



Dame Alice Owen's School
The Dame Alice Owen Foundation - 1613

ADOPTION POLICY

Agreed by the Personnel and Remuneration Committee
To be reviewed
(reviewed every 2 years)

September 2022
Autumn 2024

The Professional Associations/Trade Unions have been consulted on this policy

To be monitored by the Headteacher and the HR Manager

1. Scope and Objective

This policy sets out the entitlements to members of staff at Dame Alice Owen's School (the "School") to Adoption Pay and Leave under the statutory scheme and the contractual adoption scheme. This policy does not form part of any employee's contract of employment, and it may be amended at any time.

2. Entitlement to Adoption Leave

Irrespective of the staff member's length of service, they are entitled to take up to 52 weeks of Adoption Leave, consisting of 26 weeks Ordinary Adoption Leave, plus 26 weeks of Additional Adoption Leave immediately following Ordinary Adoption Leave.

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement. If the child's placement ends during the adoption leave period, the adopter can continue adoption leave for up to eight weeks after the end of the placement.

3. Commencing adoption leave

The member of staff can choose to start their leave:

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

Leave can start on any day of the week.

4. Introductory appointments

The primary adopter will be entitled to paid time off to attend up to five introductory appointments before the adoption takes place. The secondary adopter will be entitled to unpaid time off for up to two introductory appointments.

5. Statutory Adoption Pay (SAP)

If the staff member has been continuously employed for at least 26 weeks ending with the week in which they are notified of having been matched with the child, they are entitled to 39 weeks Statutory Adoption Pay (SAP). The first six weeks are payable at 90% of the staff member's average weekly earnings and the next 33 weeks of payment at the current rate of SAP or 90% of their average weekly earnings if this figure is less than the statutory rate.

Adopting a child from overseas:

The requirements are the same if the member of staff is adopting from overseas, except they must have been continuously employed for at least 26 weeks at the start of the week when the pay will begin.

Members of staff in surrogacy arrangements:

The requirements are the same if members of staff are in a surrogacy arrangement, except they must have been continuously employed for at least 26 weeks up to any day in the 15th week before the baby is due.

5.1. Teachers

In addition to the provisions under the statutory adoption scheme, teaching staff with one year or more continuous service will be eligible to receive occupational adoption pay as follows;

Occupational Adoption Pay of 7 weeks on half pay for the first 7 weeks of the leave period provided the teacher agrees to return for at least 13 weeks (including periods of school closure) to their job. The period of 13 weeks is calculated on the basis that it equates to the working arrangement at the point adoption leave commenced.

The combined Statutory Adoption Pay and Occupational Adoption Pay will not exceed the normal contractual earnings for a week.

5.2. Support Staff

In addition to the provisions under the statutory adoption scheme, members of Support Staff with one year or more continuous service will be eligible to receive occupation adoption pay as follows: Occupation Adoption Pay equivalent to 12 weeks at half pay, paid between the 7th and 26th week of Ordinary Adoption Leave, provided the staff member agrees to return for at least 3 months to the School.

The combined Statutory Adoption Pay and Occupation Adoption Pay will not exceed the normal contractual earnings for a week.

6. Notice of intention to take adoption leave

The member of staff is required to inform the School of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption within the UK.

Adopting a child from overseas - Notice must be given no later than 28 days after the date the member of staff receives the official notification.

Members of staff in surrogacy arrangements:

At least 15 weeks before the due date, the member of staff must tell the School when the baby is due and when they want to start their leave.

A member of staff must inform the Headteacher in writing:

- When the child is expected to be placed with the member of staff/when the baby is due and;
- When the member of staff wants to start their Adoption Leave.

The member of staff can change their mind about the date on which they want their leave to start providing they tell the Headteacher at least 28 days in advance (unless this is not reasonably practicable).

7. Proof of adoption

The member of staff must give the Headteacher documentary evidence from their adoption agency as evidence of their entitlement to Statutory Adoption Pay. They can also ask for this as evidence of entitlement for adoption leave. The member of staff should ask their adoption agency for this documentary evidence, which may be provided in the form of a matching certificate which includes basic information on matching and expected placement dates.

Adopting a child from overseas - in addition to the above the member of staff will need to provide the relevant UK authority's 'official notification' confirming that they are allowed to adopt, and evidence of the date the child arrived in the UK, for example a plane ticket.

Members of staff in surrogacy arrangements - Proof is not required for SAP and leave, however the School may ask the member of staff for a written statement that confirms they intend to apply for a parental order in the 6 months after the baby's birth and that they expect the order to be granted (for example because the member of staff does not have any convictions involving children, and the birth mother or father agree to the arrangement).

8. Return to work after adoption leave

If the member of staff intends to return to work at the end of their full adoption leave entitlement, they do not have to give any further notification to the School.

Should the member of staff wish to return to work before the end of your adoption leave period, they must give the School 28 days' notice of the date they intend to return.

The member of staff has the right to resume working in the same job if returning to work from ordinary adoption leave. If they return to work after a period of additional adoption leave, they are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

Failure to return to work by the end of the adoption leave will be treated as an unauthorised absence unless the member of staff is sick and produce a current medical certificate before the end of the adoption leave period.

If the member of staff decides during adoption leave that they do not wish to return to work, they should give written notice of resignation to the Headteacher, as soon as possible and in accordance with the terms of their contract of employment.

9. Reasonable contact

While staff are on Adoption Leave, the School would like to keep you up to date with what is going on at work and give you the opportunity to get in touch with the School if needed. This is known as 'Reasonable Contact' and simply formalises good communication practices between Line Managers/Headteacher and members of staff on Adoption Leave. Staff should agree with their Line Manager/Headteacher before starting their Adoption Leave the level of contact which will be maintained during their Adoption Leave.

10. Keeping in touch days

The member of staff may undertake ten 'Keeping in Touch (KIT) Days' during their adoption leave. This allows staff to work under their contract of employment for up to 10 days and receive payment as agreed with the Headteacher, without bringing their adoption leave to an end. Please note any part of a day will count as one KIT day.

The KIT days are not limited to the staff member's usual job; they could be used for training or other events. Staff may also wish to use some of their KIT days to ease their return to work. Any KIT day must be agreed between the staff member and the Headteacher. There is no obligation on the School to offer staff KIT days or on members of staff to complete any KIT days offered.

11. Holiday entitlement

Staff member's holiday entitlement continues to be accrued at the rate provided under their contract whilst they are on adoption leave. This entitlement applies to all members of staff including term time only workers and teachers.

11.1. Teachers

The Conditions of Service for School Teachers makes no reference to an entitlement to annual leave for teachers. There is however a statutory right to a minimum of 28 days per annum under UK law. Periods of school closure count towards this entitlement, consequently it is unlikely that teachers returning to their posts following a period of adoption leave will have acquired a right to additional annual leave. It is possible that teachers who resign their post and do not return could have an outstanding balance of annual leave payable.

12. Pension plan

Contributions to the Local Government and Teachers Pension Scheme will automatically continue to be deducted from the staff member's actual pay if they are a member of the Scheme on paid adoption leave.

12.1. Local Government Pension Scheme member only

If the member of staff takes unpaid adoption leave they must decide whether to pay pension contributions for this period and on their return to work, they will be given the opportunity to purchase contributions for any period of unpaid adoption leave.

Contributions will be based on the pay the staff member was receiving the day before unpaid leave started. Should they wish to purchase service for periods of unpaid adoption leave, they must contact the LPP Local Government Pension Scheme Administration team on 0300 323 0260 within 30 days of their return to work.

13. Dismissal protection

Where it is not practicable by reason of redundancy for the School to permit the member of staff to return to work in their job as defined above, the member of staff shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to the member of staff and appropriate to the circumstances. In addition, the capacity and place in which the member of staff is to be employed and their terms and conditions of employment are not substantially less favourable to the staff member than if they had been able to return in the job to which they were originally employed.

Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g., a general reorganisation), which would have occurred if the member of staff had not been absent, necessitate a change in the job in which the staff member was employed prior to their absence. The work to be done should be suitable to the member of staff and appropriate to the circumstances and the capacity and place in which they are to be employed and their terms and conditions of employment should not be less favourable to the member of staff than if they had been able to return to the job in which they were originally employed. Headteachers and governors should seek further advice from their HR Advisers.

14. Financial Support for Childcare

Tax-Free Childcare allows eligible working families to claim 20% of their childcare costs, up to £2,000 per child per year (or £4,000 for a child with a disability), from the Government. Staff cannot open a Tax-Free Childcare account for a newborn child until 31 days before they return to work. However, staff can have Tax-Free Childcare accounts for any older children while on adoption leave with a newborn. Staff will be able to retain and pay into those accounts during their adoption leave period.

15. Flexible Working

If a member of staff wishes to be considered for part-time hours, they must apply in writing by completing the Flexible Working form, prior to their return from Adoption Leave. The Headteacher has up to three months to consider a flexible working request. The Flexible Working form can be obtained from the HR Manager.

16. Shared Parental Leave

Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date.

17. Pay Review whilst on adoption leave

Members of staff are entitled to a pay review whilst on adoption leave in the same way that they would be if they were not on adoption leave.

If following a pay review the member of staff becomes eligible for a pay rise between the start of the original calculation period and the end of the maternity leave, both the higher and standard rate of SAP and OAP will be recalculated to take account of the staff member's pay rise. This means that the member of staff's SAP and OAP will be recalculated and increased retrospectively. In some cases, they may qualify for SAP or OAP if they did not previously. Members of staff will be paid a lump sum to make up any difference between the SAP or OAP already paid and the amount payable as a result of the pay rise.

18. Failure to Return to Work

If the member of staff fails to return to work on the dates agreed with the School they may be subject to disciplinary action in the same way as any other member of staff who has failed to return to work following a period of absence.

19. Job Opportunities whilst on adoption leave

Whilst on adoption leave a staff member has the same opportunities to access job vacancies, promotion and development opportunities. All vacancies will be advertised on the school website.