



Adoption  
Leave  
Policy and  
Procedure

1 April

2019-  
20

**School: Cambridge Nursery School**

**Signed by Chair  
of Governors:**

**Signed by Head  
Teacher:** \_\_\_\_\_

**Date:** 9.10.19

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## 1. **Introduction**

This policy provides a framework for employees and managers to understand the rules and entitlements concerning adoption leave and pay.

The School is committed to supporting employees to understand the choices available to them when planning for the adoption of a child. Families now have additional options open to them with regards to managing time off during the first year of their child's adoption and this policy should be read in conjunction with the School's Ordinary Paternity Leave Policy and Shared Parental Leave policies to ensure that employees are fully aware of all of the options available to them and their family.

## 2. **Scope**

This Policy applies to all staff employed within school who have been matched with a child for adoption.

## 3. **Adoption Leave and Pay summary**

Qualifying employees who have been matched with a child as the "main adopter" may take up to 52 weeks adoption leave, and may be entitled to 39 weeks of statutory adoption pay (only one partner, the "main adopter", may take adoption leave and pay). The partner of an individual who adopts (known as the "secondary adopter") if a couple are adopting jointly may be entitled to Ordinary Paternity leave and pay or Shared Parental leave (see separate policies on Shared Parental leave and Ordinary Paternity leave for more details).

## 4. **Key points**

- 4.1 The main adopter will be able to take paid time off for up to 5 adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to 2 appointments.
- 4.2 Adoption leave is a "day one" right (there is no qualifying period in terms of continuous service with the School/Council).
- 4.3 Statutory Adoption Pay – if an employee has worked for their employer continuously for at least 26 weeks by the week they were matched with a child, the first six weeks will be paid at 90% of the employee's normal earnings. If they have worked for their employer less than 26 weeks, they will need to apply for Adoption Allowance.
- 4.4 Some surrogate parents will become eligible for adoption leave.
- 4.5 If an employee adopts more than one child and the adoption leave/pay periods overlap then please contact the Personnel Team - School's for advice.

## 5. **Eligibility**

### 5.1 **Statutory Adoption Leave**

Statutory Adoption Leave is 52 weeks. It is made up of:

- 26 weeks Ordinary Adoption Leave (OAL)
- 26 weeks Additional Adoption Leave (AAL)

To qualify for Statutory Adoption Leave, you must:

- be an employee
- give the correct notice
- give proof of the adoption or surrogacy.

### 5.2 **Statutory Adoption Pay**

To get Statutory Adoption Pay you must:

- have worked for your employer continuously for at least 26 weeks by the week you were matched with a child
- earn on average at least £113 a week (before tax)
- give the correct notice
- give proof of the adoption or surrogacy.

The rules are slightly different if you're adopting from overseas, fostering for adoption or having a child through a surrogacy arrangement.

### 5.3 **Overseas adoptions**

The conditions are the same except for both leave and pay you must:

- have worked continuously for your employer for at least 26 weeks by the time you get your 'official notification'
- sign [form SC6](#) if you're adopting a child with your partner.

The official notification is permission from a UK authority that you can adopt from abroad. Form SC6 confirms you're not taking paternity leave or pay.

### 5.4 **Fostering for adoption**

You're entitled to adoption pay and leave from when the child comes to live with you.

### 5.5 **Surrogacy arrangements**

To qualify for Statutory Adoption Pay, you must have worked continuously for your employer for at least 26 weeks by the 15th week before the baby's due and intend to apply for a [parental order](#). All the other conditions for qualifying for pay and leave are the same as for adoptive parents. If you're genetically related to the child (i.e. the egg or sperm donor), you can choose to get

paternity leave and pay instead. You can't get both paternity leave/pay and adoption leave/pay.

## 5.6 **Exceptions**

You don't qualify for Statutory Adoption Leave or Pay if you:

- arrange a private adoption
- become a special guardian or kinship carer
- adopt a family member or stepchild.

If you're not eligible, the Head teacher/School must give you form SAP1 explaining why you can't get Statutory Adoption Pay. The rules are slightly different if you're adopting from overseas or you're having a child through a surrogacy arrangement.

You may get support from your local council instead, if you're adopting a child.

## 6. **Before Adoption leave**

Employees will be required to give their Head teacher 28 days' notice of the date they wish adoption leave to start (unless this is not reasonably practicable) with the following information, using the attached form:

- your leave start date
- the 'date of placement' - the date the child is placed with you.

Employees also have a duty to notify their Head teacher when they are matched with a child. The matching certificate must be copied to the Head teacher within one week of issue. However, in line with best practice, the adoptive parent should inform their Head teacher when they have been approved for adoption.

The Head teacher must confirm your leave start and end dates within 28 days from receipt of this written notification.

If the date of placement (or UK arrival date for overseas adoptions) changes, employees must notify the Head teacher and provide 28 days' notice of the change (unless this is not reasonably practicable).

## 7. **Time off for Adoption Appointments**

The main adopter will be able to take paid time off for up to 5 adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to 2 appointments.

## 8. **Adoption Leave Notification required**

### 8.1 **What Documentary Proof is required?**

Employees must give documentary proof to show that they have the right to paid Statutory Adoption Leave. This is usually a matching certificate from the adoption agency. The adoption agency must be recognised in the UK. This documentation must be submitted with the application for adoption leave, Form AD1 – see Appendix 1.

The proof must show the:

- your name and address and that of the agency
- the match date – e.g. the matching certificate
- the date of placement – e.g. a letter from the agency
- the relevant UK authority's 'official notification' confirming you're allowed to adopt (overseas adoptions only)
- the date the child arrived in the UK – e.g. plane ticket (overseas adoptions only).

#### 8.1.1 **Overseas adoptions**

You must inform the Head teacher:

- the date of your 'official notification'
- the estimated date the child arrives in the UK - within 28 days of getting the notification
- the actual date the child arrives in the UK - within 28 days of this date
- your leave start date - giving your employer 28 days' notice.

#### 8.1.2 **Surrogacy arrangements**

If you use a surrogate to have a baby, tell your employer the due date and when you want to start your leave at least 15 weeks before the expected week of birth. They may ask for this in writing.

Your employer may also ask for a written statement ('statutory declaration') to confirm you've applied or will apply for a [parental order](#) in the 6 months after the child's birth. You must sign this in the presence of a legal professional.

## 8.2 **When can Adoption Leave start?**

When an employee can choose to start their Statutory Adoption Leave (SAL) depends on whether they are adopting a child from within the UK or from overseas.

### 8.2.1 **UK adoptions**

An employee can choose to begin their Statutory Adoption Leave (SAL) (and Statutory Adoption Pay (SAP)) on either of the following:

- 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 expected date of placement.

If an employee chooses to start their leave on the day the child is placed with them and they are at work on that day, the period of SAL and SAP can start on the next day. The leave can start on any day of the week.

If the date of placement changes before the employee begins their SAL, they should:

- discuss the situation with their Head teacher as soon as possible and
- give the appropriate notice to change the start date.

### 8.2.2 **Overseas adoptions**

Employees may choose to start their SAL from either the date the child enters the UK or a fixed date (as notified to you) no later than 28 days after the date the child enters the UK.

SAL cannot be used to cover the period employees spend travelling overseas to arrange the adoption or visit the child.

8.3 An employee may choose to take less than 52 weeks' SAL.

8.4 Leave can start on any day of the week.

8.5 Only one period of leave is available to employees irrespective of whether more than one child is placed for adoption as part of the same arrangement.

8.6 If the child's placement ends during the adoption leave period you can continue adoption leave for up to 8 weeks after the end of the placement.

8.7 For employees receiving a child through surrogacy arrangements, leave can start the day of the birth or the day after. Employees must inform the Head teacher 15 weeks before the baby is due and that they intend to take adoption leave.



## 9. Adoption Pay

Adoption pay comprises two parts, statutory and occupational.

### Teaching staff

<u>Length of Service</u>	<u>Entitlement (SAP/OAP)</u>
Less than 26 weeks	Apply for adoption allowance
26 weeks by the week in which you were matched with a child by a UK agency or by the date you receive official notification from a UK authority to adopt an overseas child	<p><b>Weeks 1 to 6</b> - 90% of average weekly earnings (offset against payments made by way of Statutory Adoption Payments)</p> <p><b>Weeks 7 to 39</b> - 39 weeks ordinary adoption leave (OAL) paid at the rate of Statutory Adoption Pay*.</p> <p><b>Weeks 40 to 52</b> – Unpaid Additional Adoption Leave</p>
One year's continuous service by the week in which you were matched with a child by a UK agency or by the date you receive official notification from a UK authority to adopt an overseas child	<p><b>Weeks 1 to 4</b> - Full pay (offset against payments made by way of Statutory Adoption Payments)*</p> <p><b>Weeks 5 to 6</b> - 90% of a week's pay (offset against payments made by way of Statutory Adoption Payments)</p> <p><b>Weeks 7 to 18</b> - Half pay plus Statutory Adoption Pay* (where applicable) without deduction except to the extent where the half pay plus Statutory Adoption Pay exceeds full pay.</p> <p><b>Weeks 19 to 39</b> - For the remaining 21 weeks qualifying employees will receive Statutory Adoption Pay.</p> <p><b>Weeks 40 to 52</b> – Unpaid Additional Adoption Leave</p>

\* The Statutory Adoption pay rate at April 2019 is the lower of £148.68 p.w. or 90% of average weekly earnings. Average weekly earnings will be calculated by reference to the 8 week period prior to the matching week.

## Non-Teaching staff

<u>Length of Service</u>	<u>Entitlement (SAP/OAP)</u>
Less than 26 weeks	Apply for adoption allowance
26 weeks by the week in which you were matched with a child by a UK agency or by the date you receive official notification from a UK authority to adopt an overseas child	<b>Weeks 1 to 6</b> - 90% of average weekly earnings (offset against payments made by way of Statutory Adoption Payments) <b>Weeks 7 to 39</b> - 39 weeks ordinary adoption leave (OAL) paid at the rate of Statutory Adoption Pay*. <b>Weeks 40 to 52</b> – Unpaid Additional Adoption Leave
One year's continuous service by the week in which you were matched with a child by a UK agency or by the date you receive official notification from a UK authority to adopt an overseas child	<b>Weeks 1 to 6</b> - 90% of a week's pay (offset against payments made by way of Statutory Adoption Payments) <b>Weeks 7 to 18</b> - Half pay plus Statutory Adoption Pay* (where applicable) without deduction except to the extent where the half pay plus Statutory Adoption Pay exceeds full pay. <b>Weeks 19 to 39</b> - For the remaining 21 weeks qualifying employees will receive Statutory Adoption Pay. <b>Weeks 40 to 52</b> – Unpaid Additional Adoption Leave

\* The Statutory Adoption pay rate at April 2019 is the lower of £148.68 p.w. or 90% of average weekly earnings. Average weekly earnings will be calculated by reference to the 8 week period prior to the matching week.

Where an employee satisfies the conditions of entitlement to Statutory Adoption Pay but leaves their employment for whatever reason (including dismissal) before the adoption pay period has begun, they will nevertheless be entitled to receive Statutory Adoption Pay.

## Adoption allowance

If you do not meet the eligibility criteria (see 5.2), the Head teacher will provide you with form SAP1 within 7 days of the decision that you are not entitled to SAP. The SAP1 form may enable you to seek further support from your local council.

## 10 **Contact and Work During Adoption Leave**

### 10.1 **Maintaining contact**

The Head teacher may make contact with you (and vice versa) while you are on adoption leave, as long as the amount and type of contact is not unreasonable, to discuss a range of issues, e.g. to discuss your plans for returning to work, or to keep you informed of important developments at work. Your Head teacher should also keep you informed of any relevant promotion opportunities or job vacancies that arise during adoption leave.

### 10.2 **Keeping in touch days (KIT days)**

You may work for up to 10 days without bringing your adoption leave to an end or losing SAP. These are referred to as 'keeping in touch' (KIT) days. Working for part of a day will count as one KIT day. Keeping in touch does not extend the period of adoption leave. Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace. The employee and the Head teacher must agree on keeping in touch days being worked.

The School has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's period of adoption leave. Any work undertaken is a matter for agreement between the School and the employee.

For any KIT days worked, an employee will be paid their normal rate of pay for the hours worked on those days. The hourly rate is calculated by dividing your salary by 1265 (the number of hours directed time a full time teacher is required to be available to work). If an employee is in receipt of any OAP and/or SAP the KIT days will be offset against these if the total pay exceeds their normal rates of pay for the hours/days worked. An employee will pay pension contributions equivalent to a full calendar day based on their contract hours and allowances regardless of whether they have worked a full day. The School will also pay contributions based on a full calendar day.

To claim any KIT days worked, complete the claim form at appendix 2 and send certified forms to Payroll. Please contact the Schools Personnel Team if you have any queries.

## 11. **Annual Leave during Adoption Leave**

This depends on whether you are Teaching or Non-Teaching Staff.

### 11.1 **Non-Teaching Staff**

Both Ordinary and Additional Adoption Leave counts as service for the purposes of calculating annual leave entitlement. Where the period of adoption leave crosses two leave years all annual leave accrued for the first year should be taken before the start of the Adoption Leave as carry over of leave will only be allowed in exceptional circumstances.

If you take Adoption Leave, but subsequently decide not to return to work, the effective date of termination of employment will be the date of your letter of resignation. Annual leave will, therefore, be calculated pro rata to the number of completed month's service. If you have taken more annual leave than you are entitled to, on the assumption that you would subsequently be returning to work, you will be required to refund payment for the excess days taken. Alternatively, leave may be owing to you for which you will receive compensatory payment.

### 11.2 **Teaching Staff**

Teachers have a statutory entitlement to 20 days annual leave, which should be taken during school closure periods, either before or after the adoption leave period. On your return, you may take outstanding leave during term time if there are inadequate school closures in that leave year.

You can carry over leave to the next leave year if your return date is near the end of the leave year and there is insufficient time to take your entitlement. It can be stipulated that this leave is taken during school closure periods; this would be after the leave for that leave year has been accounted for.

Neither the School nor teacher can make a decision for leave to be carried over to the next year if there is sufficient time to accommodate the leave in the current year.

If you decide not to return to work following adoption leave, a payment in lieu of annual leave will be made if full leave entitlement has not been taken.

## 12. **Returning to work**

All employees regardless of hours of work or length of service have the right to return to work. In some instances, e.g. because of redundancies or re-organisation, it may not be practical for you to return to your original job. However, in such cases a suitable alternative post will be offered if available. Suitable alternative employment is employment on terms and conditions which are not substantially less favourable than those previously held. Should this situation arise, considerable discussion will take place with the you, Head teacher and Human Resources Officer, to enable the return to work to progress as smoothly as possible.

If you return to work at the end of your full 52 weeks of adoption leave and have not told the Head teacher that you wish to come back at any other time, you do not need to provide any further notice.

If you are unable to return to work on the expected date because of sickness, this is classed as a return to work and you should follow the same notification and certification procedures as for any other sickness absence.

### 12.1 **Non-Teaching Staff**

If you who wish to return to work before the end of your adoption leave period you must give at least 28 days' notice of the date you intend to return.

### 12.2 **Teaching Staff**

If you wish to return to work before the end of your Adoption Leave you must give at least 21 days' notice of the date you intend to return.

### 12.3 **Payment of Occupational Adoption Pay (OAP)**

You must return to work for a period of at least three calendar months, in order to retain your entitlement to 12 weeks' half pay (OAP).

If you are unsure as to whether you will be returning to work you should suspend any entitlement to 12 weeks' half pay (OAP) until you return. This will then be payable in a lump sum.

If for any reason you fail to meet the requirement to return to work for three months but have, for example, returned for two months the refund to the Authority can be calculated on the basis of four weeks' half pay (rather than refunding the full 12 weeks' half pay allowance received).

## 13. **Flexible Working arrangements**

If you think you may wish to reduce your hours on your return, either on a temporary or permanent basis, you should inform your Head teacher at least 3 months before your anticipated date of return. NB. There is a presumption that any temporary arrangement will last no longer than 12 months.

All employees are entitled to request flexible working arrangements and a set procedure is in place to consider such requests. Further details are available in the Work Life Balance policy on the schools intranet.

## 14. **Pension Contributions**

### 14.1 **Merseyside Pension Fund**

Where new parents have a period of relevant child-related leave the amount of pension they build up won't be affected. Relevant child-related leave covers all periods of Ordinary Maternity Leave, Ordinary Adoption Leave and Ordinary Paternity Leave and any paid Additional Maternity Leave, Additional Adoption Leave, Additional Paternity Leave and Shared Parental Leave. If a member of the Local government pension scheme (LGPS) has a period of reduced contractual pay or no pay during relevant child related leave their pension is still worked out using an average of their usual pensionable pay (before the reduction took place). Members of the LGPS will only pay contributions on any pay they receive. If the member of the LGPS decides to take a period of unpaid Maternity, Adoption, Paternity or Shared Parental leave they will not build up pension benefits. Members of the LGPS can elect to cover the period of pension "lost" by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract. Where a SCAPC contract is taken out to cover the pension "lost" during a period of unpaid additional Maternity, Adoption, or Paternity Leave, the cost is shared 1/3rd to the employee and 2/3rds to the employer, provided that the member of the LGPS makes an election to buy "lost" pension within 30 days or returning to work. The online calculator can be found at: [www.lgps2014.org](http://www.lgps2014.org)

### 14.2 **Teachers Pensions**

Please contact the Teachers Pensions for details at [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk) or on 0845 6066166

## **FURTHER INFORMATION**

Please contact a member of the Schools Personnel Team for advice and support.

## **ADDITIONAL RELEVANT POLICIES**

Work-Life Balance Policy  
Childcare Vouchers  
Ordinary Paternity Leave Booklet  
Shared Parental Leave Policy

SEFTON MBC

Form AD1

**Teaching Application for Adoption Leave**

Please complete this form, at least 28 days prior to the date you wish the adoption leave to commence, attach written evidence of your adoption and forward to your Head teacher.

Name: \_\_\_\_\_

Employee No. \_\_\_\_\_

Date continuous service began: \_\_\_\_\_

Department: \_\_\_\_\_

School: \_\_\_\_\_

Designation: \_\_\_\_\_ Grade: \_\_\_\_\_

Hours per week: \_\_\_\_\_

Date you were told by adoption agency that you have been matched with a child \_\_\_\_\_

Expected date of placement: \_\_\_\_\_

1. I wish to apply for adoption leave commencing on \_\_\_\_\_  
(This date must not be earlier than 14 days before the expected date of placement.)
2. I enclose/will forward a copy of the "matching certificate" giving details of the adoption. I will advise the Head teacher of the **actual** date of placement/or advise if the child has not been placed.
3. Please delete whichever of the following statements is inappropriate:

**EITHER**

I do not intend to return to work and hereby resign my post.

**OR**

I intend to return to work after my period of adoption leave. I realise that I must return to work for a period of at least three months otherwise any half pay allowances will be forfeit.

Please pay my half pay allowances:

during my leave

or

on my return to duty

*[I note that I must give at least 21 days' notice of my intended date of return if I wish to return prior to the expiry of the adoption leave period.]*

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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**For completion by Head teacher**

The above details are correct and approval is given for adoption leave in accordance with the conditions of the scheme.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Copy to:     Employee's file and computerised records  
              Payroll Department for payment



SEFTON MBC

Form AD2

**Non-Teaching Application for Adoption Leave**

Please complete this form, at least 28 days prior to the date you wish the adoption leave to commence, attach written evidence of your adoption and forward to your Head teacher.

Name: \_\_\_\_\_

Employee No. \_\_\_\_\_

Date continuous service began: \_\_\_\_\_

Department: \_\_\_\_\_

School: \_\_\_\_\_

Designation: \_\_\_\_\_ Grade: \_\_\_\_\_

Hours per week: \_\_\_\_\_

Date you were told by adoption agency that you have been matched with a child \_\_\_\_\_

Expected date of placement: \_\_\_\_\_

1. I wish to apply for adoption leave commencing on \_\_\_\_\_  
(This date must not be earlier than 14 days before the expected date of placement.)
2. I enclose/will forward a copy of the "matching certificate" giving details of the adoption. I will advise the Head teacher of the **actual** date of placement/or advise if the child has not been placed.
3. Please delete whichever of the following statements is inappropriate:

**EITHER**

I do not intend to return to work and hereby resign my post.

**OR**

I intend to return to work after my period of adoption leave. I realise that I must return to work for a period of at least three months otherwise any half pay allowances will be forfeit.

Please pay my half pay allowances:

during my leave

or

on my return to duty

*[I note that I must give at least 28 days' notice of my intended date of return if I wish to return prior to the expiry of the adoption leave period.]*

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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**For completion by Head teacher**

The above details are correct and approval is given for adoption leave in accordance with the conditions of the scheme.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Copy to:     Employee's file and computerised records  
              Payroll Department for payment