



ADOPTION LEAVE AND PAY SCHEME FOR SUPPORT STAFF AT RUSH COMMON SCHOOL

In this policy as in all documents of Rush Common Academy Trust (“RCAT”) any reference to Governors of Rush Common School or Trustees of RCAT is a reference to the Board of Directors of RCAT and any reference to the Headteacher of Rush Common School is a reference to the Chief Executive Officer of RCAT.

Introduction

This scheme applies to all eligible support staff working at Rush Common School. Teaching staff have their own scheme. It should be read in conjunction with the relevant terms and conditions and other relevant policies of Rush Common School. Advice and support on the application of this policy is available from the Head of Business and Finance at Rush Common School.

Who does this scheme apply to?

1. Adoption leave is available to:
 - individuals adopting a child or
 - one member of a couple where a couple adopt jointly (the couple must choose which partner takes adoption leave).

Exceptions

2. Employees don't qualify for Statutory Adoption Leave or Pay if they:
 - arrange a private adoption
 - become a special guardian or kinship carer
 - adopt a family member or stepchild.

Overseas adoptions

3. To qualify for both Adoption Leave and Pay, the conditions are the same except employees must:
 - have worked continuously for for Rush Common School for at least 26 weeks by the time they get their '*official notification*'* and
 - fill in form SC6: adopting a child from abroad (SC6)¹ if they are adopting a child with their partner.

**Official notification* is permission from a UK authority that the employee can adopt from abroad. Form SC6 - adopting a child from abroad confirms the employee is not taking paternity leave or pay.

¹ <https://www.gov.uk/government/publications/statutory-adoption-pay-and-leave-adopting-a-child-from-abroad-sc6>

Time off to attend adoption meetings

4. Potential adopters will need to attend a number of assessment and matching appointments with the adoption agency.
5. By law, time off is given to employees applying to adopt, to attend up to five adoption appointments.
6. The time off will be paid where the employee is adopting the child on their own. If the employee is adopting jointly then one of the parents may elect to receive the time off as paid and the other will be entitled to take the time off as unpaid.
7. Employees should provide the Headteacher with as much notice as possible and may be required to provide evidence of appointments.

Adoption Leave eligibility and entitlement

8. To qualify for adoption leave, an employee must:
 - be newly matched with a child for adoption by an adoption agency
 - have worked continuously for Rush Common School for 26 weeks ending with the week in which they are notified of being matched with a child for adoption
 - give the correct notice to the Headteacher
 - provide the 'matching certificate' as proof of adoption.

Important change: From 5 April 2015, the rules are changing and all employees will be eligible for adoption leave regardless of their length of service.

Adoption Leave entitlement

9. Qualifying employees are entitled to up to 52 weeks' statutory adoption leave made up of:
 - Ordinary Adoption Leave - first 26 weeks
 - Additional Adoption Leave - last 26 weeks.
10. Only one period of leave can be taken, irrespective of whether more than one child is placed for adoption as part of the same arrangement.
11. Couples adopting a child can choose which parent takes adoption leave; the other parent may be able to take:
 - 11.1 Paternity Leave - one or two weeks paid leave and unpaid leave for eligible partners.
 - 11.2 Shared Parental Leave and Pay - for children placed for adoption on or after 5 April 2015, adoptive parents who qualify for adoption leave/pay can choose to end adoption leave and pay entitlement early, to enable both adoptive parents

to share the care of the child in the first year, taking time off together or separately.

- 11.3 Parental Leave - 18 weeks unpaid leave in total is available for each adopted child, up to their 18th birthday. Up to a maximum of four weeks can be taken each year.
12. Shared parental leave and pay will also be available for the intended parents in a surrogacy arrangement provided they qualify for adoption leave and pay.

Adoption Pay entitlement

13. Pay for up to 39 weeks may be available to employees depending on certain eligibility criteria being met. Adoption pay may include:
- Statutory Adoption Pay
 - Occupational Adoption Pay.

Qualifying continuous service

14. The adoption pay an employee is eligible for depends on the length of their continuous service. This is the amount of time an employee has worked for one employer without a break. For support staff in maintained schools, continuous service for occupational adoption pay is recognised between maintained schools and from one local authority to another and will be carried over in any transfer of employment under TUPE regulations, e.g. during academy conversion. However if an employee voluntarily changes employer in the adoption qualifying period or during the period of adoption leave then their entitlement to adoption pay may be affected and they should check this with the Head of Business and Finance.

Statutory Adoption Pay (SAP)

15. To qualify for Statutory Adoption Pay employees must:
- be newly matched with a child for adoption by an adoption agency
 - have worked continuously for Rush Common School for 26 weeks ending with the week in which they are notified of being matched with a child for adoption
 - give the correct notice to the Headteacher
 - provide proof of the adoption - "matching certificate"
 - earn on average at least £111 a week (before tax)
16. SAP is a flat rate set by the government each year (visit www.gov.uk/adoption-pay-leave/pay for current rate) or 90% of the employee's average weekly earnings before tax (whichever is lower).
17. SAP is payable for 39 weeks and is paid by the school via payroll to the employee on their normal pay day each month. Tax and National Insurance is deducted.

Important change: From 5 April 2015, Statutory Adoption Pay will change - the first six weeks will be paid at 90% of the employee's normal earnings.

Occupational Adoption Pay (OAP)

18. Employees who have worked for local government (not necessarily the same school) continuously for more than 26 weeks by the week they are matched with a child, qualify to be paid 90% of their normal pay for the first six weeks of adoption leave (this includes any entitlement to Statutory Adoption Pay).
19. An additional 12 weeks half pay is also payable to employees who intend to return from Adoption Leave to local government employment (not necessarily the same school) for at least three months on a continuous contract. If this condition is not met, and an employee has received this payment, they will be required to repay this amount unless exceptional circumstances apply.
20. If employees are undecided about coming back to work, they can opt to be paid this as a lump sum if they do return.
21. If half pay plus SAP entitlement is more than the employee's normal pay, it will be reduced accordingly.
22. Once entitlement to adoption pay is exhausted any remaining adoption leave taken is unpaid.
23. Where an employee works variable hours each week, adoption pay will be calculated using the average pay earned in the 12 weeks preceding the date on which the last complete week ended. This will exclude any week in which no pay was earned.

Giving notice to take adoption leave

24. Adoption leave can start on any day of the week, either:
 - from the date of placement (date the child starts living with the employee)
 - for UK adoptions - up to 14 days before the placement date
 - for overseas adoptions - when the child arrives in the UK or within 28 days of this date.
25. If the placement is delayed after the employee has started their adoption leave, they cannot stop the leave and start it again at a later date. Employees should ensure the placement will be going ahead, on the date agreed, before they start their adoption leave.
26. To help the Headteacher plan appropriate cover arrangements, employees must let them know as early as possible about their intention to adopt and advise them of potential timescales.

27. Within seven days of being matched with a child, the employee must give formal notice of adoption leave by filling in an Adoption Leave and Pay Form (Annex 1).
28. The form must be sent to the Headteacher along with the matching certificate issued by the adoption agency.
29. Employees can change the start date of their adoption leave if they need to by giving the Headteacher 28 days' notice, if possible.
30. The Headteacher must promptly send the adoption leave and pay form to the school's payroll service who will action the pay and write to the employee with 28 days of receiving their notification, confirming their leave and pay arrangements.

Employment rights during adoption leave

31. Employment terms and conditions are protected and employees are entitled to any pay rises and improvements in terms and conditions given during the leave.
32. Employees have the same redundancy rights as their colleagues while on adoption leave and where they are selected for redundancy, have the right to be offered a suitable alternative job, where one exists.

Annual Leave

33. Annual leave entitlement continues to accrue during adoption leave. For teachers, any accrued entitlement is included in normal school closure periods.
34. No pay in lieu of days owed is payable.

Pension

35. Pension contributions continue during paid periods of Adoption Leave. For members of the Local Government Pension Scheme who take a period of unpaid Adoption Leave, pension contributions are optional. Employees can find information and interactive tools to show costs of buying lost pension on www.lgps2014.org (Use the section 'How do I buy extra or lost pension').

Keeping in touch days

36. Employees and the Headteacher should keep in touch during adoption leave and agree at the outset how best to do this. The Headteacher can make a reasonable amount of contact with employees, for example to let them know about changes at work, job vacancies, training opportunities or staff events. Employees are under no obligation to accept invitations to attend work events.
37. Employees on adoption leave will be kept informed and consulted about any school changes affecting their job.

38. Employees can work up to 10 days during their adoption leave. These days are called 'Keeping In Touch days' (KIT days). KIT days are optional - both the employee and head teacher need to agree to them.
39. KIT days can be used for employees to work or attend events such as training or appraisal meetings.
40. The type of work and pay employees get should be agreed before they come into work.
41. Depending on the work, employees can be paid at their normal rate of pay or at another rate agreed between the Headteacher and the employee.
42. A part day worked is counted as one KIT day but the employee is only paid for the hours worked.
43. KIT days can be used as a single days or in blocks.
44. The employee's right to adoption leave and pay isn't affected by working the 10 KIT days but if an employee works more than this, it will affect their entitlement to statutory adoption pay.

Returning to work

Changing the return to work date

45. Employees will be expected back at work on the date given on the Adoption Leave notification form. If a date was not given, it will be assumed that the maximum leave entitlement is being taken.
46. Employees must give the Headteacher at least 8 weeks' notice if they want to change their return to work date. The employee's return to work may need to be postponed by up to 8 weeks, if this notice is not given.
47. If an employee decides not to return to work, they should resign in writing in the normal way, giving the amount of notice specified in their contract of employment.
48. Where an eligible employee has opted to receive payment of occupational adoption pay (12 weeks half pay) and subsequently decides not to return work, (see paragraphs 18 - 25 for full terms), they will be required to repay this sum unless exceptional circumstances apply.

Right to request flexible working

49. All employees have the right to request flexible working and the Headteacher will give careful consideration to all requests, ensuring that the needs and priorities of the school can be met before agreeing to any new arrangements. See Flexible Working Policy.



Annex 1

REQUEST FOR ADOPTION LEAVE AND PAY

The original copy of this form must be returned to the Headteacher/Head of Business and Finance within 7 days of being notified by the adoption agency that you have been matched with a child for adoption, unless that is not reasonably practicable.

Employees: Please keep a copy for your records.

NB: Teachers should not use this form as different pay levels apply.

PERSONAL DETAILS

Employee reference number (see your payslip):

Surname: First Name:

Job Title:

School Name/ Place of work:

Work Tel. No:

Length of continuous local government service:

Home address: Home Tel. No:

DETAILS OF ADOPTION LEAVE

Date the child is expected to be placed with you **Please attach documentation (known as a 'matching certificate') from the adoption agency confirming the date and other arrangements for the adoption.**

Date you would like your adoption leave to start

NB: You can change your mind about the start of your adoption leave providing you let us know at least 28 days in advance (unless this is not reasonably practicable).

It would be helpful if you could indicate below when you plan to return to work. Any information you give will not be binding, however, if you intend to return to work before the end of your adoption leave period, you must give 8 weeks' notice of the date on which you intend to return.

I intend to take weeks of my full adoption entitlement and return on (date).....

DETAILS OF ADOPTION PAY: [Adoption pay is only paid to those with 26 weeks or more continuous local government service leading into the week in which they are notified of being matched with a child for adoption]

For the first 6 weeks of adoption leave, you will receive 90% of your normal pay. For the following 12 weeks you will receive your entitlement to flat rate Statutory Adoption Pay (SAP), plus if eligible, half pay as below if you have indicated that you intend to return to work. For the next 21 weeks you will receive your entitlement to flat rate SAP (or 90% of your normal pay if this is less)

- a) I intend to return to work following my adoption leave and would like my 12 weeks half pay on the normal pay dates during my absence
- b) I intend to return to work following my adoption leave and would like my 12 weeks half-pay to be paid over a mutually agreed period as to enable the continued receipt of childcare vouchers. My proposal for the payment of the half pay salary is attached

c) Please pay my 12 weeks half pay as a lump sum on the first pay date after I return to work

(NB: Although you are asked above to state your intention to return to work following your adoption leave this statement is not binding. If you do not return to the same employer for at least 3 months then you will be required to repay the 12 weeks half pay unless exceptional circumstances apply.)

Signed:

Date