



Woolwich Polytechnic School

PolyMAT

ADOPTION POLICY

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Approved by Governors: 31 October 2016
Revision due September 2017

Introduction

This policy outlines the statutory rights and responsibilities of employees who adopt and sets out the arrangements for adoption leave. The statutory right is for up to 52 weeks' adoption leave and 39 weeks adoption pay for eligible employees adopting a newly placed child. Where a couple adopts a child jointly, only one can take adoption leave. The couple can choose which parent takes leave; the other parent may be able to take paternity leave or parental leave, or, where the child is placed for adoption on or after 5th April 2015, shared parental leave.

This policy only applies to employees and does not apply to agency workers or the self-employed.

It is provided to all employees for guidance only. It does not form part of any individual's contract of employment with the School and is not intended to have contractual effect. Subject to minimum statutory requirements from time to time in force, the School reserves the right to vary and amend this policy and any procedure under it at any time and will notify all employees of the details of the change as soon as is reasonably practicable.

In this policy the following terms are used and have the meanings stated below:

- **Qualifying Week:** the week, beginning on a Sunday, in which you are notified in writing by an adoption agency of having been matched with a child.
- **Expected Placement Date (EPD):** the date on which an adoption agency expects that it will place a child into your care with a view to adoption.
- **Ordinary Adoption Leave (OAL):** a period of up to 26 weeks' leave available to all employees who qualify for adoption leave
- **Additional Adoption Leave (AAL):** a further period of up to 26 weeks' leave immediately following OAL is available to the 'primary adopter'. (The primary adopter may curtail this entitlement so that they and the child's other adoptive parent may share the balance of the leave or pay period as shared parental leave).

Eligibility for Adoption Leave

Adoption leave is available to eligible employees from the first day of employment, and who are adopting through a UK or overseas adoption agency. It is not available if there is no agency involved, for example, if you are formally adopting a step-child or other relative.

An eligible employee is one who fulfils the following conditions:

- an adoption agency has given the employee written notice that it has matched them with a child for adoption and the EPD;
- the employee has notified the agency that they agree to the child being placed on the EPD;
- your spouse or partner will not be taking adoption leave with their employer (although they may be entitled to take paternity leave and/or shared parental leave).

Notification requirements for taking adoption leave

You must give the School notice in writing of:

- the EPD; and
- your intended start date for adoption leave.

This notice should be given not more than seven days after the agency notified you in writing that it has matched you with a child.

In addition, at least 28 days before your intended start date (or, if this is not possible, as soon as you can), you must also provide us with:

- a Matching Certificate from the adoption agency confirming:
 - the agency's name and address
 - the name and date of birth of the child;
 - the date you were notified of the match; and
 - the EPD; and
- written confirmation that you intend to take statutory adoption pay and not statutory paternity pay.

Adopting a child from overseas

If you are adopting a child from overseas this policy applies with the modifications set out in this paragraph.

Firstly, you must have received notification that the adoption has been approved by the relevant UK authority (Official Notification).

You are then required to give the School notice in writing of the following:

- your intention to take adoption leave;
- the date you received Official Notification; and
- the date the child is expected to arrive in Great Britain.

You are required to give this notice to us as early as possible but in any case within 28 days of receiving Official Notification (or, if you have less than 26 weeks' employment with us at the date of Official Notification, within 30 weeks of starting employment).

Further, you must also give the School at least 28 days' notice in writing of your intended start date. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.

In addition, within 28 days of the date the child arrives in Great Britain you must also notify us of that date.

The School may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain and will notify of this requirement in writing if applicable.

Attending Adoption Appointments

The primary adopter is entitled to paid time off to attend up to five adoption appointments.

The secondary adopter is entitled to unpaid time off to attend up to two adoption appointments.

Starting Adoption Leave

Ordinary Adoption Leave (OAL) may start on a predetermined date no more than 14 days before the EPD, or on the date of placement itself, but no later.

First, you must notify us of your intended start date in accordance with the above provisions. We will then write to you within 28 days to inform you of the date we will expect you to return to work if you take your full entitlement to adoption leave (Expected Return Date).

You are permitted to either bring forward or postpone your chosen start date for adoption leave should you wish to do so provided you inform us in writing at least 28 days before the original date or where this is not possible, as soon as you reasonably can.

Informal Meeting before Adoption Leave Starts

Shortly before your adoption leave starts, the Head Teachers will contact you to arrange an informal meeting with you in which we shall discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave.

You may also find this a useful opportunity to discuss any concerns questions or queries that you may have before your adoption leave commences. Unless you expressly request otherwise, you will remain on circulation lists for internal news, job vacancies, training and work-related social events.

Entitlement to statutory adoption pay

Statutory Adoption Pay (SAP) is payable for up to 39 weeks. It stops being payable if you return to work sooner or if the placement is disrupted.

You are entitled to SAP if:

- You have worked for the School continuously for at least 26 weeks by the week you were matched with a child;
- your average weekly earnings during the eight weeks ending with the Qualifying Week (the **Relevant Period**) are not less than the lower earnings limit set by the government; and
- You have given us the relevant notification.

SAP is calculated as follows:

- First six weeks: SAP is paid at the **Earnings-Related Rate** of 90% of your average weekly earnings calculated over the Relevant Period;
- Remaining 33 weeks: SAP is paid at the **Prescribed Rate** which is set by the Government for the relevant tax year, or the Earnings-Related Rate if this is lower. This prescribed figure is updated annually. You should contact your Line Manager/Head of Department or the Head Teachers for details of the current rate applicable to you.

SAP accrues with each complete week of absence but payments shall be made on the next normal payroll date. Income Tax, National Insurance and pension contributions shall be deducted as appropriate.

If you leave employment for any reason (for example, if you resign or are made redundant) you shall still be eligible for SAP if you have already been notified by an agency that you have been matched with a child and complied with the notification provisions set out in this policy.

In such cases, SAP shall start 14 days before the Expected Placement Date or the day after your employment ends, whichever is the later.

Pay rises before the end of adoption leave

If you become eligible for a pay rise before the end of your adoption leave, you will be treated for SAP purposes as if the pay rise had applied throughout the Relevant Period.

In practical terms, this means that your SAP will be recalculated and increased retrospectively, or that you may qualify for SAP if you did not previously qualify.

The School will pay you a lump sum to make up the difference between any SAP already paid and the amount payable by virtue of the pay rise.

Any future SAP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

Terms and conditions of employment during Adoption Leave

All the terms and conditions of your employment remain in force during OAL and AAL, except for the terms relating to pay.

Terms relating to pay include, but are not limited to:

- benefits in kind such as life insurance, health insurance, use of the School's sports facilities etc as appropriate shall continue;
- annual leave entitlement under your contract shall continue to accrue (see below); and
- pension benefits shall continue (see below).

Annual leave entitlement during Adoption Leave

When you are on OAL and AAL, your normal annual leave will accrue at the rate provided under your contract.

Annual leave entitlement cannot usually be carried over from one holiday year to the next and employees are normally required to take their holiday entitlement within the holiday year in which it accrues or forfeit any accrued but untaken holiday entitlement at the end of the holiday year.

However, the School recognises that this may operate in such a way as to unfairly disadvantage employees who elect to take the maximum statutory entitlement to adoption leave. As such, special exceptions apply in the case of adoption leave.

The Head Teachers will usually hold an informal meeting to discuss the best way to manage your holiday entitlement during your proposed period of adoption leave as soon as possible after notification of your intended start date. The options the School will consider with you may include:

- Arrangement to take the period of holiday entitlement that you would have accrued but been unable to take during that holiday year by reason of proposed adoption leave dates prior to the commencement of adoption leave;
- Arrangement to allow for an exceptional carry-over of such holiday entitlement to the following year to be taken at such time or times as the School's operational needs and requirements dictate;
- Discussion regarding the possibility of changing the intended start date of your adoption leave voluntarily to enable you to take your holiday entitlement prior to commencing your adoption leave. If you wish to choose this option, you will be required to submit notification of intention to delay the start of your adoption leave as above within 28 days of the originally intended start date;
- Discussion regarding the possibility of changing your intended adoption leave dates, voluntarily, by substituting days of AAL which are unremunerated for holiday days which will be paid at your normal rate of pay. If you wish to choose this option, you will be required to submit notification of intention to alter your intended return date.

The School must in considering the alternatives with you have regard to its operational requirements, needs and demands throughout the academic term to ensure that a mutually satisfactory arrangement can be reached.

Adoption leave and pension entitlements

During OAL and any further period of paid adoption leave we shall continue to make any employer contributions that we usually make into the Teachers' Pension Scheme or the Local Government Pension Scheme, if applicable, based on the actual pay you receive during that period. If you wish to increase your contributions to make up any shortfall from those based on your normal salary then please contact the relevant Pensions Administrator directly.

The period of unpaid adoption leave will not count towards your membership of the Teachers' Pension Scheme or the Local Government Pension Scheme. Members of the Teachers' Pension Scheme are not obliged to make up for any missed contributions at a later date but may do so if they wish. Staff who are members of the Local Government Pension Scheme may pay back their pension contributions for the period of unpaid adoption leave following their return to work and must inform the School if they intend to do this within 30 days of returning to work. If pension contributions are not paid during the unpaid period of adoption leave, this period will not count in the calculation of pensionable service.

For the avoidance of doubt, the School shall not make any payments into the Teachers' Pension Scheme or the Local Government Pension Scheme during periods of unpaid adoption leave.

Disruption of Intended Adoption Plans

Adoption leave is treated as disrupted if:

- you are notified that the placement will not take place;
- the child is returned to the adoption agency after placement; or
- the child dies after placement.

In such circumstances your entitlement to adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred, unless your entitlement to leave and/or pay would have ended earlier in the normal course of events.

If such circumstances arise, you are required to notify the School as soon as reasonably practicable so that your continued entitlement can be correctly administered for you.

Keeping in Touch during Adoption Leave

The School may make reasonable contact with you from time to time during your adoption leave and will continue to inform you of internal news, job vacancies and social events unless you expressly ask us not to before your leave commences.

You may also work (including attending training) up to 10 days during adoption leave without bringing your adoption leave to an end. This is by no means compulsory and arrangements, including any additional pay, would be set by agreement with the Head Teachers.

Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return to work. This may include:

- updating you on any changes that may have occurred;
- discussing any necessary training; and
- discussing any changes to working arrangements (for example, if you have made a request to work flexibly - see below)

Notification of and Changes to Expected Return Date

Once you have notified the School in writing of your intended start date, we shall send you a letter within 28 days to inform you of your Expected Return Date.

If your start date changes we shall write to you within 28 days of the start of adoption leave with a revised Expected Return Date.

The School expects you to return on the Expected Return Date unless you tell us otherwise (see below). It is helpful to us if you confirm during your adoption leave that you will be returning to work as expected.

If you wish to return to work earlier than the Expected Return Date, you must give us at least eight weeks' notice. It is helpful if you give this notice in writing.

If you do not give enough notice, we may postpone your return date until four weeks (or eight weeks as appropriate) after you gave notice, or to the Expected Return Date if sooner.

If you wish to return later than the Expected Return Date, you should either:

- request unpaid parental leave in accordance with our Parental Leave Policy, giving us as much notice as possible but not less than 21 days; or
- request paid annual leave in accordance with your contract, which will be at our discretion.

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our usual sickness policy will apply.

In any other case, late return will be treated as unauthorised absence and may result in disciplinary action under the School's Disciplinary Policy and Procedure.

Deciding not to return to work after adoption leave

If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should give notice of resignation in accordance with your contract.

The amount of adoption leave left to run when you give notice must be at least equal to your contractual notice period; otherwise we may require you to return to work for the remainder of the notice period.

Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.

This does not affect your right to receive SAP.

Rights on return to work after adoption leave

You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been if you had not been absent.

However, if you have taken any period of AAL or more than four weeks' parental leave, and it is not reasonably practicable for us to allow you to return into the same position; we may provide you with another suitable and appropriate job on terms and conditions that are not less favourable.

Requests to change working patterns on return

We will deal with any requests by employees to change their working patterns (such as working part-time) after adoption leave on a case-by-case basis. However, employees

should note that there is no absolute right to insist on working part-time, only a statutory right to request flexible working.

The School will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business.

It is helpful if requests are made as early as possible.

Employees should refer to the School's Flexible Working Policy for further information and practical guidance about making an application to work flexibly.

SHARED PARENTAL LEAVE (SPL) IN RELATION TO ADOPTIONS

The option to take Shared Parental Leave now replaces the previous provision for Additional Paternity Leave.

Eligible employees, who qualify for adoption leave and pay, will be able to 'opt in' to the shared parental leave and pay system following the placement of a child after adoption.

Employees should refer to the schools Shared Parental Leave (Adoption) Policy for further guidance and eligibility criteria for Shared Parental Leave.