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Trust**

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ADOPTION POLICY

Document Control

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This policy, which applies to both full-time and part-time employees across Chapel St, outlines the rights and responsibilities of employees who are adopting a child or are in surrogacy arrangements and gives guidance on the procedure to be followed. Adoption leave can be taken by:

- individuals who have been newly matched with a child for adoption by an approved agency and have notified the agency that they agree to the placement.
- one member of a couple where a couple adopt jointly and have been newly matched with a child for adoption by an approved agency and have notified the agency that they agree to the placement.
- a couple in a surrogacy arrangement who intend to apply for a parental order in respect of the child within six months of the birth and who expect that order to be granted.

Please note that adoption pay, and leave is not available in circumstances where a child is not newly matched e.g. where a stepparent is adopting a partner's child.

Foster parents can take adoption leave if the child that they are fostering is then matched with them for adoption by a UK adoption agency (as opposed to by court order). Adoption leave only relates to the placement for adoption not any period of foster caring.

Notification of intention to take adoption leave

For UK adoptions

Formal notification of intention to take adoption leave should be made in writing within seven days of being informed by the adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable.

You should inform your manager in writing of the following:

- when the child is expected to be placed with you
- when you plan to start your adoption leave eg on the date of placement, a set number of days before the date of placement up to 14 days (this date may be changed provided 28 days' notice is given). You will also be required to provide Chapel St with a 'matching certificate' from the adoption agency as evidence of your entitlement to Statutory Adoption Pay (SAP) and adoption leave.

For overseas adoptions

Formal notification of intention to take adoption leave should be made in writing giving at least 28 days' notice of the start date of the statutory adoption leave. You should inform your manager in writing of the following:

- the date on which you received official notification (within 28 days of receiving this)
- when the child is expected in the UK
- the date that the child entered the UK (within 28 days of the child entering)
- when you plan to start your adoption leave eg on the date of placement, a set number of days before the date of placement up to 14 days, or when the child arrives in the UK or within 28 days of their arrival (this date may be changed provided 28 days' notice is given).

You will also be required to provide the Trust with a 'matching certificate' (or equivalent) from the adoption agency and evidence of the child's entry to the UK as evidence of your entitlement to Statutory Adoption Pay (SAP) and adoption leave.

Adoption leave is not to be used to cover the period you spend travelling overseas to arrange the adoption or visiting the child.

For surrogacy arrangements

Formal notification of intention to take adoption leave should be made in writing at least 15 weeks before the expected week of birth.

You should inform your manager in writing of the following:

- the baby's due date
- when you plan to start your adoption leave eg on the date of birth or the day after (this date may be changed provided 28 days' notice is given).

You will also be required to provide a 'statutory declaration' (signed in the presence of a legal professional) to confirm you've applied or will apply for a parental order in the six months after the child's birth.

Confirmation of notification

On receipt of your letter, Chapel St will respond in writing to you within 28 days. This letter will confirm your expected date of return to work. If you wish to return to work earlier than the date stated in the letter, you must give eight weeks' notice in writing of the date you wish to return.

Adoption or surrogacy appointments

If you are taking adoption or surrogacy leave you will be able to take paid time off for up to five appointments. If you are a couple adopting jointly or a couple in a surrogacy arrangement, the other half of the couple will be entitled to take unpaid time off for up to two appointments.

Statutory adoption pay

For adoptions, to qualify you must have been continuously employed by Chapel St for 26 weeks leading into the week in which you are notified of being matched with a child for adoption. For surrogacy arrangements, to qualify you must have been employed for 26 weeks with Chapel St by the 15th week before the expected week of birth.

In addition to the above to qualify you must have average weekly earnings above the lower earnings limit for National Insurance Contributions.

Statutory Adoption Pay (SAP) is payable for a maximum period of 39 weeks and is payable in weekly blocks. SAP is paid in the same manner and on the same date as normal salary. If you qualify for SAP, you are entitled to receive:

- higher rate of SAP (90% of average earnings) for the first six weeks of your adoption leave plus
- the standard rate of SAP (or 90% of average earnings if this is less than the standard rate) for the remaining 33 weeks.

If your earnings are below the LEL, additional financial support may be sought through the local Job Centre Plus or Social Security office.

Enhanced adoption pay

The terms of your personal statement may entitle you to enhanced adoption pay under an independent scheme (eg Burgundy book or Green book).

Adoption leave

All adoptive parents, regardless of length of service, have an entitlement to 52 weeks adoption leave. You can choose to take up to 26 weeks' Ordinary Adoption Leave (OAL), and up to a further 26 weeks' leave, known as Additional Adoption Leave (AAL).

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

Leave can commence on any day of the week, and on one of the following:

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

If you start your adoption leave before the child is placed, you need to be sure that the placement is going ahead. If it is delayed once you have started your leave, you cannot start it again at a later date.

If the placement ends during the adoption leave period, you will be able to continue your adoption leave for up to 8 weeks after the end of the placement, or until the end of the maximum leave period if that is sooner.

Contact during adoption leave

Agreement will be reached prior to you starting your leave as to how you would like Chapel St to keep in contact with you during this period.

Contractual status during adoption leave

You will remain under the terms of your contract of employment, with the exception of remuneration, throughout any period of adoption leave.

Returning to work

Should you wish to return to work earlier than the end of AAL as stated in your letter from Chapel St, you must give a minimum of eight weeks' notice of your return date. If no such notification is received, it will be assumed that your return to work date will be as outlined in the letter.

Should you fail to provide the required eight weeks' notice, Chapel St can postpone your return to work by up to eight weeks (but not beyond the end of your AAL).

After a period of OAL, you are entitled to return to the job in which you were employed before your absence. After AAL, you are entitled to return to either the job you were in before your absence, or if impracticable, Chapel St has the right to have you return to another job which is both suitable and appropriate for you in the circumstances.

If you fail to return on the date you are due back from adoption leave and you do not provide a good reason for your continued absence such as sickness, an assumption may be made that you do not want to return to your post and your employment may be terminated following appropriate procedures being taken.

Keeping in touch (KIT) days during adoption leave

You may work during your adoption leave for up to 10 days (known as keeping in touch days) without bringing your adoption leave to an end. Payment for the days worked will be actual salary unless you are still receiving SAP and/or OAP where payment will be made up to normal salary.

A KIT day will be counted as one KIT day regardless of the length of time that you have worked on that day.

Chapel St has no statutory obligation to agree to a KIT day, and you are not obliged to work on such a day. The KIT day must be agreed by both parties.

The total duration of your adoption leave period will remain at 52 weeks regardless of whether or not you work on a KIT day.

Pension contributions during adoption leave

Prior to taking adoption leave, you should arrange a meeting with HR to discuss the payment of pension contributions during your absence.

Accruing annual leave whilst on adoption leave

During your adoption leave you will accrue statutory annual leave entitlements of 28 days (5.6 weeks), pro rata for part time employees, under the Working Time Regulations 1998. This includes bank holiday entitlements.

Annual leave entitlement can be offset against any period of school closure that has taken place during the school year from September to August. Any outstanding leave should be taken on return to work and this can be during term time if there are insufficient school closures to accommodate the leave during the leave year. Any annual leave taken during term time must be agreed with the Head Teacher.

Redundancy whilst on adoption leave

In the unlikely event that your position becomes redundant during your absence, you will be offered a suitable alternative position if one is available. If no suitable alternative employment opportunities exist, you will be given the appropriate redundancy payment. A full consultation process will be conducted, and you will be kept fully informed throughout the process, including being invited to meetings.