redundancy or exceptional circumstances such as a general reorganisation. In this case, the employee should be offered a suitable alternative vacancy where one exists..

TEACHERS' PENSION SCHEME

36. Contributions by teachers to the Teachers' Superannuation Scheme are governed by the appropriate regulations. Teachers are encouraged to take advice from either their Professional Association/Trade Union or other appropriately qualified person to safeguard their position.

LOCAL GOVERNMENT PENSION SCHEME (LGPS) – SUPPORT STAFF

37. Pension contributions must normally be paid on any monies received. However, the employee can choose to opt out of the LGPS as soon as he/she commences on adoption leave. If the employee wishes to opt out they should advise the Business Support Service as soon as possible and prior to starting adoption leave.
38. Once the employee comes back to work, he/she can re-apply to join the Scheme,
39. If the employee does not opt out of the scheme, he/she will pay contributions on all monies received, whether the employee returns to work or not.
40. The employee can choose to pay pension contributions on the period of unpaid adoption leave. The contributions will be based on the amount of adoption pay the employee received immediately before the start of the unpaid leave. If the employee wishes to make such contributions, he/she must decide to do so within 30 days of coming back to work. If this is not done, any unpaid period of adoption leave will not count towards pensionable service

41. Paying pension contributions will mean that service in the scheme will be counted in full, as though the employee had been at work without any absence for adoption

CONTRACTUAL TERMS AND CONDITIONS

42. For those adopting a child on or after 5 October 2008, there is no distinction between ordinary and additional adoption leave for the purpose of contractual entitlements such as accrual of annual leave and bank holidays, payment of essential car user allowance, child care vouchers, provision of lease car etc.
43. During ordinary and additional adoption leave, all contractual and statutory entitlements (except normal pay) will continue. Instead of normal pay, either 12 weeks contractual pay or 39 weeks statutory adoption pay will be paid dependant on the employee's length of service.
This means that the whole of the adoption leave period counts for entitlements such as annual leave and length of service.

RIGHT NOT TO BE DISMISSED

44. It is automatically unfair to dismiss an employee because he/she took, or sought to take adoption leave.

PROTECTION AGAINST DETRIMENT

45. An employee is protected against being subjected to detriment because he/she took or sought to take adoption leave. Detriment covers a wide range of unfair treatment, such as denial of promotion, training opportunities etc.

OVERSEAS ADOPTIONS

46. An employee who adopts a child from overseas and has received 'official notification' in respect of that child, is entitled to the same adoption leave and pay entitlements as stated above and in the guidelines.
47. An 'official notification' is defined as written notification, issued by or on behalf of the 'relevant domestic authority', who will issue a certificate to the overseas authority concerned with the child's adoption, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent. The relevant domestic authority is defined as the Secretary of State.

PERSON RESPONSIBLE WITHIN SCHOOL:

This is a Local Authorities Policy which was adopted at the Full Governing Body Meeting. Mrs M Codd will continue to monitor and update in accordance with the Local Authorities updates.

This policy was last monitored in April 2017 by Mr P Browning, and no changes **have been made by the LA.**