



Adoption Information Pack For Teachers and Support Staff

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1 Introduction

This guidance document explains the responsibilities and entitlements of Employees in Schools and Academies who are intending to take or are on adoption leave and provides details of the arrangements for adoption leave and pay.

Please make sure you read this information pack carefully as failure to comply with certain requirements and procedures may result in the loss of certain rights.

In addition to this pack you will receive written confirmation from the Trust's personnel and payroll provider with details about your individual entitlement to adoption leave and pay.

If you have queries regarding the information in this pack please speak with your Headteacher.

Abbreviations

There are a number of abbreviations used throughout this pack and we have outlined these below:

Statutory Adoption Pay: SAP - statutory payments to be made whilst on adoption leave

Contractual Adoption Pay: CAP - additional adoption payment made by the Trust which is determined by your contract of employment

Statutory Adoption Pay Rates from 7th April 2024 (*reviewed annually each April*)

Higher Rate SAP (payable for first 6 weeks)	90% of average weekly contractual pay
Standard Rate SAP (payable for next 33 weeks)	£184.03 per week or 90% of average weekly contractual pay (whichever is the lower)
Lower Earnings Limit for SAP	£123 per week

2 Adoption Rights

You have statutory rights, provided by relevant employment legislation. These include the right to adoption leave, adoption pay and to return to work after your leave. In addition to the statutory provisions the school / academy operates a contractual adoption scheme for eligible employees.

Adoption rights apply equally to full and part-time employees no matter how many hours worked, provided qualifying conditions are satisfied.

3 Summary of Adoption Entitlements

If you want to take time off work because you are a single parent adopting a child or you are jointly adopting a child with your partner are entitled to:

- **Statutory Adoption Leave:** up to 26 weeks ordinary leave immediately followed by 26 weeks additional leave - 52 weeks in total.
- **Statutory Adoption Pay (SAP):** You may be entitled to receive SAP for up to 39 weeks in total.

This is comprised of:

- 6 weeks at 90% of your average weekly contractual earnings payable during the first 6 weeks of your adoption leave followed by;
- 33 weeks at standard rate SAP or 90% of your average weekly earnings, whichever is less.

In addition to the above statutory adoption provisions, you may be entitled to contractual adoption pay provisions. These differ slightly depending on whether you are Support Staff or Teaching Staff as these are governed by different terms and conditions.

If you meet the qualifying criteria, you may be entitled to receive the following adoption pay:

Teaching Staff Contractual Adoption Pay

- 4 weeks at full contractual pay (inclusive of SAP where eligible), followed by;
- 2 weeks at 90% of contractual pay (inclusive of SAP where eligible) followed by;
- 12 weeks at half contractual pay (payable only if you intend to return to work) to run alongside (where eligible);
- 33 weeks at standard rate SAP or 90% of your average weekly earnings, whichever is less.

The combined total payment you receive contractual half pay and standard rate SAP must not exceed full pay.

Support Staff Employed on NJC/SCC Conditions of Service Contractual Adoption Pay

- 6 weeks at 90% of contractual pay (inclusive of SAP where eligible) followed by;
- 12 weeks at half contractual pay (payable only if you intend to return to work) to run alongside (where eligible);
- 33 weeks at standard rate SAP or 90% of your average weekly earnings, whichever is less.

The combined total payment you receive in contractual half pay and standard rate SAP must not exceed full pay.

4 Eligibility and Notification Requirements

4.1 Eligibility for Adoption Leave

Where a couple are jointly adopting, only one partner can receive statutory and contractual Adoption Leave and Pay. One partner should elect to be the 'primary adopter' and take adoption leave and pay.

If you are the other partner of an adopting couple, or are the partner of a single adopter, you are not entitled to adoption leave but may be entitled to take Maternity Support Leave

If more than one child is placed for adoption as part of the same arrangement, only one period of leave will be available.

Adoption Leave and Pay are not available in circumstances where a child is not newly matched for adoption (e.g. adopting the children of a partner).

Dual approved prospective adopters who have a child placed with them under section 22c of the Children Act under the foster to adopt provisions are also entitled to adoption leave and pay. There is no entitlement to adoption leave and pay in other fostering circumstances.

Parents having a child through surrogacy arrangements and intend to apply for a parental order may also be entitled to adoption leave and pay in certain circumstances.

4.2 Notifying your Headteacher

If adopting a child from within the UK, you must notify your Headteacher within 7 days of the date the adoption agency notify you that you have been matched with a child (or if this is not possible as soon as reasonably practicable).

If adopting a child from Overseas, you must notify your Headteacher within 28 days of the date you receive official notification* that your child is expected to enter Great Britain.

Notification must be in writing and must include:

- Confirmation you have been matched with a child
- Expected date you will be matched / expected date child will enter Great Britain
- Date you wish to start adoption leave
- Confirmation of your intention to return to work

You can change the start date of your leave but you must give your Headteacher 28 days notice of the revised dates.

Once you have provided your Headteacher with this notification, the school will inform the School's personnel and payroll provider of your leave arrangements. HR Connect will write to you to advise you of your adoption leave and pay entitlement.

4.3 Evidence of Adoption

If adopting a child from within the UK, you must provide your Headteacher with your 'Matching Certificate' as proof of entitlement to statutory adoption pay and leave. This should include basic information on matching and expected placement dates.

If adopting a child from Overseas, you must provide your Headteacher with official notification* in respect of your child, together with the evidence of the child's date of entry into Great Britain.

If you do not provide the required notification and evidence, your adoption pay cannot be paid and will be withheld until proper notification is received. Normal pay will cease from the start of your adoption leave to avoid any overpayment.

** In the case of adoption from overseas - an official notification is defined as written notification, issued by or on behalf of the 'relevant domestic authority', that it is prepared to issue, or has already issued and sent, a certificate to the overseas authority concerned with the child's adoption, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.*

4.4 Time off Prior to Adopting

If you are adopting on your own, you have the right to paid time off work to attend 5 adoption appointments.

In addition, where a couple is adopting jointly - one partner will have the right to unpaid time off work to attend 2 adoption appointments.

In the case of joint adoptions one partner must elect to have the first right and the other the second.

The maximum time off which can be taken for each appointment is 6 ½ hours.

You are required to give your headteacher as much notice as is practicable of request for time off and may be required to provide evidence of the appointment.

5 Adoption Leave

5.1 Adoption Leave Entitlements

You are entitled to take up to 52 weeks adoption leave (regardless of length of service). Adoption Leave is made up of:

- 26 weeks ordinary adoption leave
- 26 weeks additional adoption leave
- Additional adoption leave immediately follows ordinary adoption leave with no gap in between.

5.2 Starting Adoption Leave

If adopting a child from within the UK, your leave can start from:

- The date of the child's placement (whether this is earlier or later than expected), or
- From a fixed date which can be up to 14 days before the expected date of the child's placement with you

If adopting a child from Overseas, your leave can start from:

- The date that the child enters Great Britain (whether this is earlier or later than expected), or
- An agreed date no later than 28 days after the child enters Great Britain

Statutory Adoption Leave cannot start before the child enters Great Britain Adoption Leave can start on any day of the week.

6 Adoption Pay

6.1 Statutory Adoption Pay (SAP)

SAP is payable to all eligible employees for a maximum period of 39 weeks. To be eligible for SAP you must:

- be adopting a child on your own, or be jointly adopting a child with your partner
- Have 26 weeks continuous service with your current school / academy by the end of the week in which you are notified that you have been matched with a child for the purposes of adoption (**if adopting a child within the UK**), or

- Have 26 weeks continuous service with your current school / academy by the end of the week in which you receive official notification for the purposes of adoption, or by the time you want your adoption leave to start, whichever is the later (**if adopting a child from Overseas**)
- Have average weekly earnings over a set period above the lower earnings limit for NI purposes (see section 1 for the current lower earnings limit)

SAP is paid for a period of 39 weeks made up of:

- 6 weeks at 90% of your average weekly contractual earnings payable during the first 6 weeks of your adoption leave followed by;
- 33 weeks at the standard rate of SAP or 90% of your average weekly earnings, whichever is less.

Average weekly earnings will be based on the 8 week period immediately proceeding the 15th week before the date you are matched with a child and will be offset against contractual adoption pay for the first 6 weeks.

If you are currently taking advantage of any salary sacrifice scheme, including childcare vouchers, average weekly earnings is calculated after deductions have been made.

6.2 Contractual Adoption Pay (CAP)

If you are eligible for CAP, this will run alongside SAP provisions.

6.3 Teachers' Contractual Adoption Pay

To be eligible for CAP you must:

- Be adopting a child on your own, or be jointly adopting a child with your partner;
- Have at least 1 year's continuous service as a teacher* with your current school / academy or 1 years continuous service as a teacher with one or more local authorities by the end of the week in which you are notified that you have been matched with a child for the purposes of adoption, and are still employed by the school or the Local Authority at the time the child is placed with you (**if adopting a child within the UK**), or
- Have at least 1 year's continuous service as a teacher* with your current school / academy or 1 years continuous service as a teacher with one or more local authorities by the end of the week in which you receive official notification for the purposes of adoption, and are still employed by the school or the Local Authority at the time the child enters Great Britain (**if adopting a child from overseas**)
- Continue to be employed immediately before your maternity leave starts.

**Service in a non teaching role does not qualify*

For Teaching Staff, CMP is comprised of:

- 4 weeks at full contractual pay (inclusive of SAP where eligible) followed by;
- 2 weeks at 90% of your contractual pay (inclusive of SAP where eligible) followed

by;

- 12 weeks at half contractual pay (payable only if you intend to return to work) to run alongside (where eligible);
- 33 weeks at standard rate SAP or 90% of your average contractual weekly earnings, whichever is less.

The combined total payment you receive in contractual half pay and standard rate SAP must not exceed full pay.

6.4 Support Staff NJC/SCC Contractual Adoption Pay

To be eligible for CAP you must:

- be adopting a child on your own, or be jointly adopting a child with your partner;
- Have at least 1 year's continuous local government service by the end of the week in which you are notified that you have been matched with a child for the purposes of adoption, and are still employed by the school or the Local Authority at the time the child is placed with you (**if adopting a child within the UK**), or
- Have at least 1 year's continuous local government service by the end of the week in which you receive official notification for the purposes of adoption, and are still employed by the school or the Local Authority at the time the child enters Great Britain (**if adopting a child from overseas**).
 - Continue to be employed immediately before your adoption leave starts For Support Staff CAP is made up of:
- 6 weeks at 90% of your contractual pay (inclusive of SMP where eligible) followed by;
- 12 weeks at half contractual pay (payable only if you intend to return to work) to run alongside, (where eligible);
- 33 weeks at standard rate SAP or 90% of your average contractual weekly earnings, whichever is less.

The combined total payment you receive in contractual half pay and standard rate SAP must not exceed full pay

Additional information

If you have a break in service or change your employer during the 12 months preceding your qualifying week for statutory or contractual adoption pay this may affect your entitlement.

The qualifying service requirements for Teacher and Support Staff contractual adoption pay differ. In certain circumstances movement between schools and academy employers may be regarded as continuous.

Please seek early guidance from your Headteacher about your potential entitlements.

6.5 Conditions for the Receipt of Contractual Half Pay

You will not be entitled to contractual half pay where at the outset you indicate that you 'do not intend to return' to work following adoption leave.

If you indicate that you 'may' return to work contractual half pay will be payable once you have returned to work for 13 weeks following your adoption leave.

Where you indicate that you 'will' return to work contractual half pay will be paid during your adoption leave.

If you are a member of support staff you must return to work for at least 13 weeks following your adoption leave in order to retain your contractual half pay.

If you are a teacher you must return to work for at least 13 weeks, or the equivalent, following your adoption leave to retain your contractual half pay. Should your employer agree to you returning to your teaching role on a part time basis, the period must equate to 13 weeks full time service. Similarly, where the employer agrees, a part-time teacher may return to work on different part-time basis for a period which equates to 13 weeks part-time service under the previous contract.

The qualifying period of return includes school closure periods.

You must return to the same school you were employed at prior to your period of adoption leave.

Please be aware that if you do not return to work for the required time period your employer is entitled to reclaim the contractual half pay you have received.

6.6 Adoption Allowance

If you are not entitled to SAP due to not meeting the qualifying criteria, the School's personnel and payroll provider will give you form SAP1, which will set out the reason why you do not qualify. You will then be able to use this to contact the benefits agency to see if you are entitled to any other financial support.

6.7 Deductions from Adoption Pay

Both SAP and CAP are subject to PAYE tax, National Insurance and Pensions contributions. If you have a period of unpaid leave it is possible that you will be eligible for a tax refund at the end of the tax year, or you may pay lower PAYE for the initial period after return to work. Any other voluntary deductions will be taken from your pay as usual.

7 During Adoption Leave

Your contract of employment will continue during your adoption leave. You will continue to qualify for your statutory employment rights. Your period of leave will also count towards any qualifying service for your statutory entitlements.

7.1 Annual Leave

Support Staff

For all year round support staff, annual leave accrues during adoption leave, and can be taken all or in part before returning to work. Contractual holiday pay will occur when adoption pay has ceased. When maternity leave spans two annual leave periods, the whole of the accrued leave should be transferred to the new leave year.

For term time only employees, your leave is expected to be taken during period of school closure and payment for your leave entitlement is included in your salary. If, as a result of your adoption leave, you do not receive your correct proportion of holiday pay entitlement, you should make enquiries with your Headteacher.

The annual leave period for support staff runs from 1st April to 31st March.

Teachers

If you are a Teacher you are entitled to 28 days (pro rata) annual leave entitlement, inclusive of Bank Holidays, under the Working Time Regulations. This is taken within the school closure periods.

A teacher who takes adoption leave must be able to take the 28 days' statutory annual leave at a time outside of his/her maternity leave period. No part of the adoption leave can be treated as annual leave.

Your annual leave entitlement is offset by any period of school closure that has taken place in the leave year in question - both before and after the adoption leave period.

Where your return from adoption leave is close to the end of the annual leave year any leave entitlement should be carried over to the following leave year. This leave should be taken during the remaining periods of school closure after the 28 days annual leave for that leave year has been accommodated.

The annual leave period for a teacher is deemed to run from 1st September to 31st August.

7.2 Pension

When you start your Adoption Leave and whilst you are receiving Adoption Pay, you will be required to pay pension contributions and these will be deducted from your salary in the normal way. You will be required to pay pension contributions for the period of paid adoption leave based on the actual amount you are paid, so will be less than you normally pay.

Support Staff

As a member of the Local Government Pension Scheme, when you return to work you will be given the option to pay pension contributions for the period of unpaid absence, where applicable. If you wish to pay these additional pension contributions please inform your school / academy. The School's personnel and payroll provider will write to you providing you with the details of the amount of arrears so that you can make a decision whether or not to pay. Contributions will be based on the value of your statutory adoption pay so will be less than you normally pay but your membership of the scheme will be credited at normal length. If you decide not to pay for your period of unpaid adoption leave this will not count in any way for pension purposes.

Teachers

As a member of the Teachers Pension Scheme, if you do not qualify for SAP and CAP or where adoption pay ends, you will cease to be a member of the scheme for the unpaid period and you will not be able to pay arrears for this period. Contributions will begin upon your return to work.

7.3 Contact During Adoption Leave

Your Headteacher can make contact with you (and visa versa) whilst you are on adoption leave, as long as the amount and type of contact is not unreasonable. This contact is necessary to ensure discussions take place regarding return to workplans and to ensure you are kept up to date on important developments within the workplace including any job opportunities or promotions that arise.

7.4 Keeping in Touch Days

Before starting adoption leave your Headteacher will agree how best to keep in contact with you.

During adoption leave you may work up to 10 'Keeping in Touch Days' (KIT Days) which are intended to help you keep up to date with the work environment and to help prepare for your return from leave. KIT days may be paid without affecting your statutory adoption pay or leave.

However, where a KIT day is worked during the paid part of your adoption leave, the KIT hours/days will be offset against any pay you are currently receiving. This means

that unless the pay for the hours you work in that week exceeds the pay you are currently receiving, there will be no payment made for the hours worked. If you work a KIT day in the unpaid part of your leave you will receive pay for hours worked.

Working for any part of a day will count as one KIT day. For further information on KIT days and examples of the offsetting rules please refer to your Headteacher.

7.5 Redundancy and Reorganisation

Should the school commence a redundancy or reorganisation process either prior to or during your maternity leave, your Headteacher will discuss with you any impact this might have on your job role or entitlement to maternity leave or pay.

7.6 Fixed Term and Temporary Contracts

If you are employed on a fixed term or temporary contract which is due to end either prior to or during your adoption leave for a reason unrelated to the adoption process, your headteacher will discuss with you any impact this may have on your entitlement to adoption leave or pay.

If your employment ends after you have received your matching certificate or official notification, you will be entitled to SAP as long as the Adoption Pay Period starts within 6 months of your date of leaving (providing all eligibility criteria and notification requirements are met). However, if you work for a different employer during the APP you cannot receive SAP for any week in which you work for that new employer.

8 Returning to Work

You must notify your Headteacher of the date you intend to return to work. Unless the Headteacher is otherwise notified, your return to work date will be the first working day after the end of the 52 weeks maternity leave. The School's personnel and payroll provider will inform you in writing before you start your leave of the date you are expected to return. You will not receive any further notification and it is expected that you will return to work on this date.

If you do not return by your latest date of return, you risk losing the right to return.

8.1 The Right to Return

After the period of ordinary leave, you will have the right to return to the same job. After additional leave you will have the right to return to the same job or, if not reasonably practical, an appropriate alternative job. Exceptions may occur where there is for instance, a redundancy or the end of a fixed term or temporary contract. In these circumstances you will be offered suitable alternative work.

where available.

8.2 Returning to Work Early

If you decide that you want to return to work before the end of your adoption leave period, you will need to give your Headteacher 8 weeks notice of your new intended return date.

If you do not give the required notice period and the earlier return can not be accommodated within the school your Headteacher may request that you remain on adoption leave until the 8 week notice period has elapsed.

The 8 weeks notice period may include school holidays and closure periods.

8.3 Delays in Returning to Work

Delays may occur where there has been an interruption of work (whether due to industrial action or some other reason). You should return when work resumes, or as soon as is practical.

If this situation occurs please consult your Headteacher.

8.4 Sickness

If you are unable to return to work due to illness, adoption leave is not extended but normal sickness procedures apply.

8.5 Requesting to Change your Working Hours

You may wish to request to change your work pattern / hours on your return from maternity leave. You should discuss this with your Headteacher in the first instance and make a formal request in writing under the School's Flexible Working Policy.

Your Headteacher will need to consider your request carefully and will provide you with specific business reasons if this cannot be accommodated.

Guidance on your right to request flexible working can be found in the School's Flexible Working Policy.

8.6 Leaving the School

If you decide not to return to work from adoption leave, you must formally resign giving written contractual notice to your Headteacher. Your contract will terminate at the end of your contractual notice, or, at the end of your Statutory Adoption Pay period, whichever is later.

If you return to work and then decide to resign, you must give contractual notice.

If you leave employment before completing the required period of service upon return from adoption leave and have received payment of the 12 weeks half pay, this must be immediately repaid (please refer to section 6.5 for further details).

9 Other Family Leave Entitlements

9.1 Maternity Support Leave

Fathers or partners may be entitled to take 1 or 2 weeks leave to look after their newly adopted child. Please refer to the Maternity Support Leave Information Pack for further details.

9.2 Shared Parental Leave

Shared Parental Leave enables both parents to request periods of leave to care for their adopted child during their first year. Please refer to the Shared Parental Leave Information Pack for further details.

9.3 Parental Leave

Employees with parental responsibilities may wish to request parental leave specifically to take care of the welfare of their child. Up to 18 weeks unpaid leave may be requested up until the child reaches the aged of 18.

Please refer to the School's Special Leave Policy for further details.

9.4 Parental Bereavement Leave

Employees may request a period of up to 2 weeks parental bereavement leave in the event of the loss of a child under the age of 18 or in the event of stillbirth after 24 weeks of pregnancy for whom they are the legal parent or in circumstances where they are the primary carer and have a parental relationship with the child.

This leave may be paid where the Employee meets the qualifying criteria.

Please refer to the School's Special Leave policy for further details.

9.5 Emergency Dependant Care Leave

The Trust has a statutory obligation to grant Employees a reasonable period of unpaid time off work to deal with unforeseen or emergency situations involving a dependant who relies upon the Employee for assistance.

Circumstances, in which time off may be permitted include but are not limited to:

- Providing assistance if a dependant falls ill, is injured or assaulted or is unexpectedly taken into hospital
- Making arrangements for the care of a dependant who is ill or injured
- If a child is involved in a serious incident at the School or during School hours
- Dealing with an unexpected breakdown / disruption in the usual arrangements for the care of a dependant
- Taking action that is necessary following the of the death of a dependant.

Each request will be considered on a case by case basis. As a guide the time off should be sufficient to enable the Employee to deal with the immediate situation and make any necessary longer term arrangements. In most cases a day or two will be sufficient to deal with the immediate circumstances.

Please refer to the School's Special Leave Policy for further details.

Appendix 1: Child Care Choices

There are a number of childcare options which you may wish to consider on returning to work. These include:

- Pre School and Play Groups
- Day Nurseries
- Childminders
- Nannies and Au Pairs
- Breakfast and After School Clubs

Whatever form of childcare you decide, you will need to organise a contingency plan in the event of unexpected illness (child and carer) and holidays.

Childcare Costs

The Government offers a range of initiatives to support eligible parents with the cost of childcare.

This includes:

- including tax free childcare between the ages of 0 and 11
- 15 or more hours of free childcare for parents of children aged 2 years or over.

To find out more please visit:

<https://www.childcarechoices.gov.uk>

/

Childcare Vouchers

The Childcare Vouchers scheme closed to new entrants in October 2018.

Existing scheme members may continue to receive childcare vouchers until:

- You no longer wish to receive the vouchers
- You change school

Appendix 2: Additional Information

Statutory Adoption Guidance:

<https://www.gov.uk/employers-adoption-pay-leave;>

<https://www.gov.uk/employee-rights-when-on-leave;>