

## Adoption Leave and Adoption Pay Policy

Date	Review Date	Endorsed by	Approved by	Link Governor
Dec 2016	Dec 2017	Resources Committee	Governing Body	Michelle Knott

### 1. Introduction

- 1.1 Children may be adopted by couples who are married, civil partners or unmarried as well as by individuals. Where a couple are jointly adopting they can choose which of them will take adoption leave and pay and the other may take paternity leave and pay. If an individual is adopting they may take adoption leave and pay and their partner may be eligible for paternity leave and pay.

### 2. Adoption leave

- 2.1 Adoption leave can commence from either:

- The date the child starts living with the employee or up to 14 days before the expected placement date (UK adoptions)
- When an employee has been matched with a child to be placed with them by a UK adoption agency
- When the child arrives in the UK or within 28 days of this date (overseas adoptions)
- The day the child's born or the day after (parents in surrogacy arrangements)

- 2.2 Employees are entitled to 52 weeks' adoption leave consisting of 26 weeks' ordinary adoption leave and a further 26 weeks additional adoption leave.

- 2.3 Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

- 2.4 If the child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to eight weeks after the end of the placement.

### 3. Eligibility for adoption leave

- 3.1 To qualify for adoption leave and pay an employee must be 'newly matched' with a child for adoption (including "Foster to Adopt" arrangements) by an approved adoption agency. Adoption leave and pay is not available in circumstances where the employee:

- Arranges a private adoption
- Becomes a special guardian, foster carer (except in "Foster to Adopt" arrangements or kinship carer)
- Adopts a stepchild
- Adopts a family member or stepchild.

- 3.2 Parents in a surrogacy arrangement who are entitled to and intend to apply for a Parental Order under the Human Embryology and Fertilisation Act 2008 may be eligible for adoption leave and pay if each parent meets the normal qualifying conditions.

#### **4. Statutory Adoption Pay**

- 4.1 To qualify for Statutory Adoption Pay (SAP) an employee must have been employed without a break for at least 26 weeks by the week that they are matched with the child and have average weekly earnings at least equal to the weekly lower earnings limit for National Insurance contributions. For surrogacy arrangements, the conditions are the same, except to qualify for Statutory Adoption Pay the employee must have been employed without a break for at least 26 weeks by the 15th week before the week the baby is due.
- 4.2 The following link provides DirectGov guidance on [Statutory Adoption Pay](#)<sup>1</sup> .

#### **5. Occupational adoption pay**

- 5.1 For employees who joined the Council before 1st April 1993:
- 24 weeks leave at half pay and 15 weeks at flat rate SMP totaling 39 weeks paid leave from the date of adoption/fostering provided the employee intends to return to work. This entitlement is the same for teachers whenever they joined.
- 5.2 For employees who joined the Council after 1st April 1993 and who have 1 years continuous service with Haringey:
- 12 weeks leave at half pay and 14 weeks paid at the same rate as SMP totaling 29 weeks paid leave from the date of adoption/fostering providing the employee intends to return to work.
- 5.3 The same requirements as for maternity leave apply in relation to exercising a return to work and repayments of pay.

#### **6. Notification of intention to take adoption leave**

- 6.1 Adopters must inform the school of their intention to take adoption leave within seven days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. They will need to:
- Tell the school when they want their adoption leave to start
  - Provide documentary evidence of their entitlement to adoption leave and pay<sup>2</sup>. This must include:
    - The employee's name and address and that of the agency
    - The match date – e.g. the matching certificate
    - The date of placement – e.g. a letter from the agency.
- 6.2 For employees in surrogacy arrangements, at least 15 weeks before the due date, employees must confirm in writing to the school when the baby is due and when they want to start their leave.
- 6.3 The school must respond to the employee within 28 days confirming the expected date of return if the full entitlement to adoption leave is taken.

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<sup>1</sup> [www.gov.uk/employers-adoption-pay-leave/eligibility](http://www.gov.uk/employers-adoption-pay-leave/eligibility)

<sup>2</sup> Supplementary information applies to overseas adoptions including; the relevant UK authority's 'official notification' confirming the employee is allowed to adopt; and the date the child arrived in the UK.

6.4 Adopters will be able to change their mind about the date on which they want their leave and (if applicable) adoption pay to start, providing they tell their manager at least 28 days in advance, unless this is not reasonably practicable.

## **7. Adoption appointments**

7.1 An employee who has been notified by an adoption agency that a child is to be placed for adoption with them is entitled to take paid time off during their working hours to attend appointments, such as having contact with the child or meeting with the child's social worker or current carer, up to the date of the placement of the child.

7.2 Where a couple are adopting jointly, only one of them is entitled to take paid time off.

7.3 The person taking paid time off should be asked to sign a declaration that they have elected to exercise the right to paid time off.

7.4 The employee is entitled to take time off on up to five occasions for a maximum of 6.5 hours per appointment. This limit applies irrespective of the number of children being adopted as part of the same arrangement.

7.5 Appointments must have been made by or at the request of the adoption agency. The school can ask the employee to provide a document showing that this is the case, and giving details of the date and time of the appointment.

7.6 Where a couple are adopting jointly, the employee who has not elected to take paid time off to attend appointments can request to take unpaid leave. This is limited to up to two occasions.

7.7 Intended parents in a surrogacy case who meet the conditions set out under the Human Embryology and Fertilisation Act 2008 will also have the right to unpaid leave to attend up to two ante natal appointments.

## **8. Contact during Adoption Leave**

8.1 Regulations provide that reasonable contact between the school and employee is permitted and will not bring the adoption leave to an end.

8.2 The provisions for "keeping in touch" days mirror those set out for maternity leave (up to a maximum of 10 keeping in touch days).

## **9. Return to work after adoption leave**

9.1 Adopters who intend to return to work at the end of their full adoption leave entitlement will not have to give any further notification to the school.

9.2 Adopters who want to return to work before the end of their adoption leave period must give the school eight weeks' notice of the date they intend to return.

## **Monitoring the Effectiveness of the Policy**

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the link governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement.

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**This policy was reviewed and endorsed by the Full Governing Body of The Devonshire Hill Nursery and Primary School on Tuesday 20<sup>th</sup> December 2016.**