



# Adoption Policy

01 September 2024

## Version Control

<b>Current version</b>	<b>Previous version</b>	<b>Summary of changes made</b>
01 Apr 24	26 Jul 17	Updated in line with Protection from Redundancy (Pregnancy and Family Leave) Act 2023 Added equality and data protection paragraphs
26 Jul 17	01 Apr 13	Updates regarding shared parental leave and statutory adoption payments. Formatting of paragraphs, headings and appendices standardised.

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### Links

[Risk Assessment for New and Expectant Mothers](#)

# 1 Introduction

- 1.1 This document gives adoptive parents information about the rights relating to UK adoptions;
- Notification of adoption
  - Adoption leave
  - Adoption pay
  - Links to shared parental leave
  - Keeping in touch ('KIT') days
  - Return to work
- 1.2 The rules governing your rights when adopting children from overseas vary slightly to those included in this document. If you plan to adopt a child from overseas, please contact a School's HR Adviser.
- 1.3 BASE Academy are fully committed to creating a culture where equality, diversity and inclusion are integral to everything we do. Our policies and processes form part of our infrastructure to support an environment where people from all groups and our diverse communities feel included, supported, and are treated fairly in accessing all opportunities.
- 1.4 All employees of BASE Academy handling personal data must comply with current data protection legislation together with the associated policies and procedures which are available from the school.

# 2 Employee rights

- 2.1 Continuous service rights accrue during adoption leave.
- 2.2 All contractual benefits, apart from remuneration, continue throughout adoption leave. In accordance with HM Revenue and Customs guidance, non-cash benefits (such as childcare vouchers) will continue whereas cash benefits (such as first aid allowances) will not be paid. Essential car user allowance provided under the NJC for Local Government Services is not considered as simply cash that is a transferrable benefit (i.e. insurance, road tax) and therefore will continue to be paid.
- 2.3 An employee who is seeking to adopt is entitled to reasonable time off for pre-adoption hearings and meetings.
- 2.4 An employee, who returns during or at the end of ordinary adoption leave, is entitled to return to the same job on the same terms and conditions.
- 2.5 On their return during, or at the end of additional adoption leave, the employee has the right to return to the same job on the same terms and conditions, or, if this is not reasonably practicable (for a reason other than redundancy), to a job that is both suitable and appropriate for the employee. The new job must itself be on terms and conditions no less favourable than those which would have applied had the individual not been absent.

- 2.6 An adopter may choose to exchange up to 52 weeks adoption leave and up to 39 weeks Statutory Adoption Pay for shared parental leave and pay. They will need to give the school a leave and pay curtailment notice giving eight weeks' notice of the date on which adoption leave and pay is to end. Further information, the curtailment notice and the Shared Parental notification form is contained within the [Shared Parental Leave Pay Policy](#).
- 2.7 A parental order parent, in a surrogacy arrangement, who takes adoption leave and pay, may choose to end their adoption leave and pay early in order to opt into Shared Parental Leave and Pay.
- 2.8 Intended parents through a surrogacy arrangement are entitled to unpaid time off for two meetings to accompany the woman carrying the child.
- 2.9 With effect from 5 April 2015 the primary adopter is entitled to paid leave for five pre-adoption meetings. The co-adopter is entitled to unpaid leave to attend two meetings.
- 2.10 Employees may request flexible working arrangements on their return to work.
- 2.11 Should a redundancy situation arise the employee should be consulted, along with other employees in the team. Head of School's should be aware that, under the Protection from Redundancy (Pregnancy and Family Leave) Act 2023 employees who are on maternity, adoption or shared parental leave and those are pregnant or who have recently returned from maternity/adoption leave and shared parental leave who are made redundant have the right to an offer of a suitable alternative post, where one is available, without competition; even if there are other suitably qualified or better qualified candidates.
- 1.1. Where a couple is adopting jointly, it is up to the adoptive parents to decide which of them takes adoption leave and adoption pay, subject to qualifying conditions. The partner who does not take adoption leave and pay, may take paternity leave and pay, subject to qualifying conditions. For details of paternity leave entitlements, please see the Paternity Leave Policy.

### **3 Adoption leave**

- 3.1 Employees who are the primary adoptive parent are entitled to up to 52 weeks adoption leave subject to the qualifying conditions below. This leave consists of;
  - 26 weeks ordinary adoption leave ('OAL'); and
  - 26 weeks additional adoption leave ('AAL')
- 3.2 To qualify for adoption leave, an employee must;
  - be matched with a child for adoption by an approved adoption agency, or be one of a couple who have been jointly matched with a child for adoption
  - have notified the agency that they agree that the child should be placed with them for adoption on the date of adoption
- 3.3 An employee may decide how much adoption leave they wish to take up to the maximum of 52 weeks. The assumption will be made that an employee will take the full 52 weeks unless the employee informs the Head of School otherwise.

- 3.4 AAL, if taken, must follow immediately after OAL unless the child's placement has already been disrupted.
- 3.5 Adoption leave may begin on the date that the child is placed with the employee or no earlier than 14 days beforehand.
- 3.6 If the child's placement ends during adoption leave, the employee may elect to remain on adoption leave for up to eight weeks after the end of the placement.

## 4 Notification of adoption leave

- 4.1 If an employee wishes to take adoption leave, they should inform the Head of School, usually in writing, within seven days of being notified by an approved adoption agency that they have been matched with a child for adoption. If this is not possible then notice should be given as soon as is reasonably practicable.
- 4.2 In the notification, the employee must give the date on which the child is expected to be placed with them and the date that they intend to start their adoption leave. [Appendix A](#) can be used for this notification. Any changes to this date must be notified as soon as reasonably practicable.

### Disrupted placement

- 4.3 If, after starting adoption leave, an employee is notified that a child will not be placed, or if the placement subsequently ends, an employee will not be entitled to the full adoption leave period. In this situation adoption leave will end eight weeks after the end of the week in which the disruption occurred.
- 4.4 There is no entitlement to AAL if disruption occurs less than eight weeks from the end of OAL.
- 4.5 An employee is required to notify the Head of School of the disruption as soon as possible and, wherever possible, give eight weeks' notice of their return to work.
- 4.6 An employee loses the right to adoption leave if they resign or are dismissed before the pre-notified start date.

## 5 Adoption pay

- 5.1 Statutory adoption pay (SAP) and occupational adoption pay (OAP) are payable subject to qualifying conditions, described below.
- 5.2 An employee should give 28 days' notice of the date they want their adoption pay to start. If this is not possible, then notice should be given as soon as is reasonably practicable.
- 5.3 The start date for adoption leave does not have to be the same as the start date for adoption pay but they are often the same.

- 5.4 The Head of School may ask for evidence in the form of documents or a Matching Certificate issued by the adoption agency. The Matching Certificate or other documents should indicate;
- the name and address of the agency
  - the date on which the employee was notified that they have been matched with the child
  - the date on which the agency expects to place the child with the employee
- 5.5 The employee must declare that they have chosen to receive SAP rather than Statutory Paternity Pay.
- 5.6 Employees are advised to contact Exchequer Services for advice on the implications for their pensions.

### **Statutory adoption pay**

- 5.7 Statutory adoption pay ('SAP') is paid for up to 39 weeks.
- 5.8 To qualify for SAP an employee must have;
- at least 26 weeks continuous service extending into the matching week
  - average earnings at least equal to the lower earnings limit in the eight weeks prior to the end of the matching week
- 5.9 SAP is;
- 90% of average weekly earnings for the first six weeks followed by 33 weeks at the current rate; or
  - 90% of average weekly earnings for 39 weeks, if less than the current rate of SAP
- 5.10 Only SAP is paid if an employee does not intend to return to work.
- 5.11 An employee is not required to repay SAP if they decide not to return to work at the end of the adoption leave.

### **Occupational adoption pay**

- 5.12 To qualify for Occupational adoption pay ('OAP') an employee must;
- have at least one year's continuous service at the beginning of the 11th week before matching week
  - declare in writing that they intend to return to work for at least three months following the end of the adoption leave, or parental leave if this follows on immediately after adoption leave
- 5.13 For officers or support staff, the total amount of OAP payable is:
- Weeks 1 to 6: 90% of normal weekly earnings inclusive of SAP
  - Weeks 7 to 18: Half normal pay plus SAP (up to a maximum of full pay)
  - Weeks 19 to 39: SAP only
- 5.14 For teaching staff, the total amount of OAP payable is;

- Weeks 1 to 4: Full pay
- Weeks 5 to 6: 90% of normal weekly earnings
- Weeks 7 to 18: Half normal pay plus SAP (up to a maximum of full pay)
- Weeks 19 to 39: SAP only

## **6 Keeping in touch days**

- 6.1 An employee can work for up to ten days during adoption leave, subject to agreement with the Head of School. These are known as Keeping in Touch ('KIT') days. Working for part of a day counts as one day.
- 6.2 There is no obligation or automatic right for an employee to work these days.
- 6.3 The KIT days can be worked at any stage during the adoption leave.
- 6.4 The type of work undertaken during KIT days should be agreed between the Head of School and the employee and should be work normally carried out under the terms of the contract. These days can be particularly useful, for example when they involve training or attendance at a team meeting.
- 6.5 The employee will be paid at their hourly rate (or at an average based on the most recent 12 weeks' pay if the rate of pay varies) for the hours actually worked. The employee is still entitled to SAP, if applicable, for the week in which any KIT day is worked.
- 6.6 Working KIT days does not extend the adoption leave period.
- 6.7 If more than ten KIT days are worked, the employee will lose SAP for the week in which they do the additional work.

## **7 Return to work**

### **Returning to work early**

- 7.1 An employee is entitled to change the original return to work date. They must however return to work no later than 52 weeks after the start of the adoption leave.
- 7.2 If an employee wishes to change the return to work date, they should give the Head of School 21 days' notice of this.
- 7.3 The Head of School may postpone the return for 21 days or until the pre-notified end date, whichever is the earlier, if the employee attempts to return to work earlier than expected or if they have not given 21 days' notice of their return.

### **Employees not wishing to return to work or not returning for three months**

- 7.4 An employee who does not wish to return to work after adoption leave should give the Head of School the notice specified in their contract of employment.



- 7.5 If they have been paid OAP and do not return to work, the employee will be required to repay the half pay period of OAP in full.
- 7.6 If the employee returns for part of the three month period, they will be required to repay the appropriate proportion of OAP.

## **8 Relationship between adoption leave and sickness or annual leave**

- 8.1 OAL and AAL are regarded as continuous service. Annual leave and bank holidays continue to accrue during both OAL and AAL.
- 8.2 If an employee is unable to return to work on the pre-notified day because of sickness, the absence will be covered by the schools sickness scheme in the normal way.
- 8.3 Annual leave can be taken before adoption leave or after it has ended.
- 8.4 Annual leave and bank holidays accrued during adoption leave may be carried over from one leave year to the next. They can be added to the beginning or end of the adoption leave period or used in a phased return to work. It may be helpful to plan in advance when the employee will take their annual leave.

## **9 Adoption support leave**

- 9.1 The purpose of adoption support leave is to allow an employee leave where they are the main support (nominated carer) for someone taking adoption leave. The role of the nominated carer is to assist in the care of the child and to provide support around the time of the child's placing.
- 9.2 Adoption support leave is five days (one working week) with pay granted at or around the time the placement commences.
- 9.3 Adoption support leave is not granted in addition to paternity leave.
- 9.4 If the parent taking adoption leave is not a BASE Academy employee, the school may ask for a confirmation letter from the individual that they have requested the support of the school employee. Documentation from the approved adoption agency may also be requested.

# Adoption notification form

Employee details			
Name		Assignment Number	
Address	Line 1		Line 2
	Line 3	Town or City	Postcode
Telephone	Home	Work	Mobile
	School		Job Title
Continuous Service Dates		Local Government	

Adoption information	
1. The expected week that my child will be placed is week beginning Sunday	(date)
2. I wish to start my adoption leave on the following day	(date)
3. I would like my adoption pay to start on the following day	(date)
4. I enclose my Matching Certificate or other documentation from the adoption agency	<input type="checkbox"/>
5. I declare I have elected to receive SAP and not Statutory Paternity Pay	<input type="checkbox"/>
6. I wish to return to work following adoption leave and wish to be paid Occupational Adoption Pay	<input type="checkbox"/>

Declaration	
<p>I understand that if I subsequently decide not to return to work, or if after returning to work I do not complete three months service, then I will be liable to repay part or all of the payments made to me under the Occupational Adoption Pay scheme.</p> <p>Payments made to you under the Statutory Adoption Pay scheme will not have to be repaid.</p>	
Signed	Date