

# *The Pilgrim School (a Church of England Primary with Nursery)*

## **Adoption Policy**

Date agreed by staff: February 2019

Date agreed by governors: February 2019

Review by date: Spring 2022

Signed: Date:



### **1.0 Introduction**

- 1.1 The school wishes to encourage and support employees who are considering and taking part in the adoption process.
- 1.2 To assist prospective adoptive parents the council grants additional leave and pay to supplement the employee's statutory entitlements.

### **2.0 Equalities Statement**

- 2.1 The school is committed to providing equal opportunities and access to all. This equalities statement embraces the spirit of managing a diverse workforce and ensures that no employee who is considering and/or going through the adoption process is discriminated against either directly or indirectly or victimised on the grounds of their race, disability, sex, sexual orientation, religion or belief, age, marital or civil partnership status or any stage of gender reassignment.

### **3.0 Scope**

- 3.1 This policy is commended to Governing Bodies for adoption to all school employees regardless of the number of hours worked.
- 3.2 This adoption policy gives adoptive parents the right to leave and pay that is broadly similar to the maternity policy. School teachers' entitlement to adoption leave and pay will mirror that of the Maternity provisions as detailed in the School Teachers Pay and Conditions Document.

### **4.0 Roles and responsibilities**

#### **4.1 Employee responsibilities**

- (i) to maintain a dialogue with their headteacher to keep them up-to-date with progress of the adoption process;
- (ii) to provide their headteacher with appointment dates and requests for time off giving as much notice as possible.

## **4.2 Headteacher responsibilities**

- (i) to support the employee through the pre-adoption process by showing flexibility when time off for appointments is requested.
- (ii) to seriously consider any requests for flexible working made under The Right to Apply for Flexible Working legislation providing as much flexibility as possible taking account of the needs of the service.

## **4.3 HR Services responsibilities**

- (i) To review the policy at appropriate times and in accordance with any changes in legislation.
- (ii) To promote the policy to all employees to ensure they are aware of their rights in relation to adoption leave and pay.

## **5.0 Principles**

5.1 The guiding principle of this policy is that an employee who adopts a child should suffer no discrimination or detriment in terms and conditions of employment (apart from remuneration) as a result of that adoption. This principle is best implemented by treating the employee on adoption leave in the same way as if they would have been treated if they were still at work.

5.2 The leave and pay is not available in circumstances where a child is not newly matched for adoption, i.e., when a stepparent is adopting a partner's child.

## **6.0 Notification of Adoption.**

6.1 In order to assist the school in planning service provision and in accommodating the needs of the individual the employee should notify their headteacher of their intention to adopt at an early stage in the process. During the process the employee should endeavour to keep their line manager updated on progress.

6.2 Once the employee has been informed by the adoption agency that they have been matched with a child for adoption, the employee must (within seven days) supply to their headteacher written notification of when the child is expected to be placed with them and when they would like their leave to start (ideally 28 days' notice of any subsequent change to this date should be given by the employee, however where this is not possible the employee should give as much notice as possible of any change) together with a copy of the 'matching certificate' or other documentary evidence from the adoption agency and a signed self-declaration.

6.3 The headteacher should pass this notification to Schools HR Services who will, within 28 days of this notification, reply in writing informing the employee of their entitlements.

## **7.0 Pre-placement Adoption Leave**

7.1 An employee will be granted four days paid Pre-Placement Adoption Leave (pro-rata for part-time employees). This can be taken flexibly to attend to the formalities of the pre-adoption process. An employee will be entitled to this leave irrespective of the fact that they may subsequently withdraw from the adoption process.

- 7.2 Where both adoptive parents are employees of the school, both will be eligible for Pre-Placement Adoption Leave.
- 7.3 Employees are asked to provide their headteacher as much notice as possible when making their requests for Pre-Placement Adoption Leave.
- 7.4 Pre-Placement Adoption Leave will normally be granted once to each employee.

## **8.0 Adoption Support Leave – Paternity Leave**

- 8.1 Adoption Support Leave of either five or ten days paid leave is available to the adoptive parent who is not taking adoptive leave/pay as outlined in paragraph 5.0.
- 8.2 Employees must notify their headteacher of their intention to take Adoption Support Leave within seven days of being notified by the adoption agency that they have been matched with a child for adoption. They must inform their headteacher of the expected date of placement, whether they wish to take five or ten days leave and the date they wish to start their leave (ideally 28 days' notice of any subsequent change to this date should be given by the employee, however where this is not possible the employee should give as much notice as possible of any change). All employees requesting Adoption Support Leave must sign a self-declaration.
- 8.3 One parent cannot take both Adoption Leave and Adoption Support Leave.
- 8.4 Adoption support leave and pay granted under the contractual arrangements runs concurrent with the statutory provision of Ordinary Paternity Leave and Statutory Paternity Pay which means that ten days will be the maximum leave granted. The contractual pay will be reduced by the amount of Statutory Paternity Pay received (where eligible) so that full pay is not exceeded.

## **9.0 Statutory Adoption Leave and Pay**

- 9.1 This relates to the partner who is not opting to take Adoption Support Leave and also does not relate to Teachers in schools. School teachers' entitlement to adoption leave and pay will mirror that of the Maternity provisions as detailed in the School Teachers Pay and Conditions Document (burgundy book) and page 3 of the teacher's maternity policy.

### 9.2. Commencement of Adoption Leave

- 9.2.1 The employee can choose to start their adoption leave on any day of the week and it can be taken from the date of the child's placement or a fixed date, which can be up to 14 days before the expected date of placement. If the placement is delayed for whatever reason and the employee has already begun their adoption leave, they cannot stop leave and start it again at a later stage.

### 9.3.0 Adoption Leave and Pay Entitlement

- 9.3.1 Employees are entitled to 26 weeks' Ordinary Adoption Leave immediately followed by a further 26 weeks' Additional Adoption Leave (a total of 52 weeks' adoption leave).
- 9.3.2 During adoption leave employees whose earnings are above the Lower Earnings Limit are entitled to the following pay:
- 9.4.0 Less than 26 weeks service – no entitlement to a payment from the school.

- 9.4.1 More than 26 weeks' but less than 1 years' service at 11th week before expected week of adoption – 39 weeks Statutory Adoption Pay (SAP)(or 9/10ths of contractual pay if this is less than SAP).
- 9.4.2 For employees intending to return to work for at least 3 months and with at least 1 years' service at the 11th week before the expected week of adoption – 12 weeks' at ½ pay plus SAP (or 9/10ths of contractual pay if this is less than SAP, and not to exceed full pay), followed by 27 weeks' at SAP (or 9/10ths of contractual pay if this is less than SAP).
- 9.4.3 For employees not intending to return to work for at least 3 months and with at least 1 years' service at the 11th week before the expected week of adoption – 39 weeks' at SAP (or 9/10ths of contractual pay if this is less than SAP).
- 9.4.4 Employees whose earnings are below the National Insurance Lower Earnings Limit and who have at least 1 years' service at the 11th week before the expected week of adoption and intend to return to work for at least 3 months will be entitled to the occupational adoption pay element only – 12 weeks at ½ pay only.
- 9.4.5 If an employee declares their intention to return to work and receives the additional ½ pay for twelve weeks and then fails to return to work for a period of 3 months, they will be liable to repay the 12 weeks ½ pay element. This requirement may be waived in exceptional circumstances at the discretion of the Governing Body.
- 9.4.6 An employee may also choose to defer the additional ½ pay for 12 weeks' and receive this pay after having completed the necessary 3 months service after returning to work.
- 9.4.7 Headteachers or their designated representative should keep in touch with employees who are on adoption leave and intending to return to work. The employee should be advised of vacancies within the council, significant workplace developments and learning and development opportunities.
- 9.4.8 If the placement of the child is disrupted after the employee has commenced adoption leave, the leave will normally finish eight weeks after the end of the week in which the disruption took place. Pay will also finish at this point or at the end of the adopter's 39 weeks adoption pay period if that is sooner.

## **10.0 Additional Paternity Leave (APL) and Additional Statutory Paternity Pay (ASPP)**

### **10.1 Statutory entitlements for the partner taking Adoption Support Leave**

#### **10.2. Additional Paternity Leave (APL)**

10.2.1 Eligible employees will be able to take up to 26 weeks' Additional Paternity Leave (APL) within the child's first year. It must be taken in a single continuous block; the minimum period of APL is two weeks and the maximum 26 weeks. This will normally be available during the second six months of the placement for adoption; the first 20 weeks will be preserved for their partner to take Adoption Leave. An employee intending to take APL is required to give eight weeks' notice to their headteacher.

10.2.2 The employee does not have to start APL immediately after their partner returns to work but the APL must finish within one year of the placement for adoption.

#### **10.3 Eligibility for Additional Paternity Leave**

The Pilgrim Church of England Primary and Nursery School is a member of



10.3.1 APL is available for employees:

- Who are adopting and have not taken Statutory Adoption Leave as set out in paragraph 4, or
- Whose partner is adopting.

10.3.2 To be eligible the employee must either be:

- The member of a jointly adopting couple who has chosen not to take Statutory Adoption Leave and Statutory Adoption Pay or the spouse, civil partner of the adopter, and
- Be responsible for the upbringing of the child.

10.3.3 For an employee to take APL, the partner must have returned to work and forfeited a portion of their statutory adoption leave. The effect of this requirement will be that both adoptive parents cannot take Adoption Leave and APL at the same time.

10.4. Proof of adoption

10.4.1 The employee intending to take APL will need to self-certify their eligibility for APL and their partner will also be required to sign the same declaration to confirm when they intend to return to work giving details of their employer's name and address to enable a check to be undertaken by Schools HR Services.

10.5.0 Additional Statutory Paternity Pay (ASPP)

10.5.1 A qualifying employee will also be able to receive ASPP provided their partner has some of their entitlement to Statutory Adoption Pay (SAP) left at the time of their return to work.

10.5.2 The rate of pay will be either the prescribed SPP rate or 90 per cent of the employee's weekly earnings, whichever is the lesser amount. Both adoptive parents will therefore together, be entitled to statutory adoption pay (SAP) and statutory paternity pay (SPP) for 39 weeks

## **11.0 Employment Conditions for employees on Adoption Leave and Paternity Leave**

11.1 During adoption and paternity leave annual leave will accrue and sick leave entitlement will be earned. (NB this is applicable to all year round contracted staff only). However, when choosing a date to commence either adoption leave or paternity leave employees should take into account the rules governing the carry-over of annual leave from one leave year to the next. These rules state that employees will be entitled to carry over a maximum of 3 days annual leave from one leave year to the next. All carried over leave must be taken by 31st May in the new leave year. Alterations to this rule will only be made in exceptional circumstances and at the discretion of the Governing Body. It is important therefore that employees ensure that annual leave is used up prior to commencing adoption leave to ensure that no entitlement to leave is lost. Annual leave requested at the end of the adoption leave period will be with the approval of the headteacher as with all annual leave requests.

## 11.2. Pension

11.2.1 Individual employees are advised to check to see how their pension contributions will be affected.

11.2.2 Pension benefits will continue to accrue as if the employee was working on full pay but pension contributions will be paid on the actual pay that the employee is receiving. Any period of unpaid adoption or paternity leave will not count for pension purposes however; the employee can choose to pay back pension contributions for the unpaid period upon their return to work should they wish to do so. The cost of paying back is based on the last rate of pay that the employee received, ignoring any increase in pay due to working a Keeping in Touch Day.

## 11.3.0 Essential car user allowance

11.3.1 Employees who have Essential Car User status are entitled to receive the appropriate lump sum allowance during their period of adoption leave and paternity leave.

## 12.0 **Returning To Work**

12.1 It will be assumed the employee will return to work at the end of appropriate adoption or paternity leave period. If they wish to return to work before this date they must notify their headteacher in writing 28 days' before their new intended return date. Where the required notice is not given, headteachers may postpone the early return to meet the notice period set out above.

12.2 Where an employee is unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.

12.3 An employee will be able to return to the job they were employed in before they commenced their adoption and paternity leave and on terms and conditions no less favourable than those that would have applied had they not been absent.

12.4 If a re-organisation occurs whilst the employee is on adoption leave they will be treated as if they were not absent. For example, if the employee's post becomes redundant due to a reduction in staffing levels, they are entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done is suitable and appropriate to the circumstances, and the capacity and place in which they were employed and on terms and conditions that are not substantially less favourable than those of the original post. It is unlawful for an employee to be selected for redundancy because they were on adoption or paternity leave for any reason associated with the adoption.

## 13.0 **"Keeping in Touch Days"**

13.1 Employees on both Adoption Leave and Paternity Leave will be able to do ten days work during their leave period. Working for part of a day will count as one day. The employee will be paid for the work that they undertake and the school will offset their statutory pay for the day against any pay due.

13.2 The employee will be able to return to the job they were employed in before they commenced their leave and on terms and conditions no less favourable than those that would have applied had they not been absent.

#### **14.0 Right to apply to work flexibly**

- 14.1 Parents of young, or disabled, children have a statutory right to request flexible working if they meet the eligibility criteria. Employees should refer to guidance which can be found in the schools employee guide to flexible working.