



# Greenholm Primary School

## ADOPTION POLICY

### 1. About this policy

1.1 The purpose of this policy is to set out the arrangements for adoption leave and pay for employees who are:

- (a) Adopting a child through a UK or overseas adoption agency.
- (b) Fostering a child with a view to possible adoption.
- (c) Having a child through a surrogate mother.

1.2 Arrangements for time off to attend adoption appointments are set out in our Time off for Adoption Appointments Policy.

1.3 In some cases, you and your spouse or partner may be eligible to opt into the shared parental leave (SPL) scheme which gives you more flexibility to share the leave and pay available in the first year after the child is placed with you. However, one of you must take at least two weeks' adoption leave first. [(See Paragraph 17.)] Details of SPL are set out in our Shared Parental Leave (Adoption) Policy.

### 2. Who does this policy apply to?

2.1 This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

### 3. Who is responsible for this policy?

3.1 The board of trustees (**Board**) has overall responsibility for the effective operation of this policy. The Board has delegated responsibility for overseeing its implementation to the Headteacher. Suggestions for changes to this policy should be reported to the Headteacher.

3.2 Any questions you may have about the day-to-day application of this policy should be referred to [your line manager **OR** the HR Department] in the first instance.



3.3 This policy is reviewed annually by the Headteacher.

#### **4. Entitlement to adoption leave**

4.1 In adoption cases or fostering for adoption cases, you are entitled to adoption leave if you meet all the following conditions:

- (a) You are adopting a child through a UK adoption agency, or you are a local authority foster parent who has been approved as a prospective adopter.
- (b) The adoption agency or local authority has given you written notice that it has matched you with a child for adoption, or that it will be placing a child with you under a fostering for adoption arrangement, and tells you the date the child is expected to be placed into your care (**Expected Placement Date**).
- (c) You have notified the agency that you agree to the child being placed with you on the Expected Placement Date.

4.2 If you are adopting through an overseas adoption agency see paragraph 7 below.

4.3 In a surrogacy case, you are entitled to adoption leave if all the following conditions are met:

- (a) A surrogate mother gives birth to a child who is biologically your child, the child of your spouse or partner, or the child of both of you.
- (b) You expect to be given parental responsibility for the child under a parental order from the court. The child must live with you and you must apply for the parental order within six months of the child's birth.

4.4 Only one parent can take adoption leave. If your spouse or partner takes adoption leave with their employer you will not be entitled to adoption leave but you may be entitled to paternity leave (see our Paternity Leave Policy) and/or shared parental leave (see our Shared Parental Leave (Adoption) Policy).

4.5 The maximum adoption leave entitlement is 52 weeks, consisting of 26 weeks' Ordinary Adoption Leave (**OAL**) and 26 weeks' Additional Adoption Leave (**AAL**).

#### **5. Notification requirements: adoption cases**

5.1 Not more than seven days after the agency or local authority notifies you in writing that it has matched you with a child (or where that is not reasonably practicable, as soon as



reasonably practicable), you must give us notice in writing of the Expected Placement Date, and your intended start date for adoption leave (**Intended Start Date**).

5.2 We will then write to you within 28 days to inform you of the date you would be due to return to work (your **Expected Return Date**) assuming you take your full entitlement to adoption leave.

5.3 Once you receive the matching certificate issued by the adoption agency, you must provide us with a copy.

## **6. Notification requirements: surrogacy cases**

6.1 In a surrogacy case, you must tell us in writing of your intention to take adoption leave and give the expected week of childbirth (**EWC**). You must give this information by the end of the 15th week before the EWC, or if that is not reasonably practicable, as soon as is reasonably practicable. You must also complete a declaration confirming your entitlement.

6.2 We will write to you within 28 days of receiving your notification, to confirm your Expected Return Date assuming you take your full entitlement to adoption leave.

6.3 When the child is born you must tell us the date of birth.

## **7. Overseas adoptions**

If you are adopting a child from overseas, the requirements set out in this policy are varied as follows:

7.1 You must have received notification that the adoption has been approved by the relevant UK authority (**Official Notification**).

7.2 You must give us notice in writing of:

- (a) your intention to take adoption leave;
- (b) the date you received Official Notification; and
- (c) the date the child is expected to arrive in Great Britain.

7.3 This notice should be given as early as possible but in any case within 28 days of receiving Official Notification (or, if you have less than 26 weeks' employment with us at the date of Official Notification, within 30 weeks of starting employment).



7.4 You must also give us at least 28 days' notice in writing of your Intended Start Date. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.

7.5 You must also notify us of the actual date the child arrives in Great Britain within 28 days of that date.

7.6 We may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain.

## **8. Starting adoption leave**

8.1 In adoption or fostering for adoption cases, OAL may start on a predetermined date no more than 14 days before the Expected Placement Date, or on the date of placement itself, but no later.

8.2 If you want to change your Intended Start Date please tell us in writing. You should give us as much notice as you can, but wherever possible you must tell us at least 28 days before the original Intended Start Date (or the new Intended Start Date if you are bringing the date forward). We will then write to you within 28 days to tell you your new Expected Return Date.

8.3 In a surrogacy case, OAL will start on the day the child is born, unless you are at work, in which case it will start on the following day. You cannot change the start date.

8.4 Shortly before your adoption leave starts we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave. [Unless you request otherwise, you will remain on circulation lists for internal news, job vacancies, training and work-related social events.]

## **9. Adoption Pay**

9.1 Statutory adoption pay (**SAP**) is payable for up to 39 weeks. It stops being payable if you return to work sooner or if the placement is disrupted. You are entitled to SAP if:

- (a) you have been continuously employed for at least 26 weeks ending with the week in which the agency notified you that you had been matched with the child (**Qualifying Week**) and are still employed by us during that week;



- (b) your average weekly earnings during the eight weeks ending with the Qualifying Week (**Relevant Period**) are not less than the lower earnings limit set by the government; and
- (c) you have given us the relevant notifications under paragraph 5 or, as the case may be, paragraph 6

9.2 SAP is calculated as follows:

- (a) First six weeks: SAP is paid at the **Earnings-related Rate** of 90% of your average earnings over the Relevant Period.
- (b) Remaining 33 weeks: SAP is paid at the **Prescribed Rate** which is set by the government for the relevant tax year, or the Earnings-related Rate if this is lower.

9.3 SAP accrues with each complete week of absence and payments are made on the next normal payroll date. Income tax, National Insurance and pension contributions are deducted as appropriate.

9.4 If you leave employment for any reason (for example, if you resign or are made redundant) you are still eligible for SAP if you have already been notified by an agency that you have been matched with a child. In such cases, SAP starts:

- (a) 14 days before the Expected Placement Date; or
- (b) the day after your employment ends,

whichever is the later.

9.5 If you become eligible for a back-dated pay rise which includes a sum in respect of the Relevant Period, you will be treated for SAP purposes as if the pay rise had been paid in the Relevant Period. This means that your SAP will be recalculated and increased retrospectively, or that you may qualify for SAP if you did not previously qualify. We shall pay you a lump sum to make up the difference between any SAP already paid and the amount payable by virtue of the pay rise. Any future SAP payments at the Earnings-Related Rate (if any) will also be increased as necessary.]

## 10. Terms and conditions during adoption leave

All the terms and conditions of your employment remain in force during OAL and AAL, except for the terms relating to pay. In particular:



- (a) benefits in kind [such as life insurance, health insurance, if applicable] shall continue;
- (b) pension benefits shall continue (see paragraph 11).

## **11. Pensions**

- 11.1 During OAL and any further period of paid adoption leave we shall continue to make any employer contributions that we usually make into a money-purchase pension scheme, based on what your earnings would have been if you had not been on adoption leave [provided that you continue to make contributions based on the adoption pay you are receiving]. If you wish to increase your contributions to make up any shortfall from those based on your normal salary then please contact [the HR Department **OR** the Pensions Administrator].
- 11.2 [The period of OAL [and any further period of paid adoption leave] counts towards our final salary pension scheme as pensionable service[, provided you make the necessary minimum contributions based on the adoption pay you are receiving].]
- 11.3 During unpaid AAL we shall [not] make any payments into a money purchase scheme [and the time shall not count as pensionable service under the final salary scheme]. You do not have to make any contributions but you may do so if you wish, or you may make up for missed contributions at a later date.

## **12. Disrupted adoption**

- 12.1 In an adoption or fostering for adoption case, adoption leave is disrupted if it has started but:
  - (a) you are notified that the placement will not take place;
  - (b) the child is returned to the adoption agency after placement; or
  - (c) the child dies after placement.
- 12.2 In a surrogacy case, adoption leave is disrupted where you do not apply for a parental order within the relevant time, or the court does not grant a parental order and the time limit for appeal or further application has expired, or where the child dies.
- 12.3 In the event of disruption, your entitlement to adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred,



unless your entitlement to leave or pay would have ended earlier in the normal course of events.

### **13. Keeping in touch**

- 13.1 We may make reasonable contact with you from time to time during your adoption leave.
- 13.2 You may ask or be asked to work (including attending training) on up to ten "keeping-in-touch" days (**KIT Days**) during your adoption leave without bringing your adoption leave to an end. This is not compulsory and must be discussed and agreed with [your line manager **OR** the HR Department].
- 13.3 You will be paid at your normal basic rate of pay for time spent working on a KIT Day and this will be inclusive of any adoption pay entitlement. [Alternatively, you may agree with your line manager to receive the equivalent paid time off in lieu.]

### **14. Returning to work**

- 14.1 We will expect you back at work on your Expected Return Date unless you tell us otherwise. It will help us if, during your adoption leave, you are able to confirm that you will be returning to work as expected.
- 14.2 [Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may cover:
  - (a) updating you on any changes that have occurred during your absence;
  - (b) any training needs you might have; and
  - (c) any changes to working arrangements (for example, if you have made a request to work part time) (see paragraph 18).]

### **15. Changing your return date**

- 15.1 If you wish to return to work earlier than the Expected Return Date, you must give us at least eight weeks' notice. It is helpful if you give this notice in writing. If you do not give enough notice, we may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner.
- 15.2 If you wish to return later than the Expected Return Date, you should either:





- (a) request unpaid parental leave [in accordance with our Parental Leave Policy], giving us as much notice as possible but not less than 21 days; or
- (b) request paid annual leave in accordance with your contract, which will be at our discretion.

15.3 If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply.

15.4 In any other case, late return will be treated as unauthorised absence.

15.5 You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been if you had not been absent. However, if you have taken any period of AAL or have combined your adoption leave with more than four weeks' parental leave, and it is not reasonably practicable for us to allow you to return to the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

## **16. Deciding not to return**

16.1 If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should give notice of resignation in accordance with your contract. The amount of adoption leave left to run when you give notice must be at least equal to your contractual notice period, otherwise we may require you to return to work for the remainder of the notice period.

16.2 Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.

16.3 This does not affect your right to receive SAP.

## **17. Switching to shared parental leave**

17.1 In some cases you and your spouse or partner may be eligible to opt into the SPL scheme which gives you more flexibility to share the leave and pay available in the first year. Your partner should check with their employer if they are eligible.

17.2 You would need to give us at least eight weeks' written notice to end your adoption leave and opt into SPL. You can give this notice before or after the child is placed with you, but you must take at least two weeks' adoption leave. You would then be able to share any





remaining leave with your partner. For further information about how SPL works, see our Shared Parental Leave (Adoption) Policy.]

## **18. Flexible working**

We will deal with any requests by employees to change their working patterns (such as working part time) after adoption leave on a case-by-case basis. There is no absolute right to insist on working part time, but you do have a statutory right to request flexible working and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if requests are made as early as possible. The procedure for making and dealing with such requests is set out in our Flexible Working Policy.

### **Policy Review**

This policy is reviewed annually by the Personnel and Staffing Committee in the Autumn 1 meeting. Please see the committee minutes for evidence of review.