

# ADOPTION POLICY

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FEARNHILL SCHOOL

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## **1. Scope and Objective**

This policy sets out your entitlements as an employee of schools in Hertfordshire to adoption pay and leave under the statutory scheme and the contractual adoption scheme.

## **2. Entitlement to adoption leave**

Irrespective of your length of service, you are entitled to take up to 52 weeks' of Adoption Leave, consisting of 26 weeks' Ordinary Adoption Leave, plus 26 weeks' of Additional Adoption Leave immediately following ordinary adoption leave.

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If the child's placement ends during the adoption leave period, the adopter can continue adoption leave for up to eight weeks after the end of the placement.

## **3. Commencing adoption leave**

You can choose to start your leave:

- from the date of the child's placement (whether this is earlier or later than expected), or
- from a fixed date which can be up to 14 days before the expected date of placement.

Leave can start on any day of the week.

## **4. Introductory appointments**

The primary adopter will be entitled to paid time off to attend up to 5 introductory appointments before the adoption takes place. The secondary adopter will be entitled to unpaid time off for up to 2 introductory appointments.

## **5. Statutory Adoption Pay (SAP)**

If you have been continuously employed for at least 26 weeks ending with the week in which you are notified of having been matched with the child you are entitled to 39 weeks' Statutory Adoption Pay (SAP). The first six weeks is payable at 90% of the employee's average weekly earnings and the next 33 weeks of payment at the current rate of SAP (or 90% of his or her average weekly earnings if this figure is less than the statutory rate).

*Adopting a child from overseas - The requirements are the same if you are adopting from overseas, except you must have been continuously employed for at least 26 weeks at the start of the week when the pay will begin.*

*Employees in surrogacy arrangements - The requirements are the same if you are in a surrogacy arrangement, except you must have been continuously employed for at least 26 weeks up to any day in the 15th week before the baby is due.*

### **5.1. Teachers**

In addition to the provisions under the statutory adoption scheme, teaching staff with one year or more continuous service will be eligible to receive occupational adoption pay as follows;

Occupational Adoption Pay of 7 weeks on half pay for the first 7 weeks of the leave period provided the teacher agrees to return for at least 13 weeks (including periods of school closure) to their job.

The period of 13 weeks is calculated on the basis that it equates to the working arrangement at the point adoption leave commenced.

The combined Statutory Adoption Pay and Occupation Adoption Pay will not exceed the normal contractual earnings for a week.

## **5.2. Non-Teaching Staff**

In addition to the provisions under the statutory adoption scheme, Support Staff employees with one year or more continuous service will be eligible to receive occupational adoption pay as follows;

Occupational Adoption Pay equivalent to 12 weeks at half pay, paid between the 7<sup>th</sup> and 26<sup>th</sup> week of Ordinary Adoption Leave, provided the employee agrees to return for at least 3 months to HCC, another local government or associated employer or a new employer following a TUPE in the same post (but excluding new employment with an Academy or Free School)

The combined Statutory Adoption Pay and Occupation Adoption Pay will not exceed the normal contractual earnings for a week.

## **6. Notice of intention to take adoption leave**

You are required to inform your employers of your intention to take adoption leave within 7 days of being notified by your adoption agency that you have been matched with a child for adoption within the UK.

*Adopting a child from overseas – Notice must be given no later than 28 days after the date you receive the official notification*

*Employees in surrogacy arrangements - At least 15 weeks before the due date, you must tell your employer when the baby is due and when you want to start your leave.*

You need to tell your line manager or Headteacher in writing:

- When the child is expected to be placed with you/when the baby is due and;
- When you want your adoption leave to start.

You can change your mind about the date on which you want your leave to start providing you tell your employer at least 28 days in advance (unless this is not reasonably practicable).

## **7. Proof of adoption**

You must give your line manager or Headteacher documentary evidence from your adoption agency as evidence of your entitlement to Statutory Adoption Pay (SAP). They can also ask for this as evidence of entitlement for adoption leave. You should ask your adoption agency for this documentary evidence, which may be provided in the form of a matching certificate which includes basic information on matching and expected placement dates.

*Adopting a child from overseas – in addition to above you will need to provide the relevant UK authority's 'official notification' confirming that you are allowed to adopt, and evidence of the date the child arrived in the UK, for example a plane ticket*

*Employees in surrogacy arrangements – proof is not required for SAP and leave, however your employer may ask you for a written statement that confirms you intend to apply for a parental order in the 6 months after the baby's birth and that you expect the order to be granted (for example because*

*you do not have any convictions involving children, and the birth mother or father agree to the arrangement)*

## **8. Return to work after adoption leave**

If you intend to return to work at the end of your full adoption leave entitlement do not have to give any further notification to your employers.

Should you wish to return to work before the end of your adoption leave period, you must give your employer 28 days' notice of the date you intend to return.

You have the right to resume working in the same job if returning to work from ordinary adoption leave. If you return to work after a period of additional adoption leave, you 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.

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

If you decide during adoption leave that you do not wish to return to work, you should give written notice of resignation to your line manager as soon as possible and in accordance with the terms of your contract of employment.

## **9. Reasonable contact**

While you are on Adoption Leave, we would like to keep you up to date with what is going on at work and give you the opportunity to get in touch with the School if needed. This is known as 'Reasonable Contact' and simply formalises good communication practices between Line Managers/Headteacher and Employees on Adoption Leave. You should agree with your Line Manager/Headteacher before starting your Adoption Leave the level of contact which will be maintained during your Adoption Leave.

## **10. Keeping in touch days**

You may undertake ten 'Keeping in Touch Days' during your adoption leave. This allows you to work under your contract of employment for up to ten days and receive payment as agreed with your Head Teacher, without bringing your adoption leave to an end. Please note any part of a day will count as one KIT day.

The KIT days are not limited to your usual job; they could be used for training or other events. You may also wish to use some of your KIT days to ease your return to work.

Any KIT day must be agreed between you and the Headteacher. There is no obligation on the School to offer you KIT days or on you to complete KIT days offered.

## **11. Holiday entitlement**

Your holiday entitlement continues to be accrued at the rate provided under your contract whilst you are on Adoption Leave. This entitlement applies to all employees including term time only workers and teachers.

### **11.1. Teachers**

The Conditions of Service for School Teachers makes no reference to an entitlement to annual leave for teachers. There is however a statutory right to a minimum of 28 days per annum under UK law. Periods of school closure count towards this entitlement, consequently it is unlikely that teachers returning to their posts following a period of adoption leave will have acquired a right to additional annual leave. It is possible that teachers who resign their post and do not return could have an outstanding balance of annual leave payable.

### **11.2. Non-Teaching Term time only workers**

In order to calculate the entitlement to annual leave it is necessary to carry out a 'Balance of Salary' calculation at the start of the adoption leave period and a second calculation at the end of your leave period. This calculation takes into account your start date with the Authority and the number of completed weeks of the academic year up to the point you start your adoption leave. The proportion of completed weeks will then be compared to the salary you have been paid for the same period. In most cases this results in a payment of a balance of salary, however, there may be instances where the salary paid exceeds the weeks which have been worked and a recovery of salary is necessary.

Once you return to work, a second calculation is carried out to identify whether you are entitled to a payment in respect of annual leave you have accumulated whilst on adoption leave.

Please note: The date on which you start and end your adoption leave can significantly affect the balance of salary calculation. For school using Serco payroll please contact the Schools Transactions Team to establish how this is likely to affect you, for non-Serco schools contact your Headteacher/line manager.

## **12. Pension plan**

Contributions to the Local Government and Teachers Pension Scheme will automatically continue to be deducted from your actual pay if you are a member of the Scheme on paid adoption leave.

### **12.1. Local Government Pension Scheme member only**

If you take unpaid adoption leave you must decide whether to pay pension contributions for this period and on your return to work you will be given the opportunity to purchase contributions for any period of unpaid adoption leave.

Contributions will be based on the pay you were receiving the day before unpaid leave started. Should you wish to purchase service for periods of unpaid adoption leave, you must contact the LPP Local Government Pension Scheme Administration team on 0300 323 0260 within 30 days of your return to work.

## **13. Dismissal protection**

Where it is not practicable by reason of redundancy for the school to permit you to return to work in your job as defined above you shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to you and appropriate to the circumstances. In addition, the capacity and place in which you are to be employed and your terms and conditions of employment are not substantially less favourable to you than if you had been able to return in the job to which you were originally employed.

Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general reorganisation), which would have occurred if you had not been absent,

necessitate a change in the job in which you were employed prior to your absence. The work to be done should be suitable to you and appropriate to the circumstances and the capacity and place in which you are to be employed and your terms and conditions of employment should not be less favourable to you than if you had been able to return to the job in which you were originally employed.

Headteachers and governors should seek further advice from their HR Advisers.

#### **14. Childcare voucher scheme**

Participation in the Childcare Scheme will not affect your Adoption Pay and will continue during your Adoption Leave period. The Childcare Voucher Scheme enables you to exchange part of your salary for Childcare Vouchers which are exempt from Tax and National Insurance. For a basic rate taxpayer this could mean a saving of over £500 per year. Please refer to the guidance note for full details on the scheme.

#### **15. Flexible Working**

Prior to or when you return from Adoption Leave if you wish to be considered for part-time hours, you must apply in writing under the Flexible Working Policy. Please see Flexible Working Policy.

#### **16. Shared Parental Leave**

Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date.

For more information please see the Shared Parental Leave Policy

#### **17. Pay Review whilst on adoption leave**

Employees are entitled to a pay review whilst on adoption leave in the same way that they would be if they weren't on adoption leave.

If following a pay review the employee becomes eligible for a pay rise between the start of the original calculation period and the end of the maternity leave, both the higher and standard rate of SAP and OAP will be recalculated to take account of the employee's pay rise. This means that the employee's SAP and OAP will be recalculated and increased retrospectively. In some cases they may qualify for SAP or OAP if they did not previously. The employee will be paid a lump sum to make up any difference between SAP or OAP already paid and the amount payable as a result of the pay rise.

#### **18. Failure to Return to Work**

If you fail to return to work on the dates agreed with the School you may be subject to disciplinary action in the same way as any other employee who has failed to return to work following a period of absence

#### **19. Job Opportunities whilst on maternity leave**

Whilst on maternity leave you have the same opportunities to access job vacancies, promotion and development opportunities. Before you commence your maternity leave you should discuss with your employer how you would like to be notified of any opportunities that arise that you wouldn't otherwise be aware of from other publicised sources, e.g. Teach in Herts.

## Appendix 1: Notification of intention to take Adoption Leave

*On completion, please hand this form to your headteacher*

<b>Personal Details</b>  Name.....  Home address.....  ..... Post code.....  Contact telephone number.....  School..... School ref no.....
<b>Leave</b>  The child's placement is due to take place on.....  A matching certificate issued by an adoption agency confirming that I have been matched for adoption is enclosed with this form.  I would like to start my adoption on.....
<b>Pay</b>  If eligible, the Occupational Adoption Pay equivalent to 12 weeks half pay for non-teaching staff and 7 weeks for teaching staff is conditional upon returning to work for 3 months following maternity leave to Hertfordshire County Council, another local government or associated employer or a new employer following a TUPE in the same post (but excluding new employment with an Academy or Free School).  If you want to return early from your Adoption Leave, you must give your headteacher at least 21 days' notice.
I confirm that the child whom I am adopting has been newly matched by an approved adoption agency and I am the only individual taking adoption leave in respect of the adoption of this child.  Signed..... Date.....