

ADOPTION POLICY
(WHOLE SCHOOL)
FOR SCHOOLS WITH DELEGATED POWERS

ADOPTION POLICY FOR ST. HUGH'S SCHOOL

INTRODUCTION

1. This policy describes the type and extent of the adoption leave provisions open to employees who are informed by an adoption agency that a child will be placed with them on or after 5 October 2008.
2. This policy applies to all employees of the school.

LEGAL POSITION

3. A wide array of legislation regulates adoption leave and pay. Most of the relevant legislation can be found consolidated into the Employment Rights Act 1996 or the Employment Relations Act 1999. However, the **Employment Act 2002** also enabled some significant changes to the law in this area and further changes came into effect from 1 April 2007. Some of the details of the rights and principles contained in the main Acts are to be found in the various implementing regulations, principally:
 - Work and Families Act 2006
 - The Maternity Leave and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2006 (SI 2006/2014)
 - The Statutory Paternity Pay and Statutory Adoption Pay (General) and the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) (Amendment) Regulations 2006 (SI 2006/2236)
4. The relevant post-natal provisions of the National Joint Council (NJC) for Local Government Services' maternity pay and maternity leave scheme and the Conditions of Service for School Teachers in England and Wales ("the Burgundy Book") maternity scheme, guide this adoption policy.
5. The adoption policy complies with the minimum requirements of the statutory provisions, but in some areas offers terms that are more favourable.

ELIGIBILITY

6. Employees are entitled to benefit from this policy once they are notified and accepted as an adoptive parent by a recognised adoption agency and then accept a newly matched child or children for adoption.

7. Employees must have 26 weeks continuous service at the end of the week in which they are notified of having been matched with a child to be entitled to adoption leave.
8. Only one partner will be eligible for adoption leave. The other partner may also be eligible for paternity leave.
9. Employees who are eligible to take adoption leave will be entitled to reasonable time off with pay for interviews, appointments with social workers, adoption agencies etc. Employees must provide their Head Teacher/nominated officer with letters/appointment cards to confirm these visits.

ENTITLEMENTS (Non-teaching)

Service	Leave & Pay
<p>Employees with 26 weeks continuous service and who have declared their intention to return to work for the school for a minimum of three months</p>	<p>Ordinary Adoption Leave (OAL)</p> <p><u>Weeks 1 - 6</u> 9/10ths week's pay <i>(offset against payments made by way of Statutory Adoption Pay (SAP))</i> <i>(SAP is £112.75 for 2007/2008)</i></p> <p><u>Weeks 7 - 18*</u> Half pay plus SAP <i>(the payment of half pay and SAP is not to exceed full pay and will be adjusted accordingly)</i></p> <p><u>Weeks 19 - 26</u> SAP</p>
<p>Employees who meet the above criteria may choose to take a period of Additional Adoption Leave (AAL).</p>	<p>Additional Adoption Leave (AAL)</p> <p><u>Weeks 27- 39</u> SAP</p> <p><u>Weeks 40 - 52</u> Unpaid</p>

ENTITLEMENTS (Teaching)

Service	Leave & Pay
Employees with 26 weeks continuous service and who have declared their intention to return to work for the school for a minimum of three months.	<p>Ordinary Adoption Leave (OAL)</p> <p><u>Weeks 1 - 4</u> Full pay <i>(offset against payments made by way of Statutory Adoption Pay (SAP))</i> <i>(SAP is £112.75 for 2007/2008)</i></p> <p><u>Weeks 5 - 6</u> 9/10ths week's pay <i>(offset against payments made by way of Statutory Adoption Pay (SAP))</i></p> <p><u>Weeks 7 - 18*</u> Half pay plus SAP <i>(the payment of half pay and SAP is not to exceed full pay and will be adjusted accordingly)</i></p> <p><u>Weeks 19 - 26</u> SAP</p>
Employees who meet the above criteria may choose to take a period of Additional Adoption Leave (AAL).	<p>Additional Adoption Leave (AAL)</p> <p><u>Weeks 27- 39</u> SAP</p> <p><u>Weeks 40 - 52</u> Unpaid</p>

- 10.** For an employee to receive SAP their average earnings in the 8 weeks ending with the week in which they are notified of having been matched with a child must be equal to the lower earnings limit. (Lower earnings limit is £87.00 per week for 2007/2008).

Note 1: *The rates of SAP and the Lower Earnings Limit are usually revised in April each year. To confirm the current rates employees should seek advice from the HR service team or the LA's Payroll Section.*

- 11.** *The above half pay payments will only be made where employees have stated in writing that they intend to return to work and remain employed for at least three months following their return.
- 12.** If the employees do not state that they intend to return to work they will only receive SAP for the period weeks 7 to 39.
- 13.** Employees can start their leave on any day of the week, from the date of the child's placement (this may be earlier than expected), or from an agreed date. The agreed date can be up to 14 days before the expected date of placement but no later than the expected date of placement. Entitlement to leave is not per child.

14. 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.

NOTIFICATION

15. Employees should tell their Head Teacher/ nominated officer within seven days of being 'matched' with a child, that they intend to take adoption leave. They should notify their Head Teacher/ nominated officer when the child is going to be placed with them and when they want their adoption leave to start. The Head Teacher/ nominated officer will inform the HR service team.
16. Employees must produce a 'matching certificate' from their adoption agency (as evidence of entitlement to SAP), which will include basic information on matching and expected placement dates. A form at Appendix 2 can be utilised for this purpose.
17. If employees need to change the leave date (where possible) they should give 28 days notice. The Head Teacher/ nominated officer will inform the HR service team.
18. The HR service team will write to the employee within 28 days of the receipt of notification and confirm the expected date of return from adoption leave.

MAINTAINING CONTACT

19. Preserving dialogue and communication between the Head Teacher/ nominated officer and employees undertaking a period of adoption leave is to the advantage of all concerned. As a minimum employees should always be advised of any matters relating to pay and benefits, office relocation, potential redundancy issues, promotional opportunities or any other significant matter, such as a restructure, which might affect his/her job on return.
20. Maintaining more comprehensive contact however, could also potentially give Head Teachers/ nominated officers an early indication of the employee's plans regarding returning to work, It should also ensure that an employee feels welcomed back when his/her adoption leave is over, confident that he/she has been thought of as part of the team even whilst they have been away.
21. On this basis it is important to establish in advance what contact the employee wishes to have with the school during his/her adoption leave period. Where an employee has stated an intention to return to work a pre-adoption discussion must take place, between the Head Teacher/ nominated officer and employee. Ideally this should take place approximately one month prior to the start of the adoption leave period. The discussion must be supportive in nature, be confidential and be conducted with the purpose of:
 - Establishing an agreed level of contact;

- Agreeing the preferred method of contact;
 - Ascertaining whether the employee may wish to attend work during his/her adoption leave period and if so, at what stage;
 - Allowing the employee to voice any concerns they may have;
 - Making the employee aware of the availability of the LA's Confidential Staff Welfare and Counselling Service.
- 22.** Establishing this up-front will help Head Teachers/ nominated officers feel confident about making contact. In turn this will help employees avoid feeling isolated. It should also remind managers of their responsibility to plan for the individual's return.
- 23.** If agreed the Head Teacher/ nominated officer should maintain regular contact with the employee during the adoption leave period and ensure they are kept up to date of any additional developments, as though he/she was attending work normally. For example:
- Messages on key developments in the school;
 - revised policies, procedures and associated documentation;
 - minutes of relevant meetings and pertinent newsletters;
 - invitations to team social events.
- 24.** At the meeting the employee should also be given the opportunity to discuss training received to date and identify future training needs. Head Teachers/nominated officers should ensure that career aspirations have been addressed or at least understood and a method of communicating any suitable vacancies should be agreed. Where requested, copies of the LA's regular recruitment bulletin should be provided. Opportunities for training during the period of adoption leave should also be discussed.
- 25.** A form at Appendix 2 is available to assist in the above process.

WORK DURING THE ADOPTION LEAVE PERIOD

- 26.** It remains in the interests of every employer to welcome staff back into the workplace when they are ready to return.
- 27.** To facilitate this all employees may, by agreement with their Head Teacher/nominated officer do up to 10 days' work known as 'Keeping in Touch (KIT)' days during their adoption leave period.
- 28.** KIT days may enable an employee to be re-inducted to the workplace. Dependant on the nature of the work and the changes that have taken place in the job, this may involve retraining during the month prior to the employees' return from adoption leave. Employees should also have the opportunity to attend relevant training courses, team and section meetings.
- 29.** There is no obligation on an employee to take up any offer of KIT days and similarly there is no obligation on the Head Teacher/ nominated officer to offer the

work. However, the use of KIT days is encouraged by the school to ease an employee's return to work.

30. Attendance at work for KIT days will be paid at the hourly rate applicable to the employees' spinal column point, subject to the pay plus any contractual adoption pay and or SAP not exceeding his/her normal earnings for that day.
31. Working for part of a day will constitute a full day against the entitlement of 10 KIT days.
32. The use of KIT days, subject to the maximum allowance of 10 days not being exceeded, will have no detrimental effect on an employees entitlement to contractual or statutory adoption pay. Equally the application of KIT days will in no way extend the adoption leave period.

RETURN TO WORK AFTER ADOPTION LEAVE

33. Employees who intend to return to work at the end of their full adoption leave entitlement, as confirmed by the HR service team, will not have to give any further notification to their Head Teacher/nominated officer. Employees who want to return to work before the end of their adoption leave period, must give 21 days' notice of the date they intend to return.
34. Following adoption leave the employee must return to school employment for a period of three months. Failure to do so may result in them being required to repay the contractual half pay received or such proportion as the school may decide.

FLEXIBLE WORKING ARRANGEMENTS

35. In returning to work the employee may consider a return under flexible working arrangements. Employees are required to discuss any revisions to working arrangements with their Head Teacher/ nominated officer prior to the return to work date. Every consideration will be given to meeting the employees' needs but the flexible working arrangements will also take account of operational requirements and it will be for the Head Teacher/nominated officer to decide whether any proposal can be accommodated in accordance with the school's Flexible Working policy.

CONDITIONS OF EMPLOYMENT

36. The contract of employment continues throughout adoption leave and an employee has a statutory right to continue to benefit from the terms and conditions of employment which would have applied had he/she not been on leave, (except for payment of wages or salary).
37. Adoption leave shall be regarded as continuous service for the purposes of entitlement to contractual sick pay and annual leave provisions.

38. Annual leave will continue to accrue during both the ordinary and additional adoption leave period. Any Bank Holiday's that occur during both ordinary and additional adoption leave will also accrue and employees will be entitled to a substitute day's leave for each Bank Holiday falling in this period. These will be added to annual leave entitlement and subject to a maximum of five days not being exceeded can be carried over to the following year.
39. Employees who have completed not less than one year's service at the date of return following adoption leave can apply to take parental leave in line with the school's Parental Leave policy.

PENSIONS SCHEME

40. If an employee is an existing local government pension scheme member they will remain a member of the scheme and deductions will be made throughout the ordinary adoption leave period and any period of paid additional adoption leave.
41. Pension contributions will be based on the pay that an employee is actually receiving, however, pension benefits will continue to accrue as they would, had he/she not been on adoption leave.
42. If an employee is not in receipt of adoption pay during the ordinary adoption leave period his/her pension contributions will be deemed to have been paid for that period and pension benefits will accrue as if he/she had not been on adoption leave.
43. If employees opt to take unpaid additional adoption leave they will be contacted by the payroll section in order for them to decide whether or not to remain a member of the pension scheme and to pay the reduced contributions for the unpaid period. Arrangements are usually made on return to work and employees must elect to make these pension contributions within 30 days of return. Should employees decide not to make contributions then this will count as a break in pensionable service.
44. Employees who are members of the teachers' pensions scheme can find more detailed information at www.teacherspensions.co.uk

ADDITIONAL GUIDANCE

45. The LA produces an adoption information pack, which provides additional assistance for adoptive parents and Head Teachers/nominated officers alike. This includes useful contacts, full advice on pensions and details of potential savings on childcare costs. Copies can be obtained from the HR service team.
46. The Head Teacher/nominated officer will offer support and guidance to the employee upon their return from adoption leave. Information to assist this process and specific advice regarding nursing mothers is outlined in Appendix 3.