



The Bath & Mendip Partnership Trust

HR: Adoption Leave Policy

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APPLICABLE TO:	All Trust Schools
REVIEWED BY:	
APPROVED BY	TRUST BOARD

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PLEASE NOTE THAT, SINCE CREATION OF THIS POLICY THE PARTNERSHIP TRUST HAS CHANGED ITS NAME TO THE BATH AND MENDIP PARTNERSHIP TRUST. ALL REFERENCES IN THIS POLICY TO THE PARTNERSHIP TRUST ARE TO BE READ AS THE BATH AND MENDIP PARTNERSHIP TRUST

1. Policy Statement

- 1.1 This policy sets out the arrangements for adoption leave and pay for employees who are:
- Adopting a child through a UK adoption agency
 - Fostering a child with a view to possible adoption
 - Having a child through a surrogate mother
- 1.2 Adoption leave and pay may also be available for adoptions from overseas, which are not dealt with in this policy. Please contact Human Resources for information on eligibility and process.
- 1.3 This policy only applies to employees. It does not apply to agency workers or self-employed contractors. It does not form part of any employee's contract of employment and we may amend it at any time.

2. Entitlement to Adoption Leave

- 2.1 In adoption cases or fostering for adoption cases, you are entitled to adoption leave if you meet all the following conditions:
- a) You are adopting a child through a UK adoption agency, or you are a local authority foster parent who has been approved as a prospective adopter.
 - b) The adoption agency or local authority has given you written notice that it has matched you with a child for adoption, or that it will be placing a child with you under a fostering for adoption arrangement, and tells you the date the child is expected to be placed into your care (Expected Placement Date).
 - c) You have notified the agency that you agree to the child being placed with you on the Expected Placement Date.
- 2.2 In a surrogacy case, you are entitled to adoption leave if all the following conditions are met:
- a) A surrogate mother gives birth to a child who is biologically your child, the child of your spouse or partner, or the child of both of you.
 - b) You expect to be given parental responsibility for the child under a parental order from the court. The child must live with you and you must apply for the parental order within six months of the child's birth.
- 2.3 The maximum adoption leave entitlement is 52 weeks, consisting of 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption Leave (AAL).

- 2.4 Only one parent can take adoption leave. If your spouse or partner takes adoption leave with their employer you will not be entitled to adoption leave but you may be entitled to paternity leave (see our Paternity Leave Policy).

3. Statutory Adoption Pay (SAP) – Qualifying and Payment

- 3.1 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:

- a) You have been continuously employed for at least 26 weeks ending with the week in which the agency notified you that you had been matched with the child (Qualifying Week) and are still employed by us during that week;
- b) Your average weekly earnings during the eight weeks ending with the Qualifying Week (Relevant Period) are not less than the lower earnings limit set by the government; and
- c) you have given us the relevant notifications .

- 3.2 SAP is calculated as follows:

- a) First six weeks: SAP is paid at the Earnings-related Rate of 90% of your average earnings over the Relevant Period.
- b) 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.

4. Terms and Conditions During Adoption Leave

- 4.1 All the terms and conditions of your employment remain in force during OAL and AAL, except for the terms relating to pay. In particular:
- a) Annual leave entitlement under your contract shall continue to accrue (see paragraph 10); and
 - b) pension benefits shall continue

5. Pensions

- 5.1 If an employee is a member of the Employees' Pension Scheme, contributions will continue to be deducted while they are in receipt of adoption pay and the school will continue to pay the employees employer's contribution based on the employee's normal full pay. Contributions cannot be made for any unpaid adoption leave period, thus, such period will not count as part of pensionable service.

6. What the Employee Must Do

- 6.1 The employee must notify the school/local authority within seven days after being notified by the adoption agency of the match by completing the

Commencement of Adoption Leave Form. The form will ask the employee to confirm the following details that are required to process the leave and pay:

- a) their intention to take statutory adoption leave in respect of a child that has been matched with them for adoption;
 - b) the expected date of the child's placement; and
 - c) the date when they intend to start their adoption leave and begin receiving SAP, if they qualify for it. The earliest an adoptive parent can begin their adoption leave and pay is 14 days before the expected date of child placement.
- 6.2 The employee must provide documentary evidence of the child's placement, which may be in the form of the 'matching certificate' provided by the adoption agency.
- 6.3 The start date of the adoption leave can be changed provided the employee provides 28 days' notice (unless this is not reasonably practicable).

7. What the School Must Do

- 7.1 Upon receipt of the notification from the employee the school/local authority must confirm agreement or otherwise to the employee within 28 days and confirm the return to work date if the leave is approved.

8. Paternity Leave When Adopting

- 8.1 The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and pay, regardless of gender, subject to eligibility. Where a couple employed jointly by the school adopt, the couple may choose which partner takes adoption leave, and which partner will take paternity leave. The criteria for eligibility will be as stated above in the Paternity Leave Policy.

9. Returning to Work After Adoption Leave

- 9.1 We will expect you back at work on your Expected Return Date unless you tell us otherwise. It will help us if, during your adoption leave, you are able to confirm that you will be returning to work as expected.
- 9.2 Employees returning to work before the end of their ordinary or additional adoption leave date, must give the school eight weeks' notice of their intention to return. If eight weeks' notice is not given the school can delay the return by eight weeks or to the end of the adoption leave date, whichever is the sooner.

10. Termination of the Placement of a Child or Children

- 10.1 Where an expected placement does not happen, but an adoptive parent has already started his/her leave or pay period, adoption leave and pay will be available for eight weeks following notification that the child will not be placed with him/her.

11. Keeping-In-Touch Days

- 11.1 We may make reasonable contact with you from time to time during your adoption leave.
- 11.2 Employees can agree to work, or to attend training, for up to ten days during either ordinary adoption leave or additional adoption leave without that work bringing the period of their adoption leave to an end and without loss of a week's SAP. These are known as 'keeping-in-touch' days.
- 11.3 Any work carried out on a day shall constitute a day's work for these purposes. Working for part of a day will count as one day. Employees will be paid for any work undertaken. The school has no right to require employee's to carry out any work, and employees have no right to undertake any work, during their adoption leave. Any work undertaken is entirely a matter for agreement between the school and employee.
- 11.4 Any keeping-in-touch days worked do not extend the period of adoption leave. Once the keeping-in-touch days have been used up, employees will lose a week's SAP for any week in which they agree to work for the school.
- 11.5 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. This may cover:
 - a) updating you on any changes that have occurred during your absence;
 - b) any training needs you might have; and
 - c) any changes to working arrangements (for example, if you have made a request to work part time)