



# Community First Academy Trust

## **ADOPTION LEAVE PROCEDURE FOR EMPLOYEES**

**ADOPTED AT THE MEETING OF DIRECTORS**

**HELD ON 23<sup>rd</sup> March 2018**

**CHAIR OF BOARD: Mr J Pugh**

**This is a Trust-wide policy adopted and reviewed by either the Trust Board or Finance Committee and relates to all schools that are partners within the Trust.**

**Specific Academy policies, e.g. curriculum policies will be found on the individual school websites.**

**This policy was written in March 2018 and is to be reviewed in line with statutory change or every three years.**

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This procedure has been adopted by the Board of Trustees of Community First Academy Trust.

This procedure supersedes any procedure previously in place at any of our partner schools either formally or through custom or practice

## Introduction

Community First Academy Trust recognises the importance of adoption and is committed to supporting employees throughout the process. This includes preparing for the placement of their child, during their adoption leave and on their return to work.

Up to 52 week's adoption leave may be available to individuals or one member of a couple who are newly matched with a child for adoption by an approved adoption agency. Adoption leave may also be available to prospective adopters in foster to adopt arrangements and surrogacy arrangements where the intended parents expect to become the legal parents, either via adoption or by obtaining a parental order.

Adoption leave is not available where the child is not newly matched, for example where a step parent or family member adopts the child.

Only one person is eligible for adoption leave and pay. For the purpose of this policy they will be referred to as the main adopter. The joint adopter or partner of an individual who adopts or who is having a child through surrogacy, may be eligible for paternity leave and pay.

Expectant parents may also be eligible for Shared Parental Leave which gives them the option share the remainder of their leave with their partner. Employees should refer to the Shared Parental Leave Policy which sets out the criteria for eligibility, notice and pay.

## Purpose

This policy aims to provide managers and employees with further information on adoption leave including the notification requirements and the statutory and contractual entitlements in respect of pay and leave.

## Scope

This policy applies to all employees of the trust including teachers. Where the policy refers to the manager for schools this may be the headteacher or the person who has delegated management responsibility for employees.

Employees should inform their manager as soon as possible of their intention to take adoption leave. This will enable managers to take account of any support required and also plan for the employee's absence.

Employees must follow the correct notification requirements set out below and provide appropriate documentary evidence of the adoption or surrogacy:



Notify their manager as soon as possible and within 7 days of being matched with a child or for surrogacy, no later than 15th week before the expected date of child birth;



Submit to their manager the appropriate documentary evidence, for example:

- the matching certificate;
- official confirmation from the adoption agency of the fostering for adoption arrangements and the expected date of placement;
- official notification from the relevant UK adoption agency confirming their eligibility and the expected date of arrival of the child in the UK (for overseas adoptions); or
- a copy of the MatB1 or other evidence of the pregnancy (for surrogacy); and



Submit the completed application form, along with a copy of documentary evidence, to trusts central payroll team **at least** 28 days before they wish to start their leave.

### **Pre-adoption appointments**

The main adopter is entitled to paid time off for up to five adoption appointments before the expected date of placement.

The main adopters partner/joint adopter is entitled to unpaid time off to accompany them to two adoption appointments.

In surrogacy arrangements both intended parents are entitled to unpaid time off to attend up to two ante-natal appointments with the birth mother.

Employees should provide their manager with as much notice as possible of the date, time and expected duration of the appointment.

### **Adoption leave**

All employees are entitled to 52 weeks of adoption leave, regardless of their length of service or contracted hours. This is made of 26 weeks ordinary adoption leave and 26 weeks additional adoption leave.

### **Starting adoption leave**

Employees can start adoption leave:

- up to 2 weeks before the date the child starts living with them (for UK adoptions);
- the date the child arrives in the UK or within 28 days of this date (for overseas adoptions); or
- the date of the child's birth or the day after (for surrogacy arrangements).

Employees must notify their manager within 28 days if the date of placement changes or UK arrival dates for overseas adoptions.

### **Adoption pay**

The type of adoption pay an employee will receive depends on their length of continuous service and whether or not they intend to return to work following their adoption leave. For teachers, service is defined as employment as a teacher with one or more aggregated schools.

In addition, statutory adoption pay is dependent upon an employee's average earnings being above the lower earnings limit set by the government.

<b>Scheme 1 – More than 12 months' continuous service with the Trust.</b>
<b>Paid Leave</b> 6 weeks at 90% of pay 12 weeks at half pay (optional) 21 weeks at SAP
<b>Scheme 2 – Less than 12 months' continuous service but more than 26 weeks.</b>
6 weeks at 90% of pay 33 weeks at SAP

### **Statutory adoption pay (SAP)**

Statutory adoption pay will be paid to employees who have at least 26 weeks' service and who have average earnings above the lower limit set by the government. 26 weeks service is counted back from the 15<sup>th</sup> week before:

- the week they are notified of an adoption match (UK adoptions);
- the week the child is expected to arrive in the UK (overseas adoptions); or
- the week the baby is due (surrogacy)

For teachers, service must be as a teacher with one or more local authority schools. For support employees, continuous service must be with the Trust.

SAP is paid to employees whether they intend to return to work or not and is made up of the following elements:

- 6 weeks at 90% of full pay
- 33 weeks at flat rate SAP

### **Contractual adoption pay (CAP)**

Contractual adoption pay will be paid to employees who have at least 12 months local government continuous service 11 weeks before:

- the week they are notified of an adoption match (UK adoptions)
- the week the child is expected to arrive in the UK (overseas adoptions)
- the week the baby is due (surrogacy)

For teachers service must be as a teacher with one or more local authority schools. For support staff, continuous service must be with trust.

Contractual adoption pay is paid in addition to statutory adoption pay without any deductions, unless the combined pay exceeds full pay.

CAP is made up of the following elements:

- 12 weeks at half pay

Employees may choose to be paid the 12 weeks half pay differently. This could be, for example, spread evenly over the first 20 weeks of flat rate SAP or as a lump sum. A lump sum can only be paid on or after the 18th week of adoption pay which is the last week on which the 12 weeks half pay would have been paid.

Trust employees on NJC terms and conditions must return to service for at least 3 months. Teachers must also return to their job for at least 3 months.

Employees who do not will be required to pay the half pay back.

Sickness absence during this 3 month period will not count as a return to work.

Annual leave will count.

Employees who are not entitled to Statutory Adoption Pay may be able to get some form of financial help. Employees should contact their local job centre plus for further advice.

### **Keep in touch days**

Managers and employees may agree for an employee to work or attend training on up to 10 days during the adoption leave period. These are known as keep in touch 'KIT' days and can be useful in helping employees stay up to date with any changes at work. The manager and employee must both agree to working these days and also agree to arrangements including what work will be carried out and how payment will be arranged.

### **Ending adoption leave**

Employees who wish to return before the end of their adoption leave must provide the trust with at least 21 days' notice of their return date. Notification should be submitted to their manager who will forward to the Trust Central Team to make sure the employee is paid correctly on their return to work.

The trust or school may delay an employee's return if they do not provide 21 days' notice.

Employees who are not able to return to work due to sickness must follow their usual sickness reporting procedure. Managers will follow the Sickness Management Policy.

Employees who do not wish to return to work at the end of their adoption leave must notify their manager of their resignation.

### **Disrupted placement**

Where an employee has started their adoption leave and the placement is disrupted which means it either does not take place or ends for any reason, the adoption leave may continue for eight weeks. Employees must inform the trusts central team that the placement has not taken place, or ended, and the date they wish to return to work if earlier than the eight week period.

### **Shared parental leave**

Employees who are eligible have the option to curtail their adoption leave and convert to shared parental leave. Shared parental leave means parents can share up to 50 weeks of leave and 37 weeks of pay if they meet the necessary eligibility criteria.

Employees can find further information in the Shared Parental Leave Policy for which sets out the eligibility criteria and notification requirements.

## **Pension**

### **Local Government Pension scheme**

Employees who pay into the Local Government Pension Scheme will have to pay contributions on their actual pay.

Employees will not accrue pension benefits during any unpaid periods of maternity leave. Employees can however choose to pay additional pension contributions (APCs) to make up those benefits. Further information on APCs can be found on the [Greater Manchester Pension Fund](#) website. Tel: 0161 301 7000.

### **Teacher's Pension scheme**

Teachers will continue to pay pension contributions during the paid part of their adoption leave.

Contributions will not be made during any unpaid period of adoption leave. Teachers may however apply to the teacher's pension scheme to make additional pension contributions.

## **Sickness**

Adoption leave is regarded as service for the purposes of sick pay.

Employees who are unable to return to work following their adoption leave should follow their usual sickness absence reporting arrangements. Managers will follow the Sickness Management Policy.

## **Annual leave**

### **Full year employees**

All annual leave should be taken between 1st April and 31st March. It can be taken at the beginning or at the end of the adoption leave period but not at the same time. All leave must be booked following usual procedures.

Employees who take 12 months' adoption leave will still accrue their full contractual leave entitlement plus bank holidays. Any leave not already used, must be taken within 12 months of the employee's return from adoption leave.

### **Term-time only employees**

Employees will continue to accrue full contractual annual leave and bank holidays during their adoption leave, however salary for term-time only employees includes payment for annual leave and bank holidays. The trust central payroll team will calculate how much annual leave and bank holidays employees will receive in their salary whilst on the paid part of their adoption leave and any balance owing will be taken as leave at the end of their adoption leave period. Managers will be notified of any balance owing to employees at the start of their adoption leave.

## **Teachers**

The annual leave year for teachers is 1 September to 31 August. Teachers must be allowed to take any outstanding leave during term time (within that leave year) if there are insufficient school closures to accommodate their leave in that leave year.

In cases where a teacher returns from maternity leave so close to the end of the leave year that there is not enough time to take all annual leave, they will carry the balance to the following leave year (taken during school closures). Untaken annual leave will not be paid.

## **Salary sacrifice schemes**

If you have taken out a salary sacrifice agreement, under the terms and conditions of the scheme you will continue to make payments whilst you are receiving contractual adoption pay. When you are only receiving statutory adoption pay, or are on unpaid adoption leave, payments will be suspended and the missed months will be added to the end of your hire agreement.

## **Applying for other jobs**

Employees can still apply for other jobs during their adoption leave.

They must however be aware of the following obligations in order to keep any contractual maternity pay received.

- support staff must return to local government for a period of three calendar months.
- Teachers must return to their job for a period of 13 weeks (including school closures).

## **Returning to work**

Employees must provide the trust with at least 21 days' notice if they intend to return to work earlier than the end date of their adoption leave. Employees who do not provide 21 days' notice may have their return date delayed.

Employees are not obliged to notify the trust if they are returning at the end of their full adoption leave but it is advisable to ensure they are paid correctly on their return to work.

Employees who wish to change their return to work date must provide at least 21 days' notice.

Employees who choose to return to work will continue in their original job. Where this is not possible, the employee will be offered an alternative position with no less favourable terms and conditions of employment.

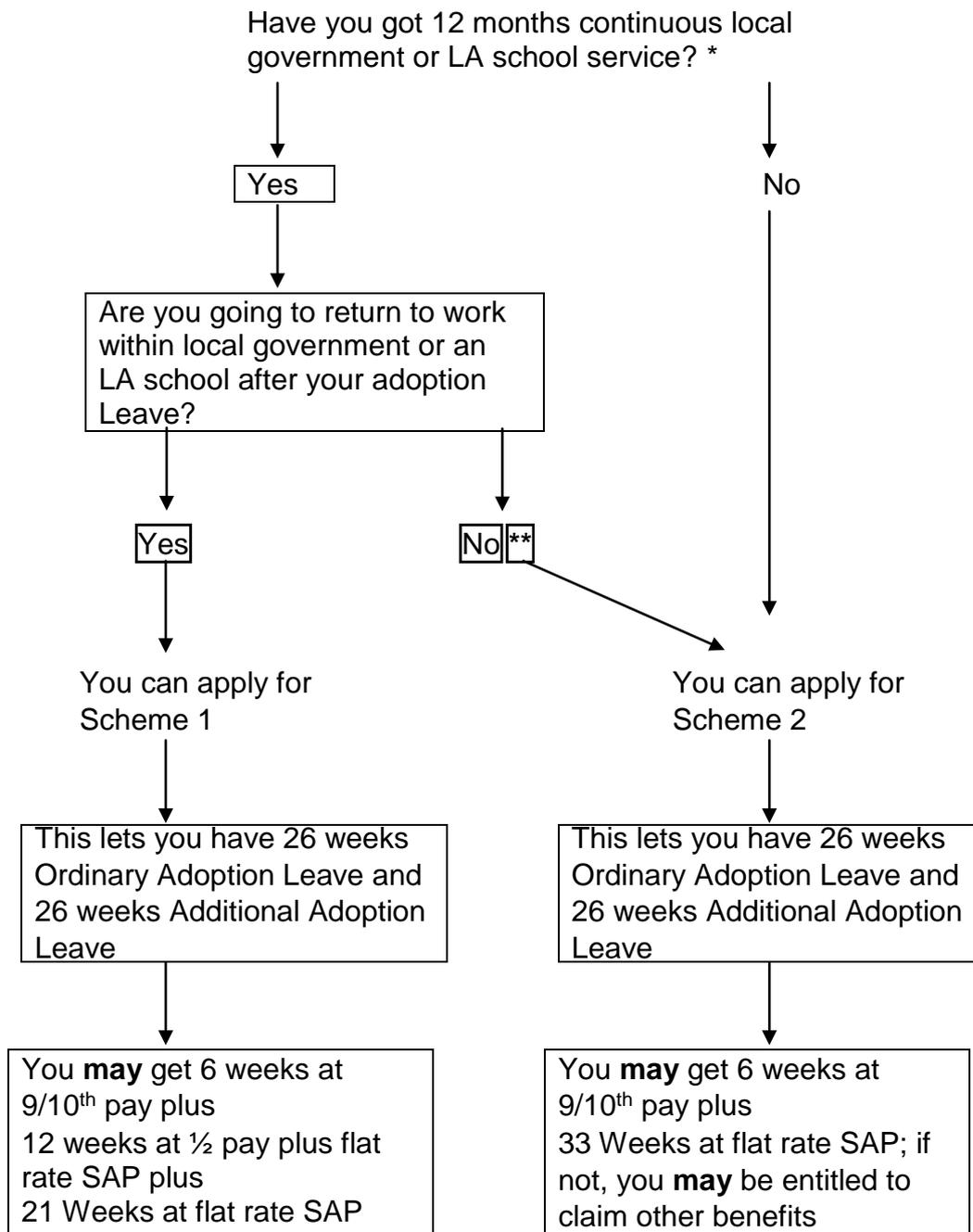
Employees who are on adoption leave will be included in consultation on organisational change processes which affect their job.

If an employee wishes to return on a different working pattern, including reduced hours, they may submit a request under either the trust's flexible working policy for trust employees or flexible working policy for school employees in the schools employee handbook.

Each request will be seriously considered. Subject to business reasons or service requirements, requests may be refused or an alternative arrangement proposed.

Employees who choose not to return to work must notify their manager in writing of their resignation.

## Which adoption scheme?



Please note that payment of Statutory Adoption Pay depends on your level of earnings, National Insurance contributions and a minimum of 26 weeks service with the trust or with one or more aggregated schools for teachers, at the week you are notified of an adoption match or for surrogacy, the 15<sup>th</sup> week before the baby is due.

12 months service – the 12 months service is counted back from the week you are notified of an adoption match or for surrogacy, the 11<sup>th</sup> week before the baby is due.

If you later choose to return to work, you can claim the 12 weeks ½ pay by writing to the Trust Central Team. This means scheme 1 will apply.

## **Additional Information:**

### **Family Information Service**

#### **What is the Family Information Service?**

The Family Information Service or FIS (previously called the Children's Information Service) provides parents and carers with a range of free, impartial advice and information.

This includes details of registered childcare and early years' provision in the Wigan borough area.

It also provides advice on how to select the most appropriate kind of care for your child and gives information to help you decide on a particular provider.

If you need financial help towards the cost of childcare, the FIS can provide information and advice about how to apply for tax credits.

You can ring the helpline on 01942 828644 or extension 3644– Monday to Friday the line is available from 8 am until 6 pm, and on Saturday from 8 am until 12.30 pm.

You can visit the website at [www.wigan.gov.uk/familyinformationservice](http://www.wigan.gov.uk/familyinformationservice).

You can also email for information [fis@wigan.gov.uk](mailto:fis@wigan.gov.uk).

You will also find parenting advice for children aged 0-19 years, or up to 24 years if the person has a disability, in the [Family Service Directory](#).