THE CHARTER SCHOOLS
EDUCATIONAL TRUST

Adoption leave and Pay policy

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1 Scope

This policy applies to all staff employed at The Charter Schools Educational Trust (the 'Trust') i.e. Teachers, support staff, Central Services staff, including those on fixed-term, part-time, permanent or temporary contracts.

2 Rationale

All our family friendly policies are designed to support employees in enjoying a good work life balance and allow them to take time off when needed to look after their families, including taking adoption leave and at some point, return to work feeling they have been valued and supported throughout their absence.

In relation to adoption leave, the Trust Equality, Diversity and Inclusion Policy and the Equality Act 2010 will be adhered to all times and applies to all eligible employees regardless of their sexual orientation and/or gender identity.

3 Aim

Congratulations on your decision to adopt a child or more than one child!

The purpose of this adoption leave and pay policy is to provide a clear and concise summary of your rights and benefits, along with the procedure that you will need to follow. If you are unsure of anything, please refer to your School HR Lead in the first instance or your line manager, who will take HR advice if needed.

4 Adoption Leave and Pay – who is eligible?

This policy applies when a child is newly matched and placed for adoption (including 'foster to adopt' arrangements and 'parental orders' in surrogacy arrangements).

Adoption leave is not applicable for special guardians, foster carers (except for 'foster to adopt' as above) or when a step-parent is adopting a partner's child.

Statutory adoption leave and pay is applicable to an individual employee who adopts or one member of a couple, including same sex couples, where a couple adopt jointly. The couple may choose which partner takes adoption leave.

The partner, including partners of the same sex, of an individual who adopts, or the other partner when adopting jointly may be eligible for paternity pay. Please refer to the Trust Paternity Leave and Pay policy.

For single adopters or the primary adopter in a joint adoption, you are entitled to paid time off to attend up to 5 appointments. The secondary adopter in a joint adoption will be entitled to unpaid time off to attend up to two appointments. Your Headteacher may ask for evidence of these appointments.

Please try to arrange your appointments outside working hours where possible or as close to the start or end of your working day.

5 Statutory Adoption Leave (SAL)

All employees who have been newly matched with a child/children for adoption by an approved adoption agency are entitled to 52 weeks adoption leave, regardless of their length of service with the Trust.

6 Notification

You are required to notify the Headteacher (or CEO in the case of Trust Central Services employees) of your intention to take SAL within 7 days of being notified by your adoption agency that you have been matched with a child for adoption, or as soon as is reasonably practical, and to supply a 'matching certificate' from an approved adoption agency stating the week your child is expected to be placed. You should also indicate when you want the adoption leave to start.

You can change your mind about the start date of your SAL if you notify the Headteacher in writing at least 28 days in advance of the date you now intend to start the leave (or 28 days in advance of when the leave was originally due to start, if earlier). The earliest you can start your leave is 14 days before the expected date of placement. This leave can start on any day of the week.

The Headteacher is required to respond to your plans for adoption leave within 28 days, confirming the date on which your adoption leave will start and stating the date on which they expect you to return to work if you take your full entitlement to leave.

If you are adopting a child/children from outside of the UK, please talk to your School HR Lead in the first instance and refer to the ACAS guidelines on Adopting Children from Overseas.

7 Statutory Adoption Pay (SAP)

If you have 26 weeks continuous employment with the Trust leading into the week in which you are notified of being matched with a child for adoption, you will be entitled to receive SAP if you satisfy the following conditions:

a) You have provided documentary evidence (a 'matching certificate') from your adoption agency; *and*

b) Your average weekly earnings for the period of at least eight weeks ending with the notification week are enough to be relevant for National Insurance purposes.

The first six weeks of SAP will be paid at 90% of your gross average weekly earnings, followed by a further 33 weeks at the standard statutory rate.

8 Enhanced Trust Adoption pay

If you are entitled to adoption leave, and if you have one year or more continuous service with the Trust, by the beginning of the week in which you are notified of being matched with a child for adoption, your SAP (where payable) will be enhanced by the Trust.

You will be entitled to eleven weeks' pay at 100% of your weekly salary (inclusive of SAP), followed by 17 weeks half pay plus SMP (but not in any circumstances more than your normal salary), and a further 11 weeks at the standard statutory rate.

If you do not qualify for SAP, you may be eligible for additional financial support. You are advised to check with your school HR Lead.

Occupational adoption pay and SAP is treated as pay. Therefore tax, NI and, where appropriate, pension contributions should be deducted in the usual way.

If you are a member of an occupational pension scheme, you should consult the rules of the scheme about your position during unpaid adoption leave.

9 Surrogacy and adoption rights

If you are an intended parent in a surrogacy arrangement who intends to apply for, or has already applied for, a Parental Order you may be entitled to either adoption leave and pay or paternity leave and pay. One parent cannot claim entitlement to both periods of leave and pay, and it is up to you to decide which you wish to claim (subject to eligibility).

You will be entitled to take unpaid time off to accompany the surrogate mother to up to two antenatal appointments.

You are required to give us notice, in writing, of your intention to take adoption leave by the 15th week before the expected week of birth. You must also notify us of the actual date of birth as soon as is reasonably practicable after birth.

You should provide documentary evidence - a statutory declaration. This document will state that you have obtained, applied for, or intend to apply for a Parental Order in respect of the surrogate child and, where not received, this is expected to be made.

If you have begun a period of adoption leave in respect of a child before approval of a Parental Order, and you are subsequently notified that the application is refused, your adoption leave period will end eight weeks after the week of that notification or the end of the adoption leave period if that is earlier.

10 Keeping in touch

Before your adoption leave starts you will need to agree with your line manager or Headteacher the arrangements for staying in touch informally during your leave. Think about what would be useful to know about in terms of developments at work and even what social and departmental events you might want to attend.

Agree with them how you will contact each other (e.g., email/text etc) and how often. This can be a very informal arrangement and is designed to ensure you do not miss out on key information and events and feel isolated in any way, whilst recognising your right to have little contact during your adoption leave if you wish.

In addition, by mutual agreement with the Headteacher you can do up to ten days paid work, known as formal 'Keeping in Touch (KIT) Days', during your adoption leave.

An example of the type of work which could be done would be attending work for a training course, attending a team meeting or to undertake your normal work.

Any amount of work done on a KIT Day counts as one day. For example, if you come in for a one-hour training session and do no other work that day, you will only receive pay for one hour and will have used up one of your KIT days.

A KIT day will not bring your SAL to an end and nor will you lose any week of paid SAP.

You will be paid at your normal hourly/daily rate for any work undertaken.

11 Disrupted placement in the course of adoption leave

If you have begun a period of adoption leave in respect of a child before the placement of the child has taken place, and you are subsequently notified that the placement will not be made, your adoption leave period will end eight weeks after the week of that notification.

If, during adoption leave, the child sadly dies or is returned to the adoption agency, the adoption leave period will end eight weeks after the week in which the child dies; or is returned; or at the end of the 26-week additional adoption leave period if that is earlier.

12 Sickness During Adoption Leave

If you are certified sick during adoption leave, you are not entitled to receive sick pay during your adoption leave and you should refer to the Trust Sick Leave and pay policy.

13 Sickness After Adoption Leave

If you are too ill to return to work at the end of your adoption leave, normal rules on sick leave will apply and therefore you should refer to the TCSET Sick Leave and Pay Policy.

14 Rights Adoption Leave

You are entitled to the benefit of your normal terms and conditions of employment, including continuity of service, except for terms relating to your salary. although you will be entitled to cost of living and performance related increments in line with the TCSET pay policy.

Your employment contract continues, and benefits and obligations remain in force.

SAL does not break continuity of service for the purpose of service-related benefit entitlements such as sick pay, additional holiday entitlements, or for the purpose of redundancy calculations or notice rights.

15 Returning to Work After Statutory Adoption Leave

If you return to work up to 26 weeks after taking statutory adoption leave, you are entitled to return to the same job, with the same terms and conditions in which you were employed before your absence.

If you return to work after taking more than 26 weeks of statutory adoption leave, you are entitled to return to the same job in which you were employed before your absence or, if that is not reasonably practicable, to another job which is both suitable and appropriate for you in the circumstances and on terms that are no less favourable.

If you wish to return to work earlier than you will need to give the Headteacher at least eight weeks' notice in writing. If you do not do so, or attempt to return early, the Headteacher may postpone your return to secure the minimum eight weeks' notice, but not to extend your absence beyond your statutory adoption leave. The Trust is not obliged to pay you if you return to work early in those circumstances.

If you want to propose changes to your contract of employment when returning to work, e.g., working hours, you will need to include this with your eight weeks' notice in writing.

If you do not to return to work with the Trust, or if after your return you fail to remain at work for at least 13 weeks (or equivalent), you will be required to pay back to the Trust the 12 weeks half pay, in so far as it exceeds Statutory Adoption Pay.

If you wish to resign from your employment during or at the end of your adoption leave, the terms of your notice period are the same as those set out in your contract of employment.

16 Holiday Entitlement Before/After adoption Leave

All full-time employees are entitled to a statutory minimum of 28 days annual leave (this includes UK Bank Holidays), which cannot be taken during adoption leave.

You are entitled to accrue annual leave during both ordinary and additional adoption leave. As you are taking adoption leave you must take your annual leave entitlement outside your adoption leave period.

17 Teachers

Teachers who take a full year of adoption leave are allowed to carry over their statutory annual leave entitlement into the next year so that they can take it during periods of school closure. Teachers may not take their statutory annual leave entitlement during term time unless there are insufficient school closure days to take this leave.

18 Support Staff

You will be advised of your contractual annual leave entitlement prior to commencing your adoption leave. On returning to work any outstanding annual leave can be taken in term time during that leave year, at a time agreed with your line manager, if there are insufficient school closures to accommodate your annual leave in that holiday year. A good solution for support staff is to take accrued annual leave immediately after the end of their adoption leave.

19 Part-time or Flexible Working

We are committed to support all our staff with a healthy and fulfilling work life balance. If you wish to consider part time or flexible working following your adoption leave (or indeed at any other time), please talk to your line manager or HR Lead in the first instance and refer to our Flexible Working Policy.

20 Other family leave

Staff may also be eligible for **Shared Parental Leave, Ordinary Parental Leave, and Paternity Leave**. For full information and guidance please refer to the relevant Trust policies.

21 Monitoring and evaluation

It is important that the Trust keep records of all adoption leave, including for Inland Revenue Purposes. These will be retained in line with our Data protection policies and the Trust records retention policy.

22 Related documents

This policy should be read in conjunction with the following Trust policies:

- Sickness Absence and pay
- Maternity leave
- Ordinary parental leave
- Shared parental leave
- Parental Bereavement
- Paternity leave
- Flexible working
- Equality, Diversity, and Inclusion

This policy should be read in conjunction with the following external regulations and guidance:

- ACAS: Adoption leave and Pay
- Gov.uk: Adoption Pay and leave and pregnant employees' rights