



Adoption Leave and Pay Policy

Introduction

The School believes in supporting employees with family and work-life balance. The School aims to provide an environment of respect and does not condone any discrimination or detriment towards an employee due to their commitments with their adopted family.

Scope

This policy provides information on the responsibilities employees and the School have towards employees who are adopting within the UK. For overseas adoption, different notification procedures are followed. Employees considering overseas adoption are requested to contact their HR Department.

Employees who adopt alone or with a partner may be entitled to Statutory Adoption rights. If an employee is adopting with a partner then one of them may be eligible for Statutory Adoption rights and the other to Statutory Paternity rights, it is up to the employee and their partner to decide which of them wishes to apply for either of the two. Employees may also be entitled to shared parental leave and pay should the employee on adoption leave decide to return to work early.

Eligibility

52 weeks adoption leave will be available to any member of staff who meets the following criteria:

- has been newly-matched with a child for adoption by an approved UK adoption agency; and
- has completed 26 weeks continuous service at the end of the matching for adoption week.

In addition, the employee must also provide proof of the adoption to qualify;

- employee name and address and that of the agency
- the matching certificate
- the date of placement (a letter from the agency)

SAL (Statutory Adoption Leave)

If eligible, an employee can take up to a maximum of 52 weeks for adoption leave. This is made up of 26 weeks Ordinary Adoption Leave (OAL) followed immediately by 26 weeks Additional Adoption Leave (AAL), totalling the 52 weeks entitlement.

The following would be eligible for SAL:

- An employee who adopts a child through an approved agency, and their partner may be eligible for paternity leave
- A foster parent adopting a child already in their care

- Dual approved prospective adopters in the ‘fostering for adoption scheme’ who have a child placed with them under s.22C of the Children Act 1989 may both be entitled
- An employee becoming a parent via a surrogacy arrangement with a parental order in line with s.54 of the Human Fertilisation and Embryology Act 2008. The other intended parent may be entitled to paternity leave.

Notification to the School of intent to take SAL (Statutory Adoption Leave)

Employees must;

- Provide a copy of the matching certificate provided by the agency
- Notify the School in writing within 7 days of having been notified by the adoption agency of the match
- The following must be notified in writing to the School;
 - The date on which you were notified of having been matched with the child
 - The date the child is expected to be placed for adoption
 - The date the you want your adoption leave to start

Adoption leave can start on the date the child is placed with you or on a date up to 14 days before the expected date of placement.

The employee can change the start date of SAL providing they give the School 28 days’ notice of this in writing.

The School will then confirm in writing within 28 days of the date your adoption leave will start and end if you take the full 52 weeks you are entitled to.

SAP (Statutory Adoption Pay)

Not all employees eligible for Statutory Adoption Leave are eligible for SAP. An employee must meet the following criteria to be eligible for SAP:

1. You have been an employee with continuous service for 26 weeks by the week you were matched with the child
2. You give proof of the adoption or surrogacy
3. Must be eligible for SAL
4. Must have average weekly earnings, over the lower earnings limit for National Insurance purposes

If eligible, SAP is paid for up to 39 weeks. The employee will be paid either 90% of their average weekly earnings, or the standard SAP rate, whichever is lower.

SAP is subject to tax and national Insurance.

The School will advise the employee if they are eligible for SAP, when writing to confirm their eligibility for SAL.

SPL (Statutory Paternity Leave (SPL) and Pay

An employee would be eligible for SPL if they meet the following criteria;

- Be an employee
- Have 26 weeks continuous service by the week they / their partner has been notified of being matched
- Have or be expected to have responsibility for the upbringing of the newly adopted child
- Have followed the notification process and provided evidence required

If an employee's partner is taking Statutory Adoption Leave, the employee is entitled to SPL to care for their newly adopted child or / and support their adopting partner.

SPL entitlement is 2 weeks and must be taken as one consecutive period of time off, whether this is one week or the two-week entitlement, it cannot be taken in split parts.

SPL must be taken within 56 days from the date the child is placed with the employee and can start on any day of the week. An employee can start SPL from:

- The date the child is placed with the adopter
- A certain number of days after the child has been placed with the adopter
- The date specified to the School during the notification process

Employees are able to change the date they start SPL providing they give 28 days' advance notice in writing to the School.

Eligible employees must notify the School of the following, in writing, within 7 days of being matched:

- The date of matching
- The date the child is expected to be placed with the adopter
- The date they wish to start SPL
- The length of SPL the employee wishes to take – *this must be taken as one period of absence either as a one or two week block, not odd days or separate weeks.*
- Completed the SC4 form available from <http://www.hmrc.gov.uk/forms/sc4.pdf>

The School will then confirm to the employee in writing if they are eligible / ineligible for SPL.

Being entitled to Statutory Paternity Leave (SPL) does not automatically entitle an employee to Statutory Paternity Pay. Employees whose average weekly earnings are less than the lower earnings limit for National Insurance contributions are not eligible to receive SPP. If an employee is not eligible for SPP they may be able to gain income support, tax credits and other financial assistance, information on this is available from the Social Security office.

The weekly rate of SPP is set by the Government for the relevant tax year, or it is 90% of your average weekly earnings if this is lower than the Government's set weekly rate. It is subject to tax and national insurance deductions.

Shared Parental Leave and Pay (SPL and ShPP)

The employee may also be entitled to shared parental leave and pay which must be taken within the first year of the child's adoption. SPL gives the employees the flexibility to decide how parents share their new responsibilities.

Both parents will need to meet the relevant statutory eligibility criteria as set out on www.gov.uk

Notifications

Further the employee intending to take SPL must notify the School of their entitlement and their intention to take SPL at least eight weeks prior to starting their SPL. The notification must be in writing and must provide details of maternity leave and pay, expected date of childbirth, intended dates of SPL. The notification must also be supported by signed declaration by both the employee and the employee's partner. The School may request the partner's employer details and the child's birth certificate within 14 days of receiving the notification. The employee will be given a further 14 days to furnish requested details and documents.

The employee has the right to submit three notifications of their intention and the duration of leave. SPL can only be taken in complete weeks (though it can begin at any day in the week). It may also be taken as one continuous leave period or may be taken in blocks of two or more weeks. In case of discontinuous leave, the School has the right to refuse the notification or invite the employee to a meeting with a view to agree on a mutually acceptable arrangement. Should the leave be refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

Shared Parental Pay (ShPP)

Shared Parental Pay (ShPP) will be the same as SAP and will be paid to the partner taking the leave. ShPP will be paid for the first 37 weeks of the 50 weeks leave entitlement. To be eligible for Shared Parental Pay (ShPP) the parent must pass the continuity test and have earned an average of the lower earnings limit or more for the eight weeks prior to the 15th week before the EWC.

Surrogacy

Parents who apply for a 'Parental Order' and meet the above eligibility criteria, will be entitled to take adoption leave and pay, paternity leave and pay and shared parental leave and pay for children born through surrogacy.

Time off to attend appointments

The main adopter will be able to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments. Intended parents in a surrogacy situation will be entitled to unpaid time off to attend up to two ante natal appointment with the biological mother of the child.

Reasonable contact during adoption leave and shared parental leave

Prior to starting maternity leave, the employee may agree with the School on the type of contact they will have during adoption leave; this could be to keep the employee informed on business developments, job opportunities or to discuss the employee's return to work plans.

The School may, at its discretion, offer an employee on maternity leave the opportunity to work for up to 10 'keeping in touch days' (also known as KIT days). These days may be either separate days or one or more blocks of several days. Examples include the opportunity to attend a relevant training course or to attend a departmental meeting. An employee offered such work is under no obligation to agree to do it. If, however, the employee does agree, the line manager will discuss the terms of the work assignment including what the employee will be paid. Agreeing to work for up to 10 'keeping in touch days' will not affect the employee's Statutory Adoption Pay entitlement, nor the entitlement to continue the adoption leave until the due return date.

Similarly, for shared parental leave, the employee may agree to work for up to 20 'shared parental leave in touch' days (also known as SPLIT days). The employee is under no obligation to agree to work and if agreed, SPLIT will have no impact on SPL entitlement. The employee will be paid in full for any day worked (will be 'topped up' to be paid the full pay if being paid ShPP).

Contractual terms and continuity of employment term and conditions

All contractual terms during the entitled 52 weeks period of adoption leave and 50 weeks of shared parental leave will continue, unless either the employee or the School specifically ends the contract of employment, or the contract naturally expires.

On returning to work after SAL or SPL, the employee is entitled to return to the same job if leave amounts to 26 weeks or less (aggregate in case of SPL) and on the same terms and conditions of employment as if they had not been absent.

If their SAL or SPL amounts to 26 weeks or more (in aggregate for SPL), the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

Apart from your salary, all terms and conditions of your employment, including accrual of annual leave and pension contributions, will continue. If eligible, your salary will be replaced by Statutory Adoption Pay.

The impact of Equal Opportunities

Employees who have commitments with their adopted family will have equal opportunities for job promotions, vacancies and all other aspects of the employment relationship.

Discrimination

The School will not tolerate any discrimination of the employee on the grounds of their commitments with their adopted family; such behaviour will be classed as gross misconduct and could lead to dismissal.



Continuing to work together

The School is committed to helping adopting parents with work-life balance and will provide support to them through this new and exciting time.

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Appendix 1

Notification of intention to take shared parental leave

This form is intended for employees who wish to take shared parental leave.

Your name:

I confirm that I am entitled to shared parental leave:

- Name of first parent / mother:
- Proposed start and end date of adoption leave (insert date):
.....
- Total amount of shared parental leave available:
- Child's expected or actual date of adoption:
- Intended adoption and shared parental leave to be taken by the first parent / mother and the employee:
- Intended start date of shared parental leave and duration:
.....
- I wish to return from my shared parental leave on:
.....

Your signature:

Today's date:

Appendix 2

Declaration by Employee (father / one of the adoptive parents) – Shared Parental Leave Notification

I hereby confirm that I share responsibility for the care of our child and that the first parent / mother of the child has given notice to end her adoption leave entitlement. I also confirm that the first parent / mother meets the continuity test as stated in the policy and that all the information provided by me is accurate.

I agree to immediately contact the School should the mother cease to be eligible to shared parental leave.

Your Name:

Your signature:

Today's date:

Appendix 3

Declaration by the mother – Shared Parental Leave Notification

Name of employee seeking to take SPL:

Name of the first parent / mother:

Address of the mother:

.....

National Insurance Number of the mother:

I hereby confirm that I am the mother / partner of the mother (delete as appropriate) and that I share childcare responsibilities with I meet the criteria for employment and earnings test. I also confirm that I am entitled to statutory maternity pay and leave or maternity allowance and that I have given notice to end my leave. I will inform my partner / spouse should I cease to meet the eligibility criteria.

I consent to the following;

- The amount of leave and pay that the employee will be taking
- The School receiving this signed declaration to process the information stated above

Your Name:

Your signature:

Today's date: