



BOHUNT EDUCATION TRUST ADOPTION LEAVE POLICY

1.1 Adoption Leave

An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave from day one of his/her employment. The employee's entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. The employee's maximum entitlement is therefore to take up to 52 weeks' adoption leave.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to their following the correct notification procedures as set out below.

Parents who will become the legal parents of a child under a surrogacy arrangement are entitled to take statutory adoption leave. Local authority foster parents who are also prospective adopters ("foster to adopt") are entitled to take adoption leave.

1.2 Adoption Pay

Employees who take adoption leave will also qualify for statutory adoption pay, provided that they have 26 weeks' service calculated as at the week in which notification of matching was given by the adoption agency and have average weekly earnings not less than the lower earnings limit for national insurance contributions.

Statutory adoption pay is payable for up to 39 weeks.

EITHER:

Adoption pay is payable at 90% of normal earnings for the first six weeks, following which it is payable at the rate set by the Government for the relevant tax year (or 90% of normal earnings, if that is lower than the Government's rate)

OR: Providing the employee has at least one year's continuous service ending with the week in which he/she is notified of having been matched with a child by the adoption agency:

- First 4 weeks full pay, inclusive of SAP
- Next 2 weeks 90% of a week's salary, inclusive of SAP
- Next 12 weeks, 50% pay + SAP (or 90% of average weekly pay whichever is the lower (providing the 50% pay + SAP does not exceed full pay)
- Next 21 weeks at SAP
- 13 weeks unpaid

The employee's subsequent obligation is to return to his/her job for at least the equivalent of 13 full time weeks (including periods of school closure) as a qualifying condition to occupational adoption pay. The 13 week period starts from the date the teacher returns to work or the date during the school holiday on which the teacher is declared medically fit to be available to work.

In the event of the employee not being available, or being unable, to return to his/her job for the required period, the Trust may require that any occupational adoption pay after the first six weeks' payment is refunded.

Payments made by way of SAP are not refundable.

Adoption pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

1.3 Notification

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier.

To make administration as easy as possible, the employee should discuss the timing of his/her adoption leave with the Headteacher or his/her immediate manager as early as possible.

To be entitled to take adoption leave and receive statutory adoption pay, the employee is required to give the Trust written notification of his/her intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. Notice must be in writing and must specify the date the child is expected to be placed with the employee for adoption and the date the employee intends his/her adoption leave to start.

The employee is permitted to bring forward his/her adoption leave start date, provided that he/she advises the Trust in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone his/her adoption leave start date, provided that he/she advises the Trust in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The employee must also provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency. Within 28 days of receiving the employee's notice of intention to take adoption leave, the Trust will write to the employee confirming the latest date on which the employee must return to work after adoption leave.

1.4 Time off to attend adoption appointments

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments, the other can elect to take unpaid time off to attend up to two adoption appointments.

The purpose of the appointment is to enable the employee and his/her partner to have contact with the child (for example, to bond with him/her before the placement) and for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.

The Trust may ask the individual for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).

1.5 Rights during adoption leave

During ordinary adoption leave and additional adoption leave, all terms and conditions of the employee's contract except normal pay will continue. This means that, while sums payable by way of salary will reduce or cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue. Employees are encouraged to take any outstanding holiday due to them before the commencement of adoption leave.

Members of the Teachers' pension scheme will continue to have contributions paid (both employer and employee) for as long they continue to receive at least half pay or statutory family leave pay. Once half pay or statutory pay ceases then no contributions will be made until the member returns to pensionable employment.

Members of the local government pension scheme will pay contributions on any pay or allowances received (up to 39 weeks of SAP). An employee will pay contributions based on his/her actual pay. If he/she does not qualify for SAP and receives no pay, then no contributions will be payable. This period of service counts as reckonable for pension purposes.

If the employee has any unpaid Additional Adoption Leave, it will not be reckonable for pension purposes. Employees can opt to pay arrears of contributions in order for this period of unpaid leave to count but they would need to arrange this within 30 days of their return to work.

1.6 Contact during adoption leave

The Trust reserves the right to maintain reasonable contact with employees during adoption leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

1.7 Keeping-in-touch days

Employees can agree to work for the Trust (or to attend training) for up to 10 days during their adoption leave without that work bringing their adoption leave to an end and without loss of a week's statutory adoption pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The Trust has no right to require employees to carry out any work and employees have no right to undertake any work during their adoption leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and the Trust.

1.8 Returning to work after adoption leave

The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that he/she gives the appropriate notification. Alternatively, the employee may take his/her full period of adoption leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of adoption leave has elapsed, he/she must give at least eight weeks' notice in writing to the Trust of the date on which he/she intends to return.

The employee has the right to resume working in the same job if returning to work from ordinary adoption leave. If the employee returns to work after a period of additional adoption leave, he/she is 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 adoption leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the adoption leave period.

If the employee decides during adoption leave that he/she does not wish to return to work, he/she should give written notice of resignation to the organisation as soon as possible and in accordance with the terms of his/her contract of employment.

1.9 Transfer of adoption leave - 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.

1.10 Adopting a child from overseas

To qualify for adoption leave and pay, an employee who adopts from overseas must have received written official notification issued by or on behalf of a relevant UK authority (usually the Department of Health) which confirms that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

To receive adoption leave, and pay if eligible, the employee must produce the following evidence:

- a copy of the official notification at least 28 days before he/she wishes to claim Statutory Adoption Pay (SAP)
- further evidence of the date of entry, such as a plane ticket or copies of entry clearance documents, within 28 days of the child entering the UK.

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