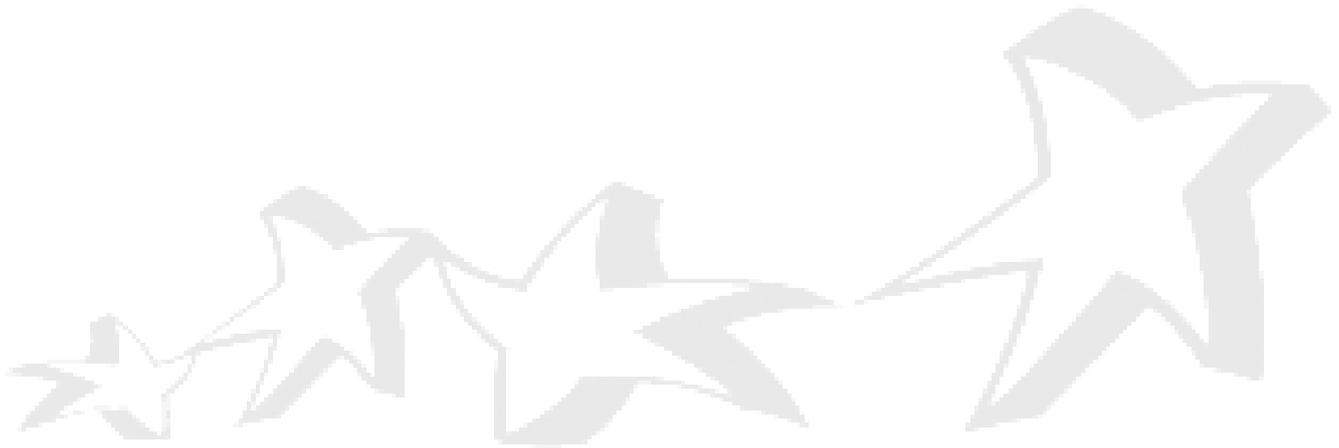




## TRUST IN LEARNING (ACADEMIES)

### ADOPTION LEAVE POLICY



Date Created: January 2015  
 Effective From: January 2015  
 Dated Adopted by the Board: January 2015  
 Review Date: December 2019

Date	Page	Change	Purpose of Change
October 2016			New Policy
December 2017		No Change	

## Introduction

The Academy is committed to ensuring equality and diversity across the organisation and the purpose of this Policy is to provide an opportunity for our staff to integrate the development of a career with family responsibilities.

This document sets out the adoption provisions to which employees are entitled, both before and after the birth of their child. These provisions comply with the relevant legislation and apply to all staff employed by the Academy.

Adoption provisions refer to the leave and pay to which employees may be entitled, and their right to resume employment with the Academy, following the period of leave. All employees have the right not to be subjected to a detriment on the grounds of adoption.

## 1. Eligibility and Benefits

Adoption leave:

52 weeks' adoption leave will be available to any member of staff who meets the following criteria:

- has been newly-matched with a child for adoption by a UK adoption agency; and
- has completed 26 weeks continuous service ending with the week in which they are notified of having been matched with the child

### Adoption Pay:

Staff who meet the above criteria for adoption leave will also be entitled to either Occupational or Statutory Adoption Pay as follows:

#### Occupational Adoption Pay (OAP)

OAP will be paid in cases of children under statutory school age (normally five years). OAP may also be exceptionally agreed in cases where the child is over statutory school age as determined on a case-by-case basis by the Chief Executive/Principal/Head teacher.

A further condition of OAP is that the employee should return to work at the Academy, in a full or part-time capacity, for at least 3 months following adoption leave. The school/Academy reserves the right to reclaim all the non-statutory elements of pay if an employee fails to return for this period of time. Eligibility to Statutory Adoption Pay (SAP) remains unaffected, regardless of whether the individual returns. Employees who qualify for Occupational Adoption Pay will receive the following depending on staff group:

## OAP

### For Support and Associate Staff

- 6 weeks at 90% of full pay followed by
- 12 weeks x half pay *plus* SAP; followed by
- 21 weeks x SAP; followed by
- 13 weeks unpaid leave

### For Qualified Teachers and those employed under the Conditions of Service for School Teachers in England and Wales.

- 4 weeks full pay
- 2 weeks at higher SAP rate (currently 90% of normal pay)
- 12 weeks x half pay plus SAP
- 21 weeks x SAP
- 13 weeks unpaid leave

### Statutory Adoption Pay (SAP)

SAP will normally be paid in cases of children over statutory school age (normally five years) except where a case for OAP is exceptionally agreed by the Chief executive/Principal/Head teacher. SAP will also be paid in situations where an employee does not return to work at the school/Academy, in a full or part-time capacity, for at least 3 months following adoption leave.

SAP consists of 39 weeks at the statutory adoption pay rate. This is a flat payment reviewed by the government each year (currently £138.18 or 90% of the employee's average weekly earnings, whichever is lower 2014). Eligibility to receive SAP is also subject to the employee's earnings reaching the government's Lower Earnings Limit for National Insurance Contributions.

### Application of provisions above

The provisions outlined above apply to the primary carer regardless of gender.

### Availability of adoption leave and pay

Adoption leave and pay are only available to one parent, the primary carer. The other parent may take paternity leave and pay. This applies where parents work for the same or different employers.

### Situations where these arrangements are applicable

These arrangements only apply to situations where a member of staff is matched with a child who is placed for adoption within Great Britain. Similar provisions apply when a child is adopted from overseas, although the detailed application of the scheme differs slightly. Members of staff in these circumstances are advised to contact their HR Manager.

### Failure of staff member to return to work and continue in employment

The school/ Academy may reclaim the whole or part of any Occupational Adoption Pay (element of pay over and above the Statutory Adoption Pay (SAP) if the member of staff fails to return to work and continue in employment for at least three months.

### **Combination of payments**

No combination of payments shall exceed full pay.

### **Tax, national insurance, and superannuation**

All adoption pay is subject to tax and national insurance, and where appropriate, superannuation.

### **Sick pay**

Employees will not qualify for sick pay while they are on adoption leave.

### **Eligibility to work**

Employees are not eligible to work while receiving Statutory Adoption Pay (with the exception of the 10 optional “keeping in touch days” – see below).

## **2. Annual Leave**

Employees will continue to accrue annual leave during paid and unpaid adoption leave. This does not include Bank Holidays, which do not accrue.

It is not possible to take annual leave whilst on adoption leave. This means that any annual leave accrued during this period must be taken at any alternative date as detailed below.

Either before adoption leave starts (i.e. it is taken in the same annual leave year);

Or immediately on return from adoption leave, thereby effectively extending the employee’s actual physical return to work (i.e. it is carried forward to the next annual leave year but must be taken immediately on return or it is lost).

Any annual leave accrued whilst on adoption leave *during the annual leave year in which the employee returns* may be taken:

Either immediately on return from adoption leave, thereby effectively extending the employee’s actual physical return to work (even if this crosses into a new annual leave year);

Or at some other mutually agreed time during the annual leave year in which the employee returns.

Where it is agreed that an employee will return to work on the basis of reduced contractual hours of work, the employee’s new reduced hours should not normally take effect until any leave accrued under the previous contractual hours has been taken. This effectively means that an employee may officially return to work on X day, take their outstanding holiday accrued at their previous (e.g. full-time) contractual hours and then physically return to work and start their new reduced hours on Y date.

## **3. Pension Arrangements**

Staff on adoption leave will continue to be members of the relevant pension scheme.

## **4. Salary Progression**

On return to work the employee’s salary will be reviewed to take into account any pay progression, or general increase which would have applied had they not been on adoption leave.

## 5. Continuity of Service

The contract of employment continues throughout adoption leave. Continuity of service will not have been broken by an unpaid period of absence. Therefore, entitlement to periods of notice, holidays and sick leave which accrued at the beginning of adoption leave will not be lost.

## 6. Keeping in Touch Days

Employees may, by agreement with their Head of Department, undertake up to 10 days paid work, referred to as “keeping in touch days”, during their adoption leave. Such days may be undertaken at any stage during the leave period except during the first two weeks after the child has been placed. The type of work undertaken is a matter for agreement between the employee and their Head of Department. The days may be used for any activity which would ordinarily be classed as work under the employee’s contract, and could be particularly useful in enabling an employee to attend a conference, undertake a training activity or attend a team meeting. Keeping in touch days are optional and can only take place by agreement between both parties.

Keeping in touch days do not extend the statutory or occupational adoption pay period in any way. For instance, if a keeping in touch day occurs during a period of full pay, no additional payment will be made. If a keeping in touch day occurs during a period of half pay or SAP only, this will be effectively “topped up” so that the individual receives full pay for the day in question. Payment for keeping in touch days will only be made after completion of the day’s work.

All employees may undertake up to 10 days work, with the agreement of their Head of Department, regardless of whether they are full-time or part-time. Where an employee works for less than a full day, this will still count as one keeping in touch day for the purposes of the 10 days maximum, although payment will only be made for actual hours worked.

Employees wishing to undertake a keeping in touch day should complete a keeping in touch day form and forward this to their line manager in the first instance.

## 7. Returning to Work

Employees may exercise the right to return to work at any time during the period of leave, except within two weeks of the placement. They will have the right to return to the job or comparable job to that which they were employed with the same terms and conditions as if they had not been absent. If they return prior to the end of the leave period they should give at least 8 weeks’ notice, in writing, of their intended date of return. If the employee fails to give the required notice, the School/ Academy may postpone the return for up to eight weeks.

While returning to work on the basis of an alternative working pattern or hours of work is not a right, the School/ Academy will give sympathetic consideration to such requests, on either a temporary or permanent basis, from employees returning to work following adoption leave. They should submit a request in writing as early as possible, but not later than 8 weeks before the notified date of return to work. Any change must be discussed, and agreed with their Manager. The possibility of flexible working arrangements, which may include arrangements for establishing a job share, may be discussed with their Manager in conjunction with Human Resources Advisor. Should the job content and responsibilities of a revised role differ significantly to those of a previous role, the grading of the post may be reviewed.

## 8. Procedure and Timetable

Members of staff must notify the School/ Academy that they want to take adoption leave no more than seven days after the date on which they are notified that they have been matched with a child for the purposes of adoption unless this is not reasonably practical.

Members of staff must tell the School/ Academy when the child is expected to be placed with them and when they wish to start their adoption leave (via the application form) at least 28 days before the date they want it to begin, or as soon as is reasonably practicable.

The School/ Academy will request documentary evidence of the entitlement to adoption leave (for instance, the matching certificate provided by the adoption agency).

Members of staff can choose to begin their adoption leave and pay on:

The date on which the child is placed with them for adoption; or

A pre-determined date no earlier than 14 days before the expected date of placement and no later than the date of placement.

Members of staff are required to give at least eight weeks' notice of the date on which they intend to return to work if it is earlier than the end of the adoption leave period.