



**Education
Partnership
Trust**

Creating outstanding schools
which transform learning, lives
and communities

ADOPTION POLICY

Document Control

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1.0 PURPOSE

- 1.1 This policy sets out adoption leave and pay provisions for Teachers and School Support Staff adopting a child under 18 years of age, and the arrangements for requesting such leave and pay. The policy also makes reference to surrogacy arrangements and the application of leave and pay in this case.

2.0 SCOPE

- 2.1 The policy applies to all Teachers and Support Staff employed in schools and services within the Education Partnership Trust.
- 2.2 The Trust is committed to the advancement of equality, diversity and inclusion for all of its staff and to developing working practices and HR policies that support work-life balance.

3.0 STATUTORY ADOPTION LEAVE AND PAY

- 3.1 SAL and Statutory Adoption Pay (SAP) is available to:
- individuals who adopt; or
 - one member of a couple where the couple adopt jointly.
- 3.2 Where a couple adopts a child jointly, only one of them is entitled to take SAL and the couple can choose which. The other parent may, depending on his or her circumstances, be entitled to Statutory Paternity Leave.
- 3.3 Those who are eligible are entitled to up to a total of 52 weeks' leave as follows:
- 26 weeks' Ordinary Adoption Leave (OAL); immediately followed by
 - 26 weeks' Additional Adoption Leave (AAL).
- 3.4 To qualify for adoption leave, an employee must satisfy the following criteria:

Qualifying Conditions – Adoptions within the UK

- 3.5 To qualify for SAL where a child is being adopted within the UK, an employee must:
- have been matched with a child for adoption by an approved agency, or be one of a couple that has been jointly matched with a child;
 - be employed by the School when he or she (or his or her spouse, partner or civil partner) is formally notified by an approved adoption agency of being matched with a child for adoption;
 - have notified the agency that he or she agrees with the placement; and
 - have complied with the notification procedures (set out below).

Notes:

- If the intended parents in a surrogacy arrangement have applied or intend to apply for a Parental Order for a child within six months of the child's birth, and they expect that order to be granted, they will be eligible for SAL.
- If employees are local authority foster parents who have been approved as prospective adopters under the 'fostering to adopt' arrangements, they will be eligible for SAL if they are notified that a child is to be placed with them for adoption.

Qualifying Criteria – Adoptions from Overseas

- 3.6 To qualify for SAL where a child is being adopted from overseas, an employee must:
- be the child's adopter;
 - be employed by the School when he or she has received official notification of the placement; and
 - have complied with the notification procedures (set out below).

Notification Procedures – Adoptions within the UK

- 3.7 To exercise the right to SAL, eligible employees must do the following:
- Inform the Headteacher of their intention to take SAL as soon as possible or at least within seven days of having been notified by the adoption agency that they have been matched with a child for adoption;
 - Provide documentary evidence in the form of a certificate provided by the adoption agency; and
 - Advise the Headteacher of the date on which the child is expected to be placed with them for adoption and when they want their adoption leave to start.
- 3.8 Employees can choose to start their leave from the date of the child's placement or from a fixed date, which can be up to 14 days before the expected date of placement. In the case of surrogacy, however, SAL can only be taken from the date of the child's birth.
- 3.9 Employees may change their mind about when they intend their leave to start but must give at least 28 days' notice of the amended start date or, where this is not reasonably practicable, give notice as soon as is reasonably practicable.
- 3.10 In discussion with the employee, the school will confirm the date the employee will be expected to return to work if his or her full entitlement to adoption leave is taken.

Notification Procedures – Adoptions from Overseas

- 3.11 Eligible employees adopting a child from overseas must do the following:
- Inform the Headteacher of their intention to take SAL as soon as possible and at least within 28 days of receiving an official notification from the relevant domestic authority;
 - Notify the Headteacher of the date on which the official notification was received;
 - Produce a copy of the official notification; and
 - Inform the Headteacher of the date the child is expected to enter the UK.
- 3.12 Employees must give at least 28 days' notice of the date on which SAL is to start. They must also inform the Headteacher of the date that the child entered the UK, within 28 days of the child's date of entry, and provide documentary evidence (e.g. a plane ticket) to confirm the child's arrival.
- 3.13 The adoption leave may begin on the date the child enters the UK or on a predetermined date that is no later than 28 days after the child entered the UK.
- 3.14 Employees may change their mind about when they intend their leave to start but must give at least 28 days' notice of the amended start date or, where this is not reasonably practicable, give notice as soon as is reasonably practicable.

- 3.15 Once the Headteacher has notified the Payroll Service of the date on which an eligible employee intends to start his or her adoption leave, the Payroll Service will write to the employee within 28 days, setting out the date the employee will be expected to return to work if his or her full entitlement to adoption leave is taken.

Entitlement to Statutory Adoption Pay (SAP)

- 3.16 In order to qualify for SAP an employee must:
- Have been continuously employed by the School for at least 26 weeks by the end of the week in which he or she (or his or her spouse, partner or civil partner) was formally notified by an approved adoption agency of being matched with a child for adoption or received official notification of the placement if the adoption is from overseas.
 - Have earnings of at least the lower earnings limit for National Insurance as at the end of the matching week (or week when official notification is received for an overseas adoption) and have complied with the notification requirements for SAL.
 - Notify the School of when they want to receive SAP at least 28 days before the date that they would like it to begin or as soon as reasonably practicable.

Notes:

- If the intended parents in a surrogacy arrangement have applied or intend to apply for a Parental Order for a child within six months of the child's birth, and they expect that order to be granted, they will be eligible for SAP. SAP can only be paid from the date of the child's birth in these circumstances.
 - If employees are local authority foster parents who have been approved as prospective adopters under the 'fostering to adopt' arrangements, they will be eligible for SAP if they are notified that a child is to be placed with them for adoption.
- 3.17 SAP is payable for the first 39 weeks of SAL. The remainder is unpaid. The first 6 weeks of SAP is paid at 90% of the employee's average weekly earnings. The remaining 33 weeks of SAP is paid at either the weekly standard rate or 90% of the employee's average weekly earnings, whichever is the lesser amount.
- 3.18 Where an employee does not qualify for SAP, the SAL period will be unpaid.

Time Off Provisions for Prospective Adoptive Parents

- 3.19 Prior to adoption, the main adopter is entitled to take statutory paid time off to attend up to five appointments arranged by or at the request of the adoption agency for the purpose of having contact with the child, meeting the child's social worker or current carer, or for any other purpose connected with the adoption up to the date of the placement of the child. The entitlement is up to six-and-a-half hours on up to five occasions.
- 3.20 Where a couple adopt a child jointly, only one of them is entitled to the 5-day paid time off entitlement. The other parent will be allowed statutory time off to attend up to two appointments of up to six-and-a-half hours on each occasion. Under the School's agreed arrangements, this time off will also be paid.

Notes:

- 3.21 These time off provisions will apply to local authority foster parents who have been approved as prospective adopters under the 'fostering for adoption' arrangements and are notified that a child is to be placed with them under section 22C of the Children Act 1989. If, during the placement, the foster parents are subsequently notified by an adoption agency that the child is to be placed with them for adoption, this does not give rise to a further right to time off to attend adoption appointments.
- 3.22 Intended parents in surrogacy cases who intend to apply and are eligible to obtain a Parental Order will be eligible for paid time off to attend up to two ante- natal appointments under the School's Special Leave Policy provisions.

Shared Parental Leave (SPL)

- 3.23 An employee on SAL may choose to reduce their SAL entitlement to enable them and their partner to opt into SPL, to take any remaining weeks as SPL, if they meet the eligibility criteria.

Rights During SAL

- 3.24 An employee on either OAL or AAL has the right to the continuation of all contractual terms and conditions of employment, except pay. Although not entitled to be paid, the employee may qualify for SAP (see 'Entitlement to SAP' above).

'Keeping in Touch' Days

- 3.25 An employee on SAL may work for up to 10 'Keeping in Touch' (KIT) days without this affecting the employee's SAP entitlement, or his or her entitlement to continue on adoption leave until the due return date.

Redundancy During SAL

- 3.26 Where a suitable alternative position exists, an employee whose job becomes redundant while they are on SAL is entitled to be offered (before the end of their employment under their existing contract) this in preference to other candidates who are not on maternity, adoption or shared parental leave.

Returning to Work Following SAL

- 3.27 However, if they intend to return to work before the end of the SAL period, they must write to the Headteacher giving at least eight weeks' notice of their intended date of return. If the employee fails to do so, the Headteacher may delay their return until the eight-week period has expired, or the end of the OAL or AAL period, whichever is earlier.
- 3.28 The Headteacher may make reasonable contact with an employee to plan their return to work.

Disrupted Placement

- 3.29 If, after an employee has commenced his or her SAL, the expected placement does not occur, or the newly adopted child dies, is returned to the adoption agency or ceases to live with the adopter, the employee's SAL period will end eight weeks after the start of the OAL period (if the placement did not occur) or eight weeks from the end of the week in which death occurred or the child was returned to the agency (if the placement did take place and the disruption occurred later).
- 3.30 The same applies if a child adopted from overseas dies or ceases to live with the adoptive parents. For these purposes, a "week" is the period of seven consecutive days beginning with Sunday.

Rights on Return from SAL

- 3.31 An employee returning from OAL is entitled to return to the same job as before on the same terms and conditions of employment.
- 3.32 Where an employee takes OAL followed immediately by more than four weeks' parental leave, an employee has the right to return to the job in which they were employed before their absence or, if it is not reasonably practicable for the Headteacher to permit them to return to that job, to another job that is both suitable and appropriate for them to do in the circumstances.
- 3.33 An employee returning from AAL is entitled to return to the same job unless it is not reasonably practicable for the Headteacher to allow him or her to do so. In such circumstances, the employee is entitled to be offered a suitable and appropriate position.
- 3.34 NOTE: In addition to the statutory provisions set out above, reasonable time off with pay will be allowed to both prospective adoptive parents for adoption interview, an initial introduction visit and court attendances, as required, by recognised adoption agencies.

4.0 OCCUPATIONAL ADOPTION PAY SCHEME

- 4.1 The Occupational Adoption Pay Scheme as far as possible mirrors the Teachers and NJC Maternity Leave Schemes.

NOTE: The notification arrangements relating to SAL (set out above) will apply in relation to this Occupational Adoption Pay Scheme.

- 4.2 Where a couple are adopting, they should decide which one of them will take SAL (and receive pay in line with the Occupational Adoption Pay Scheme, if they are an employee of the Trust and meet the continuous service qualifying criteria of one year or more continuous Local Government Service). The other parent may, depending on his or her circumstances, be entitled to Statutory Paternity.
- 4.3 An employee who has, at the time that an approved match with a child is made by an approved Adoption Agency, 1 year or more continuous Local Government or other reckonable service, can apply for up to 52 weeks' leave of absence (26 ordinary leave and up to 26 weeks' additional adoption leave) under the scheme.

Teaching Staff

1. For the first 4 weeks of absence – full pay, offset against payments of SAP.

2. For the next 2 weeks of absence – 9/10ths of a week's salary, offset against payments made by way of SAP
 3. For the next 12 weeks of paid absence, half of basic salary plus payments made by way of SAP. BUT whatever the total of these two amounts, this cannot be more than the equivalent of normal basic pay per week.
 4. For the next 21 weeks - SAP entitlement only.
- 4.4 The rate of SAP will be the same as the standard rate of Statutory Maternity Pay and is subject to the qualifying criteria above (see 4 above). The rate of pay during adoption leave will not exceed an employee's normal rate of pay.
 - 4.5 An employee must return to work for at least 13 weeks (including periods of school closure).
 - 4.6 If an employee does not return for the requisite period, they will be required to repay the 12 weeks of half pay.

Support Staff

1. 90% of average weekly earnings for the first six weeks offset by payments made by way of SAP.
 2. Those employees who declare in writing an intention to return to work will receive for the subsequent 12 weeks, half pay plus SAP up to the equivalent of full pay, plus 21 weeks at standard rate SAP.
 3. Employees not intending to return to work will receive payment in accordance with (i) above and during the subsequent 33 weeks will receive their entitlement to SAP.
 4. Payments made by Payroll under the half pay element of (ii) above are made on the understanding that the employee will return to Trust employment for a period of at least three calendar months, which may be varied on good cause being shown. In the event of an employee not returning to work, they shall refund the monies paid, or such part thereof, if any, as the Headteacher may decide.
- 4.8 If the expected placement does not occur, or the newly adopted child dies, is returned to the adoption agency or ceases to live with the adopter after the adoption leave has commenced, the leave is unaffected under the terms of this Occupational Adoption Scheme. However, SAP will end eight weeks after the disruption occurs.

5.0 MONITORING AND REVIEW

- 5.1 Human Resources will work with Head teachers and governing bodies to monitor the application of this policy. They may review any aspect of the procedure in light of changing circumstances at any time, in consultation with the recognised trade unions.