

POLICY: Adoption Policy & Procedure	REF: ESD008 Employment & Staff Development	VERSION: 1
APPROVAL BODY:	DATE: March 2017	REVIEW DATE: October 2019
LEAD PERSON:		
VERSION	REVIEWER/APPROVAL	REVIEW NOTES
1. 22/03/2017	Multi Academy Trust Board	New Policy
2.		

Adoption Policy and Procedure

Purpose of the Policy

This document outlines the benefits and entitlements available to Activate Learning Education Trust employees with regards to adoption leave, adoption pay and other issues relating to adoption. It is the Trust's policy to comply fully with all statutory requirements with respect to adoption rights.

Adoption Leave

Ordinary Adoption Leave

All employees, regardless of length of service, number of hours worked or type of contract (temporary or permanent) are entitled to 39 weeks ordinary adoption leave, provided they comply with the notification requirements detailed in this policy.

Additional Adoption Leave

Employees, who have 26 weeks continuous service, by the week in which they are matched with the child to be adopted through a recognised adoption agency, will be entitled to a period of additional adoption leave, provided they comply with the notification requirements detailed in this policy. The employee must provide a minimum of 28 days' notice of any intention to take adoption leave.

The additional adoption leave consists of a maximum period of 52 weeks leave (including the ordinary adoption leave period). Employees may take up to a maximum of 11 weeks leave prior to the week in which they are matched with the child to be adopted.

Prior to Adoption Leave

The formal notification should be in writing using the form in Appendix 1 and should be sent to the employees Manager. It should state:

- a) the date on which they would like their adoption leave to start;
- b) the expected week of placement (if known);
- c) how many days annual leave they have taken up to the commencement date of adoption leave and whether they will be taking any outstanding days.

A Matching Certificate from a recognised adoption agency is also required by the Human Resources Department as soon as it is available.

If an employee is unable to give the required notice because they have had to start adoption leave sooner than anticipated, they should give notice as soon as is reasonably practical.

Time Off

An employee who has been notified by an adoption agency that a child is to be placed with them for adoption is entitled to take time off during working hours to attend by appointment at any place for the purpose of having contact with the child or for any other purpose connected with the adoption. The appointment must have been arranged by or at the request of the adoption agency. Single adopters may attend up to five paid appointments. Joint adopters may elect for one person (the primary adopter) to attend up to five paid appointments, while the other (the secondary adopter) may attend up to two unpaid appointments.

The employee should advise his/her manager that she/he will be absent, as far in advance of the appointment as possible. The employee may be asked to produce an appointment card, or some other confirmation of the appointment. There will be no deduction from salary for attendance at these appointments providing the above procedures have been followed.

Starting Adoption Leave

Leave can start any day of the week and begin:

- From the date of the child's placement (whether this is earlier or later than expected)
- From a fixed date which can be up to 14 days before the expected date of placement

Adoption Pay

In order to qualify for statutory adoption pay, employees must still be employed in the 11th week before they are matched with the child to be adopted. Payments will be initiated when an employee has commenced adoption leave and will cease on return to work, if earlier than the end of the period of adoption pay entitlement.

Statutory Adoption Pay

In order to qualify for Statutory Adoption Pay (SAP) employees must have been continuously employed for not less than 26 weeks, at the beginning of the 15th week before they are matched

with the child to be adopted. In addition, they must not earn less than the lower earnings limit for payment of National Insurance contributions. SAP is payable for a maximum of 39 weeks and is paid at two different rates, a high rate and a low rate.

The higher rate of SAP is based on 90% of an employee's average weekly earnings (calculated over the eight weeks up to and including the 15th week before they are matched with the child to be adopted). The higher rate is paid for the first 6 weeks of adoption leave, after which adoption pay reduces to the lower rate, for a maximum of a further 33 weeks. Thereafter adoption pay ceases.

Adoption Allowance

Employees who do not qualify for statutory adoption pay may be eligible to claim an Adoption Allowance. The Adoption Allowance is a State benefit which is payable for a maximum of 39 weeks. It is currently equivalent to the lower rate of SAP and like SAP can only be claimed whilst actually on adoption leave.

Claims for the Adoption Allowance are handled by the Department of Social Security and employees are advised to contact their local Benefits Agency. The Trust will need to provide a completed form SAP1, which states that the employee is not eligible for SAP. A SAP1 form is available from Finance.

Contractual Adoption Pay (CAP)

An employee will be entitled to receive contractual adoption pay (CAP) for part of the adoption leave period if:

- She/he has completed 26 weeks continuous service at the 15th week before the placement date; and
- She/he satisfies the other qualifying conditions to be eligible for statutory adoption pay (SAP)
- And she/he has confirmed her/his intention to return to work.

Contractual adoption pay will comprise the following payments:

- For the first six weeks of absence the employee shall be entitled to full pay
- Weeks 7 – 26 (inc) will be at half pay or SAP (whichever is highest)
- Weeks 27 – 39 (inc) will be at SAP.
- Weeks 40 – 52 (inc) will be at nil pay.

For employees who expressed their intention not to return to work the full 39 weeks entitlement will be at SAP rates.

Adoption payments over and above SAP rates are made by the Trust on the understanding that the employee will return to the employment with the academy for a period of at least 16 weeks.

Any employee who does not return to work for a period of at least 16 weeks service following her/his adoption leave can be required to repay the sums paid to her/him in Weeks 7 – 26 to be determined by the academy. She/he cannot, however, be required to repay any of the SAP. An employee, who is uncertain about her /his return to work, may elect to have the 20 weeks half pay paid on her/his return to work.

Payment Details

The earliest an employee can start receiving statutory adoption pay is 11 weeks before the expected placement. The latest is the week after adoption. Employees will not lose their entitlement to adoption pay by working up until the child is placed. However, they must meet the notification requirements outlined in this policy. The adoption pay will be paid into an employee's bank account on the same date that they would have received their salary, and will be subject to the usual deductions for tax, National Insurance etc.

Employees who are entitled to receive statutory adoption pay will still receive the appropriate payments even if they decide not to return to work. The only circumstances in which adoption pay is not payable is if an employee fails to meet the criteria laid out in this policy, is held in legal custody or commences work for another employer during the adoption pay period.

Shared Parental Leave

Adopters and intended parents in a surrogacy arrangement are entitled to share parental leave of up to 52 weeks with 39 of these weeks being paid at a statutory rate. Please see Shared parental Leave Policy for further details.

Keeping in Touch

"Keep in touch" (KIT) days may be used to enable the employee to attend work without losing her/his right to SAP or contractual adoption pay. Up to 10 keep in touch days may be undertaken during the adoption leave period without bringing the adoption leave to an end.

There is no pressure on the employee to come into work. There is no obligation on an employee to undertake work, nor is there any obligation on the academy to provide work.

If a KIT day is agreed, the purpose should be agreed in advance so that both parties are clear what the employee will actually do. This can include training, a meeting or other activities to help the employee keep in touch. A keeping in touch day request form can be located in Appendix 2. This form should be submitted to Payroll once agreed.

If an employee attends work for a KIT day she/he will receive her/his normal salary for working on a KIT day. If the employee works part of a day she/he will receive a pro rata payment for the hours worked.

Expected date of Return to Work

Once the employee has notified their Manager and the Human Resources department of their intention to start adoption leave, a letter will be sent to him/her within 28 days detailing the expected date of return to work and assumes that the full entitlement to adoption leave will be taken.

Employees are not required to formally confirm the intended date of return to work following the placement of the child as it is assumed that this will be the date detailed in the above letter. The Trust, however, encourages contact with employees whilst on adoption leave and a letter will be

sent to the employee 10 weeks before the end of the adoption leave period to ensure that they are clear about the date on which they are expected to return.

If an employee wishes to return to work **before** the end of their ordinary or extended adoption leave period, they must give the academy 8 weeks advance notice in writing of the date of their return. If they do not do this, THE TRUST reserves the right to postpone their return until it has received 8 weeks' notice, providing this does not go beyond the end of the relevant adoption leave period. If the return to work is delayed in this way and adoption pay has been exhausted, THE TRUST has no obligation to pay the employee.

If an employee cannot return to work at the end of their adoption leave due to illness they should contact their manager or Head/Principal before 8.00 am on the first day of sickness (or within 1 hour of his/her normal start time). They will be subject to the normal Sickness Policy.

Returning to Work

If the employee returns to work immediately after a period of ordinary adoption leave, they will return to work in the same job that they left before they started their adoption leave. If for health and safety reasons they were doing a different job from their usual one prior to adoption leave, they may be required to return to that different job for a short time if they are still at risk when they return to work.

An employee returning to work from additional adoption leave has the right to return to the same job, with the same terms and conditions if this is reasonably practicable. However, if this is not reasonably practicable, she/he has the right to be offered an alternative job that is suitable and appropriate on terms and conditions not less favourable than her/his original contract.

If an employee decides not to return to work, they should notify the Head/Principal of their decision immediately, via a letter of resignation.

General Points

If the employee is too ill to return to work at the end of their adoption leave, THE TRUST's Sickness Policy will apply, as described above :

If the employee's job is placed at risk of redundancy during the course of her/his adoption leave the academy will contact the employee to advise her/him and will ensure that arrangements are made to include the employee in the applicable consultation process. If the employee's job subsequently becomes redundant during the course of her/his adoption leave, the academy will offer her/him any other suitable alternative work that becomes available. She/he will have the right to be considered for such work, even though she/he is on adoption leave. The offer will be made before her/his previous employment ends and (if accepted) the new employment will commence immediately. It must involve suitable work and the terms and conditions will not be less favourable than the old contract. If there is no suitable alternative work available, then she/he will be made redundant, and receive redundancy pay in line with her/his statutory and contractual entitlements.

If industrial action or any other interruption of work makes it unreasonable for the employee to return to work on the date which she/he has specified, she/he may, instead, return when work resumes.

If an employee returning from adoption leave wishes to return on a part-time basis, the academy will give consideration to any such flexible working request. Returning to work on a part-time basis can be:

- either a phased return,
- change in the working pattern
- return to a reduced working day
- job sharing

Such arrangements could be either:

- a short-term arrangement; or
- a permanent reduction/amendment.

It could also be for a set period of time, leading to a return to full hours. Such arrangements will be on a fractional basis.

Where changes to working are not possible, the reasons will be fully discussed and put in writing to the employee concerned. For more information, please see the Flexible Working Policy.

Related Policies

Flexible Working Time Policy
Shared Parental Leave

Monitoring and Evaluation

The Trust and Head/Principal will monitor the operation and effectiveness of the Adoption Policy.

Policy created: March 2017
Policy review date: October 2019

Appendix 1

ADOPTION LEAVE NOTIFICATION FORM

Please fill out and discuss this form with your line manager and return it to HR no later than the 15th week before your placement date.

EMPLOYEE DETAILS
Name
Job Title
Division/Department
Line Manager
NOTIFICATION OF ADOPTION LEAVE
Please confirm the following:
Expected Date of Placement
Proposed Adoption Leave Start Date
Annual Leave Arrangements (in discussion with line manager)
I confirm my intention to: <i>(please tick the option that applies)</i>
Return to work after the end of my adoption leave
Expected Date of Return to Work
Not to return to work after the end of my adoption leave
Authorisation
Signature (individual)
Date
Signature (line manager)
Date

Appendix 2

KEEPING IN TOUCH DAY REQUEST FORM

Please fill out this form to request a Keeping in Touch (KIT) Day. Please return the form to the HR Department who will liaise with your line manager and you regarding arrangements for a suitable date

EMPLOYEE DETAILS	
Name	
Job Title	
Department	
Line Manager	
REQUEST FOR KIT DAY	
Please confirm the following:	
Preferred "KIT" Days (please specify the dates which you would prefer to attend the academy)	
Please outline any activities/meetings that you would like to incorporate into your KIT day	
LINE MANAGER TO COMPLETE:	
Specify the KIT Date	

Outline activities/plans for the day	
AGREEMENT	
Signature (individual)	Date
Signature (line manager)	Date
For Office Use Only:	
Payroll notified : YES/NO Date: ___/___/___	KIT Day Confirm to Line Mgr YES/NO
KIT Day Confirmed to Employee YES/NO	Copies of Form Filed YES/NO

Appendix 3

For Payroll and Human Resources use only

RECORD OF NOTIFICATION OF ADOPTION ABSENCE

EMPLOYEE'S DETAILS:

Surname

Forenames

Payroll Reference No.

National Insurance Number :

Tax Year(s) :

PLEASE COMPLETE THE APPROPRIATE SECTIONS:

1. What date does the employee intend to start adoption leave?
2. What date did she/he tell you about the planned adoption leave?
3. When is the placement date?
4. Is she/he entitled to SAP for 39 weeks?

[And she/he has confirmed in writing that she/he is not returning to work If YES from what date is SAP due to start] YES / NO

5. Have you issued form **SAP1** due to her/him not being entitled to SAP?
6. Is she/he entitled to Contractual Adoption Pay for 39 weeks?
YES / NO

[And she/he has confirmed in writing that she/he is returning to work]

7. If YES from what date does academy Adoption pay start at full-rate?
8. If YES from which date is pay reduced to either half their average weekly earnings or SAP at the lower rate (if this is more beneficial).

Signed (HR): Dated / /

PLEASE SEND ORIGINAL TO PAYROLL WHEN COMPLETE – WITH COPY TO PERSONAL FILE