



Heworth Grange



Consilium  
Academies

Policy Name: Adoption Leave 2019/20

Policy Date: September 2019

The school adopts the policy of  
Gateshead Council.

# Adoption Leave Scheme for Schools



## **Adoption Leave Scheme**

### **1 Introduction**

- 1.1 The school has a commitment to supporting its employees who are working parents to manage work and family life. Adoption leave and pay allows employees who chose to adopt the right to time off from work.

### **2 Aim**

- 2.1 This scheme sets out an employee's entitlement to adoption leave and the eligibility requirements to receive either occupational and/or statutory adoption pay (OAP/SAP).

### **3 Scope**

- 3.1 This scheme applies to all employees appointed by the Governing Body of the school.

### **4 Time off for Training / Assessment**

- 4.1 Following the initial adoption assessment stage, all employees will be given up to 3 days' paid time off to attend pre-adoption training which helps them understand the adoption process.
- 4.2 In addition to the pre-adoption training, the main adopter will also be entitled to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments. This may involve applicant interviews and familiarisation sessions.

### **5 Adoption Leave**

- 5.1 To be eligible for adoption leave an employee must:
- be newly matched with a child for adoption;
  - have notified the adoption agency that they agree that the child should be placed with them on the date of placement;
  - have complied with the notification obligations in section 7 below.
- 5.2 There is no qualifying period of employment to be eligible for adoption leave. Therefore all employees are entitled to up to 26 weeks' ordinary adoption leave (OAL) followed immediately by up to 26 weeks' additional adoption leave (AAL).

### 5.3 Leave can start either:

- from the date of the child's placement (UK adoptions);
- from a fixed date no more than 14 days before the date the child is expected to be placed and no later than the expected date of placement (UK adoptions);
- when the child arrives in the UK or within 28 days of this date (overseas adoptions); or,
- the day the child is born or the day after (parents in surrogacy arrangements).

5.4 Leave can start on any day of the week. An employee can choose to vary the starting date of their leave provided they give 28 days' notice or notify the head teacher as soon as is reasonably practicable.

5.5 Where a couple are adopting jointly, only one will be entitled to take adoption leave. Their spouse or partner may be entitled to take paternity leave for adoption. Please refer to the Paternity Leave Scheme.

5.6 Employees adopting may be eligible for shared parental leave. Please refer to the Shared Parental Leave Scheme.

## 6 Adoption Pay

6.1 To be eligible for SAP an employee must have 26 weeks' continuous service with the employer and have earned on or above the lower earnings limit for the 8 weeks leading up to the end of the week in which they are notified they have been matched with a child (the qualifying week). For overseas adoptions the adopter's qualifying week is the week they receive official notification from a UK authority that they can adopt from abroad. In surrogacy arrangements the qualifying week is the 15th week before the expected week of childbirth (EWC).

6.2 Employees who do not have 26 weeks' continuous service with the employer by the qualifying week will not be eligible for SAP.

6.3 Employees who have completed 1 year's continuous local government service by the qualifying week and earn on or above the lower earnings limit will be entitled to OAP as detailed below:

- For the first 6 weeks of absence non-teaching employees will be paid nine-tenths of a week's pay offset against payments made by way of SAP, if eligible to SAP. Teaching employees will be paid 4 weeks at full pay and 2 weeks at nine-tenths pay offset against payments made by way of SAP; and,
- All employees who declare in writing to the head teacher that they intend to return to work will for the subsequent 12 weeks receive half a week's pay (OAP) without deduction except by the extent to which

the combined pay and SAP, if eligible to SAP, exceeds full pay. The remaining 21 weeks shall be the employee's entitlement to SAP, if eligible to SAP; or,

- All employees who declare in writing to the head teacher that they do not intend to return to work will for the subsequent 33 weeks receive their entitlement to SAP, if eligible to SAP.

6.4 OAP payments made by the school during adoption leave are made on the understanding that:

- a non-teaching employee will return to local authority employment for a period of at least three months; or,
- a teaching employee will return to the school for a period of three months, or if they reduce their hours on return will work for a period of time equivalent to 13 weeks of service of their previous hours.

6.5 Where an employee has originally stated their intention to return to work and received OAP and resigns from work before fully complying with 6.4 above, they shall refund the monies paid, or such part thereof, if any, as the school may decide. Payments made to the employee by way of SAP are not refundable.

6.6 If the employee is made redundant during the period of adoption leave (or within the first 3 months of the employee returning to work), there will be no requirement to pay back any of the OAP. In addition the employee will continue to be paid SAP from the school via BACS in the usual way until the entitlement expires. If during this time the employee secures further employment, they must inform the school.

## **7 Notification for Adoption Leave and Pay**

7.1 For adoption leave the employee must give notification to the head teacher within 7 days of the date they are notified by an approved adoption agency of being matched with a child, or as soon as is reasonably practicable. The employee must notify the head teacher, of the following:

- the date the child is expected to be placed with them for adoption;
- the date the employee wants the adoption leave to begin; and,
- how much adoption leave they wish to take.

7.2 In surrogacy arrangements employees must give 15 weeks' notice before the EWC of when they wish to commence their adoption leave.

7.3 For adoption pay the employee must give notification to the head teacher 28 days before the date which they would like payment to commence, or as soon as is reasonably practicable.

- 7.4 Notification for both adoption leave and pay must be in writing and the employee must provide evidence in the form of a matching certificate from the adoption agency. In surrogacy arrangements employees can be asked to provide a statutory declaration that they intend to apply for a parental order within 6 months of the child's birth and that they expect the order to be granted.

## **8 Keeping in Touch (KIT) Days**

- 8.1 Keeping in touch (KIT) days are intended to facilitate a return to work for employees returning from adoption leave. Before going on leave, the head teacher and the employee should discuss and agree any voluntary arrangements for keeping in touch during the employee's adoption leave. An employee may attend work up to a maximum of 10 occasions during OAL or AAL without bringing the adoption leave to an end.
- 8.2 The work can be consecutive or not and regardless of how many hours worked in one KIT day, this will be classed as one occasion and deducted from the 10 days but will be capped at a normal day's pay. Payment for KIT days can be made in hours and minutes. However, where an employee works a KIT day, if any adoption pay plus pay for the KIT day exceeds their normal day's pay then the total pay for that day will be capped at their normal day's pay.
- 8.3 Duties may include training or other activities which enable the employee to keep in touch with the school. Any such work must be by agreement and neither the head teacher nor the employee can insist upon it.

## **9 The Right to Return to Work**

- 9.1 An employee is entitled to return to the job in which they were employed under their original contract of employment and on terms and conditions not less favourable than those which would have been applicable to them if they had not been absent. "Job" for this purpose, means the nature of the work which they are employed to do and the capacity and place in which they are so employed.
- 9.2 Where it is not practicable by reason of redundancy for the school to permit the employee to return to work in their job the employee is entitled to be offered any vacant role within the school which is considered as a suitable alternative to redundancy.
- 9.3 Suitable alternative employment within the school may also be offered if a review of the staffing structure, which would have occurred if the employee had not been absent, necessitates a change in the job in which they were employed prior to their leave.

- 9.4 The alternative role should be suitable to the employee and appropriate to the circumstances and the capacity and place in which they are to be employed and the terms and conditions of employment should not be less favourable than those for the job in which they was originally employed.

## **10 Exercising the Right to Return to Work**

- 10.1 If an employee wishes to return to work before the end of the adoption leave period they must notify the head teacher, in writing, at least 21 days before the day on which they propose to return. Where the notice given is less than 21 days the head teacher may postpone the return to ensure 21 days' notice, but not beyond the end of the additional adoption leave period.
- 10.2 If an employee changes their mind about the date they propose to return on, they must give the head teacher 21 days' notice of the new date. If this is earlier than the original date, as stated in the confirmation letter from the school or the date they originally notified as the return date, then notice needs to be given 21 days' before the new date. If they are now proposing to return later than the original date, notice of the new return date must be given 21 days before the original return date.
- 10.3 Where an employee is unable to return on the expected day due to sickness the conditions of the sickness scheme will apply in the normal way.
- 10.4 For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect them to return on the due date, they may instead return when work resumes, or as soon as reasonably practicable thereafter.

## **11 Placement Disrupted**

- 11.1 There are some occasions when after starting their leave, an employee is notified that the child will not be placed, or after the child is placed, the child dies or the placement is regarded as unsuitable and ceases. In these situations the employee will not be entitled to the full adoption leave period and leave will end 8 weeks after the end of the week in which the disruption occurred. If the disruption occurs after the 16th week of the AAL period having commenced the leave will end no later than the 26th week of AAL.

## **12 Where An Adopter does not Qualify for Adoption Leave or Pay**

12.1 An Adopter does not qualify for adoption leave or pay where they:

- Arrange a private adoption
- Become a special guardian or kinship carer
- Adopt a family member or step child
- Have a child with the help of a surrogate mother where the intended parents are not eligible for a Parental Order

## **13 Annual Leave for Non-teaching Employees**

13.1 Those non-teaching employees who are not contracted to term time only working will accrue annual leave during both ordinary and additional adoption leave. Any outstanding entitlement from the previous year's entitlement must be taken immediately and in a block, before returning to work, less a carry-over of 5 days (pro rata to hours of work). Any outstanding leave from the previous leave year that is above the amount allowed to be carried over and is not taken prior to a return to work will be lost and payment will not be made for any untaken leave.

13.2 Annual leave cannot be taken between paid and unpaid adoption pay periods, it can only be used before or following the end of the adoption leave period.

13.3 Bank holidays are accrued during adoption leave and are added to the annual leave once the employee returns to work. They do not need to be taken in a block.