



# **ADOPTION SCHEME**

**FOR**

**TEACHERS**

**SEPTEMBER 2016**



**2002-2003**

*Community Legal Services*

**2003-2004**

*Transforming Secondary Education*

*Child & Adolescent Mental Health Services*

**2006-2007**

*Positive Youth Engagement*

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### **IMPORTANT STATEMENT FROM LOCAL GOVERNMENT EMPLOYERS (LGE) IN RESPECT OF TEACHERS**

LGE have still to commence discussions on a collective agreement to incorporate the changes arising from the Work and Families Act into the Burgundy Book.

## The Governing Body of Stanley School adopted this Adoption Policy on 6<sup>th</sup> December 2016

### 1. INTRODUCTION

- 1.1 This Scheme has been produced in accordance with the Paternity and Adoption Leave Regulations 2002, complemented by the Paternity and Leave (Adoption from Overseas Regulations 2003), the Maternity and Parental Leave, the Paternity and Adoption Leave(amendment) Regulations 2006, the Work and Families Act 2006, the Paternity and Adoption Leave (Amendment) Regulations 2008, the Additional Paternity Leave Regulations 2010, the Shared Parental Leave Regulations 2014, the Maternity and Adoption Leave Regulations 2014 and the Shared Parental Leave and Paternity and Adoption Leave (Adoption from Overseas) Regulations 2014.

### 2. ENTITLEMENT

- 2.1 The Work and Families Act 2006 extends the period of statutory adoption pay (SAP) from 26 weeks to 39 weeks, and for full terms & conditions to continue throughout the period of 26 weeks additional adoption leave, with the exception of pay.
- 2.2 The adopter is entitled to both 26 weeks ordinary and 26 weeks additional adoption leave if they have 26 weeks' service by the notification week, providing a right to 52 weeks adoption leave in total.
- 2.3 The Work and Families Act gives all employees (whether male or female) a statutory entitlement to Adoptive Leave once they have been notified of being matched with a child (up to the age of 18) through an approved adoption agency.
- 2.4 Employees who are adopting children but not using an approved Adoption Agency are **not** eligible for Statutory Adoption Leave and Statutory Adoption Pay.
- 2.5 The right to ordinary and additional leave is available to an employee who has been personally matched with a child, or to an employee who is one of two people who have been jointly matched with a child for adoption (whether married or otherwise, including same sex partners).
- 2.6 Where a couple are adopting jointly one of them must decide which one will take Adoption Leave and which one will take Paternity Leave.
- 2.7 Employees who are adopting a child are entitled to take time off to attend adoption appointments to enable the employee to have contact with the child or for any other purpose connected with the adoption. An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments.

- 2.8 Agency workers who have continuously worked in the same role for 12 weeks who are adopting a child are also entitled to take time off to attend adoption appointments in accordance with 2.7.

### **3. ORDINARY ADOPTION LEAVE**

- 3.1 As with maternity leave the Ordinary Adoption Leave period is currently 26 weeks.
- 3.2 It starts on the day that you specified in your notice unless you wanted your leave to start on the date the child was placed and you were at work on that day. In this situation the leave starts on the following day.

### **4. ADDITIONAL ADOPTION LEAVE**

- 4.1 If you take Ordinary Adoption Leave you are also entitled to unpaid Additional Adoption Leave (AAL) unless the Ordinary Adoption Leave ended prematurely, (please see point 9.1 for further guidance). Additional Adoption Leave is currently a further period of 26 weeks, providing 52 weeks leave in total.
- 4.2 An employee's contract of employment continues throughout OAL and AAL

### **5. ELIGIBILITY**

- 5.1 To be eligible for 52 weeks adoption leave, you must:
- be the child's adopter and have been matched with a child through an approved adoption agency;
  - have 26 weeks continuous service by the end of the notification week in order to be entitled to adoption pay but you are eligible for adoption leave( without pay) from day one of your employment;
  - have been notified by the adoption agency that the child should be placed with him/her and the date of placement.
- 5.2 There is an entitlement of only one period of adoption leave regardless of the number of children placed at the same time.

### **6. STARTING ADOPTION LEAVE - SAL**

- 6.1 You can choose to start your adoption leave on:

#### **Within the UK**

- the date the child is placed; or
- a predetermined date, no more than 14 days before the date the child is expected to be placed with the employee.

#### **Overseas**

- the date the child enters the UK; or
- a predetermined date, no later than 28 days after the date the child has entered the UK.

(SAL is not meant to be used to cover the period employees spend travelling overseas to arrange the adoption or visiting the child. You could, however, with the agreement of your employer take annual leave or unpaid leave for these purposes).

6.2 In both cases, adoption leave can start on any day of the week.

## **7. EMPLOYEES NOTICE REQUIREMENTS**

7.1 You must notify the Headteacher and the Resources Team of your adoption leave request, details of when this notification is required is detailed below:

### **Within the UK**

As soon as reasonably practicable but no longer than 28 days after the date you have been notified of being matched you must give the Headteacher notice of the following in writing:

- the date the child is expected to be placed with you for adoption;
- provide documentary evidence in the form of a signed and dated “matching certificate” provided by the adoption agency;
- the date you want the leave to begin

### **Overseas**

There are three stages of notice that you are required to give of your intention to take adoption leave:

#### **Stage 1**

You must advise the Headteacher of:

- The date you receive official notification, and the date the child is expected to enter the UK. You must give the Headteacher this information within 28 days of receiving official notification. At this point, you should know roughly when the child will enter the UK.

#### **Stage 2**

- In all cases, you must give at least 28 days' notice of the actual date you want your SAL (and SAP if they qualify) to start. You can give this notice at the first notification stage if you know the date. SAL cannot start before the child enters the UK.
- You can change your mind about the date on which you want your leave to start providing you tell the Headteacher at least 28 days in advance of the new date, or as soon as is reasonably practicable.

#### **Stage 3**

- You must advise the Headteacher of the date the child entered the UK. This must be within 28 days of the child's date of entry. If you are also claiming SAP, you will need to give evidence of the date of entry (in the form of a plane ticket or entry clearance) confirming the child's arrival.
- You must tell the Headteacher as soon as is reasonably practicable if you find out that the child will not be entering the UK.

- 7.2 You must also notify the Resources Team of your intentions to take adoption leave. This can be done using Appendix B (Adoption Notification Form) which can be located at the back of this booklet

## **8. SCHOOL'S NOTICE REQUIREMENTS**

- 8.1 Within 28 days of receiving your notice stating your chosen start date for adoption leave, the Resources Team must write to you outlining when you will be expected to return to work if you take your full entitlement.

## **9. PLACEMENT DISRUPTED**

- 9.1 Where, after starting leave, if you are notified that the child will not be placed, or after the child is placed, the child is returned to the adoption agency or if the adopted child should die, you 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 and you must notify the Headteacher of your early return on the day the placement ends.

## **10. RETURNING TO WORK**

- 10.1 If you wish to return to work before the end of your chosen adoption leave you must give 8 weeks' notice of your return using Appendix C (AL6 Teachers).
- 10.2 If you change your mind about the date you intend to return, when you have already notified an early return date, you will have to give notice 8 weeks before the new date using Appendix C (AL6 Teachers).
- 10.3 If you want to postpone your early return you will have to give notice 8 weeks before the original early return date again using Appendix C (AL6 Teachers).
- 10.4 If you fail to give sufficient notice the school can postpone your return. However they cannot postpone your return beyond the end of the AAL period.
- 10.5 If you insist on working despite the school's postponement you have no entitlement to be paid.
- 10.6 These provisions do not apply if the school failed to provide you with notice of when your adoption leave was due to end (see point 8 – School's Notice Requirements).
- 10.7 If you do not wish to return to work following your adoption leave you must resign giving the appropriate notice as per your contract of employment. This will not affect your SAP payments however will have an affect on your OAP. You will need to pay all OAP you were paid during your leave.

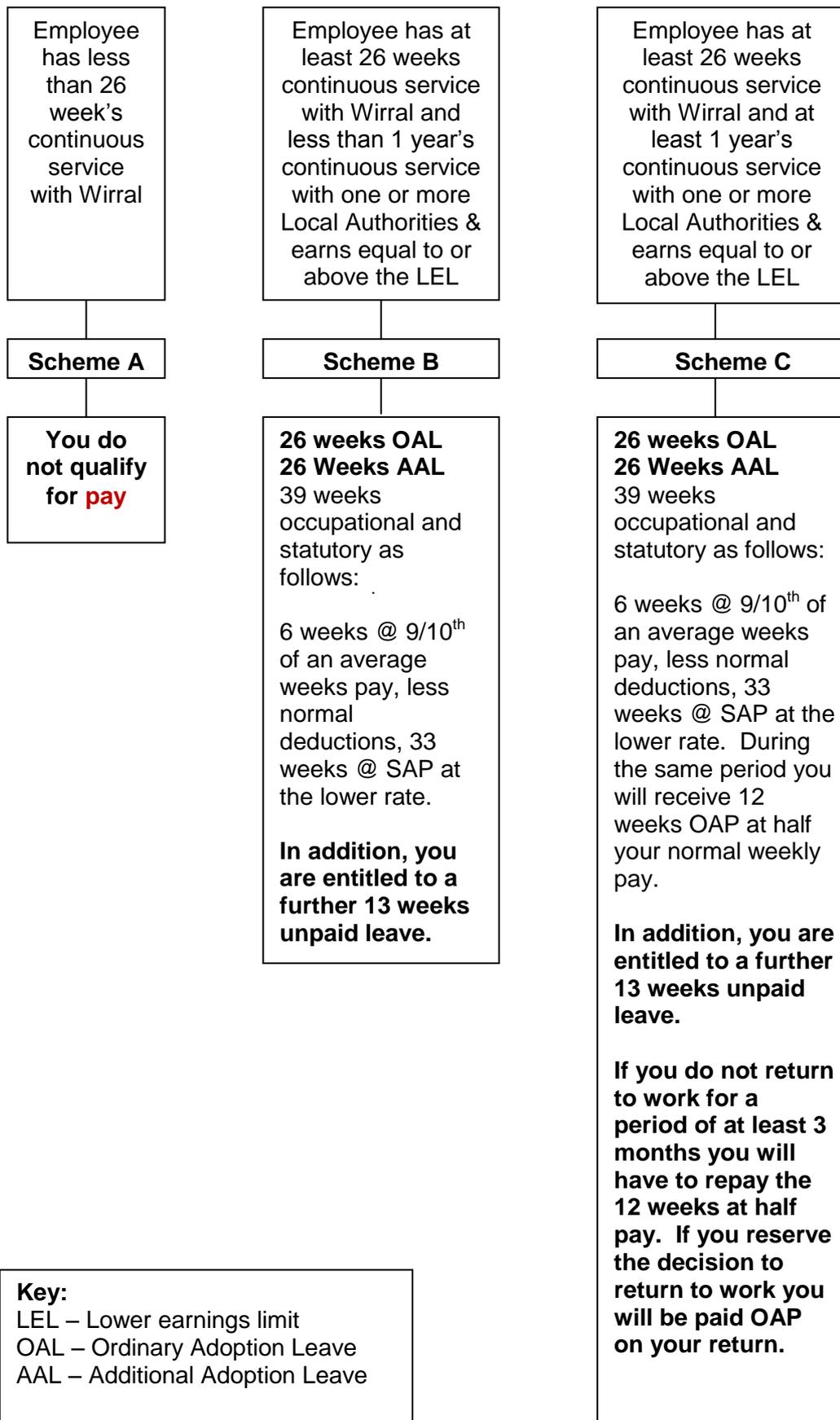
## **11. RIGHT TO RETURN**

- 11.1 If you return to work after taking only Ordinary Adoption Leave will be entitled to return to the post in which you were employed before the leave began provided you did not take any Additional Adoption Leave or more than four week's Parental Leave.
- 11.2 If you did take Additional Adoption Leave or Additional Parental Leave of more than four weeks, you are entitled to return to the same post, or if that is not reasonably practicable, to another post which is suitable and appropriate for you to do in the circumstances.
- 11.3 On your return your terms and conditions must be no less favourable than those that would have applied if you had not been absent.

## **12. ADOPTION PROVISION**

- 12.1 In order to qualify for statutory adoption pay you must earn equal to or above the lower earnings limit for National Insurance contributions.
- 12.2 If you earn less than this earning limit but are eligible for leave you would take the leave unpaid.

## ADOPTION PAY FLOWCHART



### **13. WORKING DURING ADOPTION LEAVE/"KEEPING IN TOUCH" (KIT) DAYS**

- 13.1 KIT days enable you whilst on adoption leave to agree with the Headteacher to work for up to 10 days during your Adoption Leave period without bringing the period of adoption leave or SAP to an end.
- 13.2 You can go into work for up to ten days during adoption leave (which may be either separate days or a single block).
- 13.3 Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.
- 13.4 The school does not have to offer these days and you are not obliged to accept them. If the school offers you the opportunity to work a KIT Day you are entitled to turn the opportunity down without suffering any consequences as a result. It is unlawful for you to suffer detriment for not agreeing to work KIT Days, or for working or considering such work.
- 13.5 A KIT day constitutes a day's pay and you should receive full pay (if in receipt of SAP, this will be deducted). Childcare costs arising from KIT Days are not paid for by the school. You may choose to work only a few hours on each occasion, for example a three-hour training session, however, these will count as 'days' under the scheme.
- 13.6 An adopter can carry out up to 10 days' work during his/her adoption leave without bringing his/her adoption leave to an end.

### **14. REASONABLE CONTACT DURING ADOPTION LEAVE**

- 14.1 The Regulations make it clear that an employer and employee are allowed to make reasonable contact during adoption leave to discuss such issues as the return to work. This would not constitute "work" and would not, therefore, count towards the KIT 10 days.

### **15. PENSION CONTRIBUTIONS**

- 15.1 For the period of adoption leave, pension deductions will only be taken whilst the employee is in receipt of salary.
- 15.2 The no pay period of a leave is non-pensionable. If you wish to make payment during this period you will have to elect to do so.
  - Contact Teachers Pensions for further information on [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk)

## **16. CHILDCARE VOUCHERS**

- 16.1 There is a childcare voucher scheme in place. This scheme is with Fideliti. Childcare vouchers are implemented by way of a salary sacrifice scheme. A salary sacrifice happens when you agree to give up the right to receive part of your cash pay due under your contract of employment in exchange for childcare vouchers to the same value as the cash sacrifice. The 'sacrifice' is achieved by you signing an agreement to vary your terms and conditions of employment relating to pay. You achieve the financial saving because the amount of salary exchanged for vouchers is exempt from tax and NI contribution.
- 16.2 The scheme enables you, if eligible, to save money on your childcare costs by paying less tax and National Insurance Contributions (NICs). There are potential savings of up to approximately £933 per annum per parent through reduced tax and NIC payments. Currently each employee is entitled to exchange up to £243 per month, directly from their gross salary (before tax and national insurance are deducted) to pay for approved child care costs.
- 16.4 The scheme is available to each parent or legal guardian, enabling you to make twice the saving. Each family could save up to £1866 per annum on childcare fees. Further information is available from the Resources Team.
- 16.5 You can join the scheme at any time but if you leave the scheme due to life changing circumstances you will be unable to rejoin until the next contract date. This is in line with Her Majesty's Revenue and Customs requirements.
- 16.6 Further information is provided on the Fidelity website: [www.fideliti.co.uk](http://www.fideliti.co.uk) or you can contact the Fidelity Customer Care line on 0800 288 8727.

## **17. ADDITIONAL INFORMATION**

- 17.1 An employee will be required to send in a Matching Certificate (UK adoption) or an official notification / a letter from the court (Overseas adoption).
- 17.2 On return the employee must complete the **equivalent** of 13 weeks full-time service. Failure to do so will require a refund of the Occupational Adoption Pay received. Following the employee's return to duty the normal provisions for termination will apply.
- 17.3 Where the Headteacher agrees, a full-time employee may return to work on a part-time basis for a period which equates to 13 weeks of full-time service. Similarly, where the Headteacher agrees, a part-time employee may return to work on a different part-time basis which equates to 13 weeks part-time service relating to her previous contract.

17.4 The 13 week period (or part-time equivalent) starts from the date the employee returns to work or the date during the school holiday on which the employee declares herself available to work.

## **18. TRANSFER OF ADOPTION LEAVE (SHARED PARENTAL LEAVE)**

18.1 The **Parental Leave Regulations 2014** give a new legal entitlement for parents with babies due or children placed for adoption on or after 5 April 2015, to shared parental leave. For further information about this entitlement please check the Shared Parental Leave Procedure.

## **19. ADDITIONAL PATERNITY LEAVE**

19.1 Additional paternity leave continues to be available in relation to children entering Great Britain before 5<sup>th</sup> April 2015. If an employee proposes to return to work by giving proper notification, his/her spouse, civil partner or partner may be eligible to take up to 26 weeks additional paternity leave once he/she has returned to work.

19.2 The earliest that additional paternity leave may commence is 20 weeks after the date on which the adopted child enters Great Britain and it must end 12 months after the date of entry. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks.

19.3 Further details should be obtained from the employee's spouse's or partner's employer. He/she will be required to submit a written and signed declaration form to that employer, which may also make additional enquiries of the organisation to verify its employee's entitlement to additional paternity leave and pay.

**Other family friendly documents available for school staff**

Unpaid Parental Leave

Unpaid Time off for Dependents

Code of Practice for Leave Requests from all School Staff

Paternity Leave Scheme

Maternity Scheme

Career Break Scheme for Teachers

Career Break Scheme for Support Staff

Part Time Working and Job Sharing for Teachers

Part Time Working and Job Sharing for Support Staff

**Shared Parental Leave**

**Notification of Intention to take Adoption Leave – Teachers**

School:	
Name:	
Home address:	
Payroll No:	
Post No:	
Designation:	

The child is expected to be placed for adoption with me on: \_\_\_\_\_

I would like my Adoption Leave to start on: \_\_\_\_\_

I would like my Statutory Adoption Pay to start on: \_\_\_\_\_

**Pension** (See point 15 of the scheme information)

The no pay period of a leave is non-pensionable however, if you wish to make payment during this period you will have to elect to do so.

- Contact Teachers Pensions for further information on [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk)

I \*have provided/will provide as soon as reasonably practicable you with the relevant documentary evidence from the adoption agency as proof of my entitlement to Statutory Adoption Pay. In addition, please accept this letter as my declaration to you that I have elected to receive (if I am eligible) Statutory Adoption Pay and not Statutory Paternity Pay in respect of this adoption.

*\*Delete whichever is inapplicable*

Signature \_\_\_\_\_ Date \_\_\_\_\_

Headteacher(Name) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_



**Appendix C  
AL6 Teachers**

**ADOPTION LEAVE**

- \*I wish to inform you that I am giving the 8 weeks notice required and I intend to return to work on \_\_\_\_\_ which is before my Additional Adoption Leave ends on \_\_\_\_\_.
- \*I wish to inform you that I intend to resign with effect from \_\_\_\_\_ and I am giving you the required period of notice as per my contract of employment.

Employees Full Name..... Emp No.....  
Employees signature ..... Date .....  
Job Title ..... Section .....  
Received by Department ..... Date .....

**For office use only**

Upon receipt of application the department should check the employee's eligibility regarding length of service and complete the boxes below.

<b>Part A Employee's Details (to be completed in all cases)</b>			
Date Started in Local Government:		Date Started with Wirral Council:	
Expected Date of Placement:		Date Absenting themselves from Work:	

<b>Part B (to be completed in all cases)</b>	
The aforementioned employee will have:	
<p>a. less than 26 weeks continuous local government service at the end of the matching week and is therefore <b>not</b> entitled to receive Statutory Adoption Pay (SAP) and form SAP1 will need to be issued.</p> <p>This form should be sent to the Payroll section together with a copy of the documentary evidence. The dept should then return the original documentary evidence to the employee together with letter AL2b.</p>	<input type="checkbox"/>
<p>b. more than 26 weeks continuous local government service at the end of the matching week and is therefore entitled to 39 weeks SAP subject to the employee's earnings exceeding the NI.LEL.</p> <p><b>The dept should send letter AL2a to the employee and this form should be sent to the Payroll section together with the original documentary evidence.</b></p>	<input type="checkbox"/>
<p>c. at least 1 year continuous local government service at the end of the matching week and is therefore entitled to 12 weeks Occupational Adoption Pay (OAP).</p> <p><b>The dept should send letter AL2a to the employee and this form should be sent to the Payroll section together with the original documentary evidence.</b></p>	<input type="checkbox"/>

<b>Part C To be completed when the employee has completed 12 months continuous Local Government service and is therefore entitled to receive Occupational Adoption Pay (OAP) of 6 weeks at 9/10th pay from the date absenting themselves from work.</b>	
Please indicate the employee's intention regarding their OAP entitlement of 12 weeks ½ pay:	
a. the employee has intimated their intention <b>to resume work</b> after their adoption leave for a minimum of 3 months, therefore please pay OAP entitlement of 12 weeks ½ pay or	<input type="checkbox"/>
b. the employee wishes their ½ pay OAP to be withheld until they return to work or	<input type="checkbox"/>
c. the employee does not intend to return to work	<input type="checkbox"/>

Signed:	Dated:
Print Name:	