



# Adoption Scheme Policy - Teaching Staff

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Produced by Schools' HR

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This policy has been consulted centrally and fully agreed by teaching trade unions. To change any aspect of this policy at a school level, the relevant body must consult appropriately with school teaching staff and their recognised trade union representatives.

**Note:** In this document, any reference to the terms "Governor" or "Governing Body" shall be interpreted to also mean "Trustee" or "Board of Trustees," unless the context specifically indicates otherwise.

## DOCUMENT STATUS

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## Entitlement to Adoption Leave

Adoption Leave is a scheme that allows an employee to take time from work prior to and after becoming an adoptive parent. Entitlement to Adoption leave is a 'day one' right, which means there is no qualifying employment period. You can take up to 52 weeks' Adoption Leave. The first 26 weeks is known as 'Ordinary Adoption Leave', the last 26 weeks as 'Additional Adoption Leave'.

## Entitlement to Pay during Adoption Leave

Adoption Leave can be made up of a combination of both paid and unpaid leave.

Entitlement to pay during adoption leave is dependent on the employee's length of continuous Local Government service and gross monthly pay and these will determine entitlement to payments of Occupational Adoption Pay (OAP) and/or Statutory Adoption Pay (SAP) as set out in the table below:

Continuous Service	Occupational Adoption Pay (OAP)	Statutory Adoption Pay (SAP)	Unpaid Adoption Leave
Less than 26 weeks at the expected week of placement	Nil	Nil	52 Weeks
More than 26 weeks service at the expected week of placement but in sufficient NI contributions	Nil	Nil	52 Weeks
More than 26 weeks service at the expected week of placement with sufficient NI contributions	Nil	39 Weeks	13 Weeks
More than 1 year service at 11 weeks before your expected week of placement but insufficient NI contributions	18 weeks	Nil	34 Weeks
More than 1 year service at 11 weeks before your expected week of confinement and sufficient National Insurance contributions	18 weeks (Entitlement to SAP is <b>included</b> in this amount and will not be paid as an additional amount of money)	21 Weeks	13 Weeks

## **Rates of Adoption Pay**

### **Statutory Adoption Pay is paid as follows:**

- 6 weeks at 9/10ths of your average Pay
- 33 Weeks at 9/10ths of your average pay or Statutory Adoption Pay (whichever is the lower)

### **Occupational Adoption Pay is paid as follows:**

- 4 weeks at full pay
- 2 weeks at 9/10ths of your average pay
- 12 weeks at half pay of your average salary plus weekly Statutory Adoption Pay, or 9/10ths of your pay, whichever is the lower
- Followed by 21 weeks at Statutory Adoption Pay or 9/10ths of your average salary, whichever is the lower.

To be eligible for Occupational Adoption you must:

- Have at least one year continuous service at the 11<sup>th</sup> week before the expected week of placement
- Continue to work up to the 11<sup>th</sup> week prior to the week before the expected week of placement
- Give at least 28 days' notice of the date on which you intend to stop working

In addition, an Adoption Allowance (OMA) may be payable by the administering authority.

## **Notification Requirements**

An employee must inform their manager within seven days of being notified of the match of a child, or as soon as possible, and provide the date of placement, the date the Adoption Leave is to commence and how much adoption leave they intend to take.

The employee will be required to apply for Adoption Leave no later than 28 days before by completing an Adoption Leave Application Form and must provide this together with the Matching Certificate.

## **Leave Arrangements**

Employees will be given reasonable time off work with pay to attend relevant meetings concerning the adoption upon presentation of evidence of appointment.

If the employee adopts 2 or more children on the same placement, they are only entitled to one period of adoption leave. If the children are on separate placements, the employee is entitled to a second period of adoption leave. The adoption leave restarts when the second placement begins.

Adoption Leave can commence up to two weeks before the child is expected to start living with the employee or as late as the day the child starts living with the employee.

## **Keeping in Touch Days**

If agreed, an employee may undertake up to 10 Keeping In Touch (KIT) days during the Adoption Leave period without losing the right to OAP/SAP. The purpose of KIT days is to enable the employee

to carry out work or training in order to keep in touch with the workplace (which may include attendance at a meeting or a training activity). Any activity, even if it occupies less than a working day, will be counted as using one KIT day.

The employee is entitled to be paid at their contractual rate for the duration of any activity on a KIT day. When calculating the contractual rate any OAP or SAP also paid on any KIT day will be taken in to account. Alternatively, the option of adding an additional days' paid leave to the end of the Adoption leave period may be agreed.

There is no obligation on either party to offer or agree to any KIT days.

### **Returning to Work**

If a teacher decides to return to work before the notified end of Adoption leave then they are required to give 21 days' notice.

To qualify for OAP, the teacher's obligation is to return to their job for at least 13 weeks (including periods of school closure). In the event of the teacher not being available, or being unable, to return to their job for this period, they will not be entitled to any OAP after the first 6 weeks of Adoption Leave.

The teacher must choose one of the following options for pay arrangements: -

- The teacher can receive their adoption pay monthly on the usual pay day. If they choose not to return to work, any OAP paid after the first six weeks of absence must be repaid

or

- The teacher can opt to receive OAP for the first six weeks only of adoption leave. (Any SAP entitlement will continue to be paid). If the employee then returns to work for 13 weeks, any outstanding OAP will be paid in full.

### **Link to Shared Parental Leave**

An employee may decide to curtail a period of Adoption Leave and choose to take Shared Parental Leave instead. Please refer to the Shared Parental Leave Policy.

## Request for Adoption Leave Application Form

1. To be completed by the employee within seven days of being notified of your match:

<b>Surname</b>		
<b>First Name</b>		
<b>Oracle Number</b>		

<b>Portfolio</b>		
<b>Service Area</b>		
<b>Job Title</b>		
<b>Grade</b>		

**Contact Details:**

<b>E-Mail Address</b>		
<b>Contact Telephone No</b>		

**Details of Leave:**

D D M M Y Y

<b>Date of Child's Placement</b>						
<b>Adoption Leave Start</b>						

Select the payment method you require by ticking the relevant box below. If you receive your full pay entitlement and you do not return to work for at least three full calendar months (or part-time equivalent) you will be required to repay all monies that you are not entitled to:

<b>I wish to receive my full pay entitlement</b>	<input type="checkbox"/>
<b>I wish to receive only 6 weeks occupational pay entitlement plus 39 weeks statutory payment (if applicable)</b>	<input type="checkbox"/>

If you opt not to receive your full pay entitlement but subsequently return to work for 3 full calendar months (or part-time equivalent) all previously withheld payments will be paid to you.

<b>Matching Certificate Attached</b>	<input type="checkbox"/>
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In accordance with statutory regulations, payment cannot be processed until your Matching Certificate is received by the Payroll and Pensions Service.

D D M M Y Y

<b>Name</b>		<b>Date</b>							
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**2. To be authorised by your line manager:**

<b>Manager's Name</b>									
<b>Email Address</b>		<b>Date</b>	D	D	M	M	Y	Y	

**3. Now return this Request for Adoption Leave Application Form to the Management Support Officer who will:**

- **Send a confirmation Email.**

- **Inform the Payroll and Pensions Service who will process your adoption leave request.**
- **Place an electronic copy on file, which will be retained in accordance with the school's Information Policy.**