



NORTH FERRIBY C E PRIMARY SCHOOL

ADOPTION PAY AND LEAVE POLICY

Date of New Policy:	Autumn 2013
Review Date:	Autumn 2016
Policy Type:	Corporate
Co-ordinator:	Mr Orr
Link Governor:	Matthew Brailsford
Committee:	Personnel

Mission Statement:

**A Christian School with children at
its heart.**

Christian Values Statement:

At North Ferriby CE Primary School, we keep Christian values at the heart of our school community where we live, love and learn together.

Ethos Statement for North Ferriby CE VC Primary:

Recognising its historic foundation, the school will preserve its religious character in accordance with the principles of the Church of England and in partnership with the Church at parish and diocesan level.

The school aims to serve its community by providing an education of the highest quality within the context of Christian belief and practice.

It encourages an understanding of the meaning and significance of faith and promotes Christian values through the experience it offers to all its pupils.

YORK DIOCESAN BOARD OF EDUCATION

ADOPTION PAY AND LEAVE POLICY AND PROCEDURE (SCHOOLS)

Lead Directorate and service:	Corporate Resources - Human Resources
Effective Date:	April 2012
Date Due for Review:	April 2014
Contact Officer/Number:	HR Advice Centre / 391221
Approved By:	Personnel Sub Committee 16 September 1999 (min 3318), The Cabinet 27 February 2007 (min 2879), Full Council 4 April 2007, Reviewed December 2009 (CMT min 12135, Decision Record 10502), CMT: 2/4/12, min 14010, Decision Record 13193, 18/4/12

1. ADOPTION PAY AND LEAVE POLICY

1.1 Background and Scope

1.1.1 This policy is in line with statutory legislation. It applies to all employees of the Council who are adopting a child, except those employed to work in Voluntary Aided or Foundation Schools where the Governing Body is the employer unless adopted by the respective school governing body. Where the employee adopting is the Headteacher, any reference made to Headteacher throughout this policy and procedure should be read as Chair of Governors.

1.2 Definitions for the Purposes of this Policy

1.2.1 The definitions used in this policy and procedure can be seen in the glossary at appendix

1.3 Policy Statement

1.3.1 The East Riding of Yorkshire Council recognises and supports the right of all eligible employees to take adoption leave and be paid in accordance with statutory legislation.

1.4 Policy Implementation

1.4.1 The policy will be implemented by Headteachers in consultation with Human Resources. For centrally employed Teachers, any reference to Headteacher throughout this document should be read as Line Manager.

1.5 References

Employment Rights Act 1996:

Maternity and Parental Leave Regulations 1999

Paternity and Adoption Leave Regulations 2002

Maternity and Parental Leave and Adoption Leave (Amendment)

Regulations 2006

Maternity and Parental Leave and Paternity and Adoption Leave (Amendment) Regulations 2008
Conditions of Service for School Teachers in England and Wales (Revised August 2000) Burgundy Book.
Additional Paternity Leave Regulations 2010, Additional Statutory Paternity Pay (General) Regulations 2010.
Maternity Pay and Leave Policy and Procedure/Paternity Leave Policy and Procedure

2. ADOPTION PAY and LEAVE PROCEDURE

2.1 Eligibility

2.1.1 An employee is covered by this policy if:-

- (a) they are accepted as an adoptive parent by a recognised adoption agency and have been matched with a child to be placed with them by a UK adoption agency (this policy does not apply to an employee formally adopting the child of their partner);
- (b) they have notified the adoption agency that they agree that the child should be placed with them and agreed the date of placement;

2.2 Entitlements to Pay and Leave

2.2.1 All employees are entitled to 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption Leave (AAL).

2.2.2 OAL starts on the day the employee has specified in their request, unless the employee wanted their leave to start on the date the child was placed and they were at work on that day. If this is the case the employees leave will start on the following day.

2.2.3 AAL starts on the day immediately following the date on which OAL ends, making a total of 52 weeks statutory adoption leave. However, AAL will not apply if the ordinary adoption leave ended prematurely.

2.2.4 Eligible employees (ie those with 26 weeks continuous service with East Riding of Yorkshire Council ending with the week in which the employee is notified they are matched with a child) are entitled to 39 weeks Statutory Adoption Pay (SAP), The first 6 weeks will be paid at 9/10ths of a weeks pay followed by 33 weeks of SAP or 90% of average weekly earnings if this is less than the SAP rate. In addition to this, employees with 1 years' continuous local government service at the date the child is placed with them will receive 12 weeks half pay for weeks 7 - 18 providing they return to work for at least 3 months following their period of adoption leave.

2.2.5 Statutory adoption pay will start on the day the employee starts statutory adoption leave. This can be on any day of the week.

- 2.2.6 Throughout the period of Adoption Leave an employee is entitled to the benefit of all their terms and conditions, which would have been applied if they had not been absent, with the exception of remuneration which is defined as wages or salary.
- 2.2.7 Likewise during OAL and AAL an employee will be bound by any obligations in their terms and conditions unless they are inconsistent with the right to take adoption leave.

2.3 Disrupted Placements

2.3.1 Where, after starting their leave, an employee is notified that the child will not be placed, or after the child is placed, the child is returned to the adoption agency, or where in extreme circumstances the child dies, the employee will not be entitled to the full adoption leave period. In this situation adoption leave will end 8 weeks after the end of the week in which the disruption occurred. The employee should give their Headteacher 28 calendar days notice if they wish to return to work before the end of the 8 week period.

2.3.2 There is no extension of AAL if disruption occurs with less than 8 weeks to go.

2.4 Other Conditions

2.4.1 Where both adoptive parents are employees of the East Riding of Yorkshire Council one of them must decide which one will take adoption leave and which one will take paternity leave.

2.4.2 There is an entitlement to only one period of adoption leave regardless of the number of children placed at any one time.

2.5 Starting Leave

2.5.1 The employee can choose to start their adoption leave on:

- **The date the child is placed; or**
- **A predetermined date, no more than 14 calendar days before the date the child is expected to be placed with the employee and no later than the date the child is placed.**

2.5.2 Up to 3 days of the 52 weeks leave can be taken for legal/technical formalities relating to the adoption providing that written evidence is submitted.

2.5.3 Leave under this policy must be taken in a continuous block with the exception of leave under paragraph 2.5.2.

2.6 Notice

2.6.1 When an employee has been accepted as an adoptive parent they must notify their Headteacher in writing of their intention to take adoption leave and provide evidence from the Adoption Agency.

2.6.2 When an employee has been matched with a child, they must inform their Headteacher and notify Human Resources, using Form A1 (see

appendix 2), of the date on which the child is expected to be placed for adoption and the date when they want to commence their adoption leave. This notice should be provided no later than 7 calendar days after the date on which the employee is notified of having been matched with the child for the purposes of adoption (or as soon as is reasonably practicable).

- 2.6.3 The employee must give their Headteacher at least 28 calendar days written notice whenever possible (or as soon as reasonably practicable if this is not possible) of the date they intend to start adoption leave using form A1 and a matching certificate from the adoption agency must be attached. This form should be sent to Human Resources.
- 2.6.4 If an employee wishes to vary their adoption leave start date they must provide their Headteacher with at least 28 calendar days notice.

2.7 Notification of Return to Work

- 2.7.1 It is expected that the employee will take their full entitlement to OAL and AAL providing they are eligible. If an employee intends to return prior to this date, they must notify their manager with at least 8 weeks written notice of their intended date of return and complete and forward form A2 (see appendix 3) to Human Resources.
- 2.7.2 If an employee changes their mind about their return date and wants to return even earlier then they must advise their Headteacher at least 8 weeks before the new date.
- 2.7.3 If an employee wants to postpone their early return date then they must advise their Headteacher at least 8 weeks before the original early return date.
- 2.7.4 If the employee fails to give sufficient notice of their return to work date (ie 8 weeks) the Headteacher has a right to postpone an employee's return to work for a period of 8 weeks provided that this is not later than the expected return date by notifying the employee of its intention. The employee will not receive pay during this period, if they are not within their paid period of OAL or AAL.

2.8 Transfer of Adoption Leave

- 2.8.1 If an employee proposes to return to work early by giving proper notification in accordance with the rules set above, they may donate the remainder of their adoption leave to their spouse, civil partner, partner or co-adopter (if they expect to have responsibility for the child's upbringing), who may be eligible to take up to 26 weeks' additional paternity leave (and additional statutory paternity pay) on the employees return to work in order to care for the child.
- 2.8.2 The earliest that additional paternity leave may commence is 20 weeks after the date of placement for adoption and it must end no later than 12 months after the date of placement for adoption. The minimum period of additional paternity leave is two consecutive weeks and the

maximum period is twenty six weeks. The employee must therefore have two weeks of their adoption leave that remains unexpired.

- 2.8.3 Further details should be obtained from the employer of the employee's spouse, civil partner, partner or co-adopter. The employee will be required to submit a written signed declaration form to that employer, which may also make additional enquiries to the Council to verify its employees entitlement to additional paternity leave and pay. If the employees spouse, civil partner, partner or co-adopter is an employee of the East Riding of Yorkshire Council, they should refer to the School's Paternity Leave Policy and Procedure.

2.9 Return to Work

- 2.9.1 An employee has the right following ordinary adoption leave to return to the position (subject to paragraph 2.9.2 below) to which they are employed under their existing contract of employment. If an employee returns to work following additional adoption leave his or her entitlement is to return either to the same job, or if that is not reasonably practicable from the School or Council's perspective, to another suitable job which is on terms and conditions not less favourable.
- 2.9.2 Where it is not practicable for an employee to return to their original position because of redundancy or reorganisation the provisions of the School's Current Retraining and Redeployment Policy will apply. Where such changes are due to take place within the Council, the Headteacher will undertake consultation with the employee, and will ensure they are treated no less favourably than they would have been, had they not been on adoption leave.
- 2.9.3 Where the employee does not return to work for a period of at least 3 months the 12 weeks half pay (ie. contractual adoption pay) must be repaid to the Council. The employee must give written consent for such repayment in advance of commencing the adoption leave.

2.10 Keeping in Touch Days

- 2.10.1 An employee may request, or be requested by their Headteacher to come into work for up to 10 days whilst on adoption leave in order to keep in touch without losing their right to adoption pay or leave. These are known as "Keeping in Touch (KIT) Days". They are not limited to the employee's substantive post and can be used for training, attending other events, or for being updated on key work issues etc.
- 2.10.2 Attendance is not compulsory, will be by mutual agreement of both parties, and employees will not be penalised if they do not wish to take up a KIT day. Similarly, a Headteacher does not have to agree to an employee's request for taking up a KIT day. However employers and employees may find it beneficial to use some KIT days to ease their return to work. There is no statutory right to be paid KIT days, however the Council has agreed that if an employee is requested to attend work for KIT days, they will be:

- a) paid at their standard hourly rate of pay for any hours worked if they are not in receipt adoption pay when they attend work or:
- b) given paid time off in lieu at a later stage for the hours worked if they are in receipt of adoption pay when they attend work.

Please note that if an employee agrees to work at any time during the period when they are in receipt of adoption pay, any SAP paid will be offset against any additional salary payments made for KIT days, ie the employee will not receive both SAP and normal pay.

2.11 Reasonable Contact

11.1 Whilst an employee is on adoption leave, the employee and Headteacher may wish to maintain contact with them to discuss any issues that may affect the employee, and plan the employee's return to work. Employees may also receive copies of team meeting (or other) minutes, fortnightly copies of The Grapevine and/or Teacher's Vacancy Bulletin and any other relevant documents if they so wish. The Headteacher and employee should seek to mutually agree the nature and frequency of this contact before the start of the employee's adoption leave. The amount and type of contact should not be excessive or intrusive.

2.12 Other Issues

2.12.1 Adoption leave does not constitute a break in service and counts as reckonable service for conditions of service purposes.

2.12.2 Pay for the purpose of this policy is defined as the amount payable under the current contract of employment for working normal hours. Where there are no normal working hours, pay is the average remuneration over the previous 12 weeks provided that the 12 weeks is a fair and reasonable representation of pay under the contract of employment.

2.12.3 For support staff who are on a 52 week contract, annual leave will be accrued during ordinary and additional adoption leave and employees should agree with their Headteacher how they will take this. An employee may wish to take annual leave either at the start of adoption leave, at the end or a combination of both. A maximum of five days' leave can be carried over into the next leave year with the Headteacher's approval to be taken before the end of June. However if an employee's adoption leave spans the end of a leave year and they are unable to take their full annual leave entitlement due to the impact on the School or other exceptional circumstances, they will not lose their entitlement but in agreement with their Headteacher will carry it over to the new leave year.

2.12.4 In the case of support staff who are on a 52 week contract, bank holiday entitlements will be paid at the rate of pay received whilst on adoption leave. In addition an employee is entitled to any Bank Holiday that they would have enjoyed if they had not been on adoption leave. Any days (pro-rata for part timers) will be added to an employees leave card. The Council's two extra statutory days and one concessionary day will be treated on the same basis as Bank Holiday entitlements.

2.12.5 Should an employee be sick whilst on adoption leave the contractual sickness provisions will not apply unless the employee makes a specific request in which case all adoption leave will cease and can not be reclaimed at a later date. Where an employee chooses to end their adoption leave and take sickness leave, their absence will be managed under the Attendance at Work Policy and Procedure (Schools). Further advice can be sought from Human Resources as required.

- 2.12.6 Lease cars/car loans will continue to be charged during the period of leave. An account will be sent directly to the employee.
- 2.12.7 Essential user car allowances will continue to be paid during the whole period of the Adoption Leave. Employees must submit nil claim forms at the end of each month to ensure payments are received.
- 2.12.8 If the adoption process is delayed or curtailed the employee must notify his/her Headteacher at the earliest opportunity.
- 2.12.9 A checklist for managers is available at appendix 4.

3. PENSION CONTRIBUTIONS

3.1 SUPPORT STAFF (Local Government Pension Scheme)

3.1.1 The rules governing pension provisions during Adoption Leave are as follows:

Weeks 1 to 26 of Adoption Leave

Irrespective of whether the employee is in receipt of CAP or SAP, the pensionable service counts in full as if the employee had been at work. This is pro-rata for part time members. The employee will pay contributions on the actual CAP and/or SAP (if any) received, including any CAP paid as a lump sum on return to work. If the employee is not in receipt of CAP or SAP, they are deemed to have paid contributions in full.

Weeks 27 to 39 of Adoption Leave

Providing the employee is in receipt of CAP or SAP, the pensionable service counts in full as if the employee had been at work. This is pro-rata for part time members. The employee will pay contributions on the actual CAP and/or SAP (if any) received, including any CAP paid as a lump sum on return to work.

However, if the employee is not in receipt of CAP or SAP, the employee will need to opt to pay pension contributions to cover this period if they wish their pensionable service to count in full as though the employee had been at work. This is pro-rata for part time members. The employee will pay contributions based on the rate of pay they were entitled to receive immediately prior to going on leave.

Weeks 40 to 52 of Adoption Leave

The employee will not be in receipt of CAP or SAP, however if they opt to pay pension contributions to cover this period, the pensionable service counts in full as if the employee had been at work. This is pro-rata for part time members. The employee will pay contributions on the rate of CAP and/or SAP received on the last day of paid adoption leave. However, if the employee was not entitled to CAP and/or SAP due to her length of service, they will pay contributions based on the rate of pay they were entitled to receive immediately prior to going on leave.

OR

Weeks 40 to 52 of Adoption Leave

The employee can opt not to pay contributions to cover the unpaid period and they will not accrue pensionable service for this period.

3.1.2 Any member is able to 'opt out' of the LGPS at any time. Therefore, an employee who has no intention of returning to work, or simply does not wish to protect their future pension, can ensure that no contributions are paid on any of the pay received during their adoption leave, by 'opting out' in advance of starting their adoption Leave. The

employee's final date in the LGPS would be at the end of the payment period during which their notification to opt out is given.

- 3.1.3 Employees who choose to opt out and return to work are able to elect to re-enter the LGPS as they choose.
- 3.1.4 Employees who have paid contributions throughout their paid Adoption Leave must on their return to work, elect within the first 30 days to pay the missing contributions covering the period when no pay was received and also any KIT days. The Payroll Section will automatically contact the employee with details of the amount they must pay together with a form to complete indicating their decision. Recovery of the contributions would be made, in most cases, to suit the employee's individual needs.
- 3.1.5 Employees who are paying additional pension contributions to increase their scheme membership (commonly called buying "added years"), will have to continue with these payments throughout the full period of their Adoption Leave (both paid and unpaid) as if they were still in receipt of full pay. The additional contributions are calculated on the rate of pay the employee would have received as though they were not on Adoption Leave. The additional membership will then count at the length the employee originally elected to buy when they have finished the added years purchase contract (for part-time members the purchased service would be pro-rata to full time equivalent). On the employee's return to work, the Payroll Section will contact the employee detailing the amount they must pay for the unpaid leave period.
- 3.1.6 Employees who are paying additional voluntary contributions (AVCs) must continue to make payments on pay received, unless the employee opts to stop this payment.
- 3.1.7 Employees who are paying additional regular contributions (ARCs) to purchase additional annual pension or purchase added years of membership must continue to make these payments. Contributions will be based on the pay the member would have received but for being on leave, unless they opt to stop paying the ARCs or stop purchasing extra membership. If the employee opts to stop paying those additional contributions, they will be credited with the proportion of extra pension or added years they have paid for. Contributions for added years could not subsequently resume, and although ARCs could recommence, they would have to be taken out under a new contract which, as the employee will be older than when they took out their original ARC contract, it is likely to mean a higher contribution rate.
- 3.1.8 Employees should contact the Pension Section on (01482) 391450 if they wish to 'opt out' of the LGPS.
- 3.1.9 Further information is available from the Pensions Section directly on (01482) 394150. PLEASE NOTE: Employees considering opting out of the pension scheme are strongly advised to consult a financial adviser before taking any action.

3.2 TEACHING STAFF (Teachers' Pension Scheme)

- 3.2.1 Whilst in receipt of OAP or SAP, pensionable service will accrue at the same proportion as the employee's teaching post. Any adoption leave without pay will not count as pensionable service.
- 3.2.2 Members of the Teachers' Pension Scheme can opt in or out at any time. Employees can opt out in advance of their adoption leave by completing the Opting Out Form, available from the Human Resources Helpdesk or online at www.teacherspensions.co.uk. This means that no contributions are paid on any payments received during adoption leave.
- 3.2.3 Employees who opt out and then return to work are able to rejoin the Teachers' Pension Scheme by completing the Election to Join the Scheme Form available from the Human Resources Helpdesk or online at www.teacherpensions.co.uk. There is no limit to the number of times employees can opt out and rejoin the Teachers' Pension Scheme but employees should note the significance of opting out for a period of 5 years or more, whereby they will be treated as a new Scheme member when they opt back in.
- 3.2.4 Employees who are paying additional voluntary contributions (AVCs) must continue to make payments on pay received, unless the employee opts to stop this payment.
- 3.2.5 Employees who are paying additional regular contributions (ARCs) to purchase additional annual pension or purchase added years of membership must make contact with the Teachers' Pension Scheme, the Union's Pension section or a Financial Advisor.
- 3.2.6 PLEASE NOTE - Employees considering options 13.2.2, 13.2.3, 13.2.4 and 13.2.5 above are strongly advised to consult with their trade union representative or a financial adviser before taking any action.

APPENDIX 1

GLOSSARY OF DEFINITIONS	
SAL	Statutory Adoption Leave
OAL	Ordinary Adoption Leave
AAL	Additional Adoption Leave
SAP	Statutory Adoption Pay
CAP	Contractual Adoption Pay
Matching certificate	The adoption certificate issued by the Adoption Agency confirming that the adoptive parents have been matched with a child
A1	The Council's application form for adoption leave and pay (to be completed and returned with the matching certificate)
A2	The Council's return to work form (to notify the Council of the employee's date of return to work)
Placement Date	The date on which the child is expected to be placed with the adoptive parents.
KIT	Keeping in Touch Days

APPENDIX 2
Form A1

APPLICATION FOR ADOPTION LEAVE AND PAY (SCHOOL BASED EMPLOYEES)	
HOW TO COMPLETE THIS FORM	
1. Read the information contained in the Council's Adoption Policy and Procedure so that you understand your entitlement.	
2. Fill in this form and give it to your Headteacher who will send it to Human Resources, at least 28 days (or as soon as is reasonably practicable) prior to the date you wish to take your leave.	
3. Attach original matching certificate from the Adoption Agency.	
SECTION 1: Please complete the following	
1	Name:
2	Address:
3	Directorate: Children, Family and Adult Services
4	Post and Name of School:
5	Employee Reference Number: (this is shown on your pay advice)
6	Date you began work with the Council:
7	Normal weekly hours of work
8	Expected date of adoption:
SECTION 2: Please complete as appropriate	
1	Date you wish to start adoption leave:
2	Do you intend to return to work? Yes <input type="checkbox"/> No <input type="checkbox"/>
3	I understand that if I am in the LGPS:- a) I will only pay pension contributions on actual pay received whilst on adoption leave but I will still accrue pensionable service based on my normal hours and pay; b) On my return from absence, I will have the option to repay pension contributions for any unpaid period of absence. I understand that the pension contributions will be based on the rate of pay received on the last day of paid adoption leave; c) If I wish to opt out I must call the Pension Section on (01482) 391450. I understand that I can rejoin the LGPS when I return to work however there will be a break in my pensionable service (not applicable to teachers).
3	I understand that if I am eligible for and receive 12 weeks half pay, I am required to repay this if I do not return to work for the required minimum 3 month period.
4	I claim adoption pay.
5	I understand that if I want to return before the end of my adoption leave, I will need to give 8 weeks notice of the date I want to return to work.
Signed: _____ Date: _____	

SECTION 3: For Departmental Use Only

All dates confirmed		Normal weekly hours confirmed	
Copy of form to Payroll Section		Copy of form to Pensions Section	
Signed:		Date:	
Print Name:		Extn:	

APPENDIX 3
Form 2

NOTIFICATION OF PROPOSED DATE OF RETURN TO WORK FROM ADOPTION LEAVE (SCHOOL BASED EMPLOYEES)			
If you intend to return to work at the end of your full adoption leave entitlement (52 weeks), you will NOT be required to give any further notification.			
However, if you wish to return to work BEFORE the end of your adoption leave, you should inform your Headteacher <u>and</u> notify Human Resources by completing and returning this form, giving at least 8 weeks notice of your proposed date of return. Failure to give the required minimum notice may lose you the right to return to work on your requested date.			
If you change your mind about your return date and want to return even earlier then you must advise your Headteacher at least 8 weeks before the new return date.			
If you want to postpone your early return date then you must advise your Headteacher at least 8 weeks before your original early return date.			
1	Name:		
2	Address:		
3	Directorate:	Children, Family and Adult Services	
4	Post and Section/Location:		
5	Employee Reference Number (this is shown on your pay advice):		
6	Proposed Date of Return to work		
7	Please detail if your contracted hours have changed		
Signed:		Date:	
<i>Please note that if you do not return to work for a period of a minimum of 3 months you will be required to repay the 12 weeks half pay you have received.</i>			
For Human Resources Use Only			
Return date confirmed		Eform to Payroll Section	
Signed:		Date:	
Print Name:		Extn:	

APPENDIX 4

CHECK LIST FOR MANAGERS TO USE FOR ADOPTIVE PARENTS	
As soon as you are informed that an employee is matched with a child you must:	
Provide the employee with a copy of the Adoption Pay and Leave Policy and Procedure (available on the intranet).	<input type="checkbox"/>
Ensure the employee provides you with their Matching Certificate and Form A1. (<i>The original Matching Certificate and Form A1 must be sent to HR Advisers at County Hall, BG19a.</i>)	<input type="checkbox"/>
Agree with the employee what contact they will have with the Council regarding information (eg Grapevine, team minutes etc) and work related issues.	<input type="checkbox"/>
If the employee is returning earlier than the 52 weeks entitlement, ensure the Form A2 is completed by the employee and returned to the HR Advisers.	<input type="checkbox"/>
If the employee is returning and has requested a change in their hours of work, provide them with the Right to Request flexible working form and guidance which is available on the intranet. If a change of hours is agreed an eform should be completed by the support section.	<input type="checkbox"/>
Signed: Manager	Date:
Print Name	Extn:
For all enquires please email HR Helpdesk@eastriding.gov.uk , or telephone (01482) 391221.	

