



# Adoption Policy September 2018

Office use

<b>Published:</b> September 2018 Reviewed date:	<b>Next review:</b> September 2019	<b>Statutory/non:</b> Non Statutory	<b>Lead:</b> Sarah Green – HR Manager
<b>Associated documents:</b>			
<ul style="list-style-type: none"> <li>• DALP Paternity Policy</li> <li>• DALP Shared Parental Policy</li> <li>• DALP Ordinary Parental Leave Policy</li> <li>• DALP Ordinary Parental Leave Policy</li> </ul>			
<b>Links to:</b>			
<ul style="list-style-type: none"> <li>• Employment Rights Act 1996</li> <li>• Work and Families Act 2006</li> <li>• Conditions of Service for School Teachers in England and Wales – Revised August 2000 – Burgundy Book</li> <li>• National joint council for Local government services national agreement on pay and conditions of service Updated June 2005 – Green Book</li> </ul>			

## Contents

1	Introduction.....	3
2	Entitlement.....	3
3	Timing of adoption leave.....	3
4	Notice requirements.....	3
5	Time off to attend adoption appointments.....	4
6	Rights during adoption leave.....	4
7	Contact during adoption leave.....	5
8	Keeping-in-touch days.....	5
9	Returning to work after adoption leave.....	5
10	Transfer of adoption leave.....	5
11	Review of this Policy.....	6

## **1 Introduction**

- 1.1 This policy sets out the rights of employees to adoption leave and pay.
- 1.2 If you adopt a child through an approved adoption agency you are entitled to up to 52 weeks of adoption leave from day one of your employment.
- 1.3 Your entitlement is to take up to 26 weeks of ordinary adoption leave followed immediately by up to 26 weeks of additional adoption leave. Your maximum entitlement is therefore to take up to 52 weeks of adoption leave.
- 1.4 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 them following the correct notification procedures as set out below.
- 1.1 Diverse Academies Learning Partnership recognises that, from time to time, employees may have questions or concerns relating to adoption leave rights. It is the trust's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the adoption leave provisions are complex, if you wish to take adoption leave, you should clarify the relevant procedures with a member of the Human Resources Team to ensure that they are followed correctly.

## **2 Entitlement**

- 2.1 If you chose to take adoption leave you will also qualify for statutory adoption pay, provided that you have 26 weeks of service calculated as at the week in which notification of matching was given by the adoption agency and you have average weekly earnings not less than the lower earnings limit for national insurance contributions.
- 2.2 Statutory adoption pay is payable for up to 39 weeks.
- 2.3 Statutory 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).
- 2.4 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.
- 2.5 Statutory adoption pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

## **3 Timing of Adoption Leave**

- 3.1 Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier.
- 3.2 To make administration as easy as possible, you should discuss the timing of your adoption leave with your line manager, or a member of the Human Resources Team, as early as possible.

## **4 Notice requirements**

- 4.1 To be entitled to take adoption leave and receive statutory adoption pay, you are required to give the trust written notification of your 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.

- 4.2 Notice, which must be in writing, must specify the date the child is expected to be placed with you for adoption and the date you intend your adoption leave to start.
- 4.3 You are permitted to bring forward your adoption leave start date, provided that you advise the trust in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your adoption leave start date, provided that you advise 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.
- 4.4 You must also provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.
- 4.5 Within 28 days of receiving your notice of intention to take adoption leave, the trust will write to you confirming the latest date on which you must return to work after adoption leave.

## **5 Time off to attend adoption appointments**

- 5.1 Employees who are adopting a child are entitled to take time off to attend adoption appointments.
- 5.2 If you are adopting a child alone you are entitled to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996).
- 5.3 Where you are part of a couple jointly adopting a child, you can elect for one of you 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.
- 5.4 The purpose of the appointment is to enable you and your partner to have contact with the child (for example, to bond with them 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).
- 5.5 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 you.
- 5.6 The trust will ask you 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).

## **6 Rights during Adoption Leave**

- 6.1 During ordinary adoption leave and additional adoption leave, all terms and conditions of your contract except normal pay will continue. Salary will be replaced by statutory adoption pay if you are eligible for it.
- 6.2 This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid.
- 6.3 All year round members of staff are encouraged to take any outstanding holiday due to them before the commencement of adoption leave. Those members of staff are reminded that holiday must be taken in the year that it is earned.

## **7 Contact during adoption leave**

- 7.1 The trust reserves the right to maintain reasonable contact with you during adoption leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or to update you on developments at work during your absence.

## **8 Keeping-in-touch days**

- 8.1 You can agree to work for the trust (or to attend training) for a maximum of 10 days during your adoption leave without that work bringing your 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.
- 8.2 The trust has no right to require you to carry out any work and you have no right to undertake any work during your adoption leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, will be paid at your normal daily rate, including statutory and additional adoption pay.

## **9 Returning to work after adoption leave**

- 9.1 You may return to work at any time during ordinary adoption leave or additional adoption leave, provided that you give appropriate notification. Alternatively, you may take your full period of adoption leave entitlement and return to work at the end of this period. If you wish to return before the full period of adoption leave has elapsed, you must give at least eight weeks' notice in writing to the trust of the date on which you intend to return.
- 9.2 You have the right to resume working in the same job if returning to work from ordinary adoption leave. If you return to work after a period of additional adoption leave, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on not less favourable terms and conditions.
- 9.3 Failure to return to work at the end of adoption leave will be treated as an unauthorised absence unless you are sick and produce a current medical certificate before the end of the adoption leave period.
- 9.4 If you decide during adoption leave that you do not wish to return to work, you should give written notice of resignation to the trust as soon as possible and in accordance with the terms of your contract of employment.

## **10 Transfer of Adoption Leave**

### **10.1 *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 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.

- 10.2 Shared parental leave must be taken in blocks of at least one week. You can request to take shared parental leave in one continuous block (in which case the trust is required to accept the request as long as you meet the eligibility and notice requirements), or as a number of separate blocks of leave (in which case you need the trust's agreement).

- 10.3 To be able to take shared parental leave, you and your partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the adopter curtailing his or her adoption leave.
- 10.4 Please refer to the trust's Policy on Shared Parental Leave, where you will find full details of the eligibility requirements, as well as instructions as to how the adopter's adoption leave can be curtailed. The trust's policy on shared parental leave sets out the notice periods with which you must comply and what evidence you must provide to the trust. The policy also contains more details on employees' entitlement to statutory shared parental pay.
- 10.5 The adopter and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

## **11 Review of this Policy**

- 11.1 This Policy is reviewed annually by the trust which will monitor the application and outcomes of this policy to ensure it is working effectively.