



**MULTI
ACADEMY
TRUST**

The Queen Katherine School Multi Academy Trust

ADOPTION LEAVE AND PAY POLICY

This policy does not form part of any employee's contract of employment and we may amend it from time to time.

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| Committee | Risk Audit and Finance |
| Date of adoption: | October 2020 |
| Date of next review | October 2022 |

Document Control Sheet

The information in the table below details earlier versions of this document with a brief description of each review and how to distinguish amendments made since the previous version date (if any)

| Version Number | Amended by | Purpose | Approved by Trustees (date) |
|-----------------------|-------------------|----------------|------------------------------------|
| I | THO | Original | Oct 2020 |
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Adoption Leave and Pay Policy

1. INTRODUCTION

The Trust recognises the need for effective policies which play a key part in supporting an appropriate work-life balance. This policy outlines the right to adoption leave which is available to all employees of the Trust who are adopting a child or fostering a child permanently to become their legal parent ('fostering to adopt').

There is no legal entitlement to take adoption leave for a private adoption, for example, when adopting or fostering to adopt a relative. Approval in these circumstances will be at the discretion of the Trust.

Some surrogate parents may also be eligible, and should contact the Trust's HR Manager for further details.

2. ADOPTION LEAVE

Employees who are matched with a child for adoption will be entitled to paid adoption leave, subject to the notification requirements set out below.

Adoption leave will be available to parents where a child is placed for adoption within the UK as well as where a child is placed from overseas.

Adoption leave is only available where the child is newly placed for adoption.

It will be available to individuals who adopt or to one member of a couple where a couple adopt jointly. In the case of a couple, only one person may take adoption leave. However, the person who is not taking adoption leave may be eligible to take paternity leave (see the Trust's Paternity Leave Policy), parental leave (see the Trust's Parental Leave Policy) or Shared Parental Leave (see the Trust's Shared Parental Leave Policy).

3. ADOPTION APPOINTMENTS

The main adopter will be able to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments.

4. NOTIFICATION REQUIREMENTS AND COMMENCEMENT OF LEAVE

In order to take adoption leave, the employee must notify the Trust of the date or expected date of the placement and the date when (s) he wishes leave to commence. This information must be provided within 7 days of being notified by the adoption agency when a match with a child will take place or, if this is not practicable, as soon as possible.

This information should be put in writing. The employee may vary the date when leave is taken but (s) he should give the Trust at least 28 days' notice in writing before the start of the leave initially

specified. Once the employee has notified the Trust of the date of the placement and the date when (s)he wishes to start leave, the Trust will then write to the employee within 28 days stating the date upon which the employee is expected to return to work.

An employee can commence adoption leave on the date when the placement begins or up to 2 weeks before this date, but no earlier. If the employee is working on the date when placement begins, the adoption leave may start the day after.

5. ORDINARY ADOPTION LEAVE (OAL) AND ADDITIONAL ADOPTION LEAVE (AAL)

An employee who is employed in the week in which (s) he is notified of being matched with a child for adoption will qualify for statutory adoption leave. The maximum adoption leave entitlement is 52 weeks consisting of 26 weeks of OAL and 26 weeks AAL.

Only one period of leave will be available in respect of an adoption arrangement. If more than one child is being adopted at the same time, this will not affect the length of the leave.

6. STATUTORY ADOPTION PAY

Statutory Adoption Pay (SAP) is available to employees who qualify to take adoption leave. SAP is available for up to 39 weeks and for the first six weeks will be paid at 90% of the employee's normal earnings, then the SAP standard rate (details of the current rate can be found at www.gov.uk/adoption-pay-leave) or 90% of average weekly earnings if this is lower. Additional adoption leave beyond 39 weeks is unpaid.

In order to satisfy the Trust that an employee is entitled to SAP, an employee must provide evidence of a letter from an adoption agency specifying the following:

- Name and address of agency
- Name and address of employee
- Date on which employee was notified of adoption or likely adoption
- Date on which child was placed for adoption or is due to be placed for adoption

7. TERMS AND CONDITIONS DURING ADOPTION LEAVE

Periods of adoption leave are regarded as continuous service for the purpose of calculating entitlements to employment benefits.

During both the 26 weeks OAL and the 26 weeks AAL, an employee is entitled to the benefit of the terms and conditions of employment that would have applied if (s) he had not been absent except in relation to remuneration. The employee is bound by any obligations under her/his contract except

those that are inconsistent with her/his right to take ordinary adoption leave, such as the obligation to attend work.

Contractual annual leave that would normally accrue while the employee was at work continues to accrue during both OAL and AAL.

Staff employed on Green Book terms and conditions continue to accrue leave including Bank holidays. Teachers do not have defined leave arrangements, so will only accrue the statutory minimum of 28 days paid holiday during periods of adoption leave. In all cases, any leave taken, including school closure periods, during the relevant leave year(s) that the adoption leave spans will count towards employees' entitlement to accrued leave.

The Trust will pay its employer's contributions to the employee's pension when the employee is on OAL but will only pay contributions during AAL when the employee is receiving statutory or occupational adoption pay. Any unpaid period does not count towards pensionable service. However, an employee taking adoption leave can elect to pay contributions during these periods. Please speak to the Trust's HR Manager if you would like additional information about this.

8. KEEPING IN TOUCH DAYS

A "keeping in touch" ("KIT") day may be used during the adoption leave period to enable the employee to attend work without losing her/his right to Statutory Adoption Pay. Up to 10 keep in touch days may be taken during the adoption leave period without bringing the adoption leave to an end.

There should be no pressure on an employee to come in to work. There is no obligation on an employee to undertake work, nor on the Trust to provide work. The KIT days must be arranged by mutual agreement.

If a KIT day is agreed, the purpose should be agreed in advance so that both parties are clear what the employee will actually do. This can include training, a meeting or any other activities to help the employee keep in touch.

Any amount of work done on a KIT day counts as one complete KIT day. Therefore, if an employee comes in for a one hour meeting and does no other work on that day, they will have used a complete KIT day. Payment for KIT days is on the basis of days actually worked, and under no circumstances can it exceed normal hourly/daily rates, inclusive of any entitlement to adoption pay.

9. CONTACT

The Trust/school is entitled to maintain reasonable contact with the employee during the adoption leave period should it be necessary to communicate and consult with the employee about issues relevant to her/his employment, e.g. to communicate any changes which could affect her/his job or to discuss and plan the employee's return to work.

10. CIRCUMSTANCES IN WHICH ADOPTION LEAVE AND SAP WILL END

In certain circumstances placements may be disrupted and adoption leave and pay will end after a prescribed time.

The adoption leave will end if more than 8 weeks of adoption leave remain and one of the following circumstances applies:

- After having notified an employee that (s)he will be matched with a child, the adoption agency notifies the employee that the child will not now be placed
- The child dies
- The child's placement ends

Adoption leave will end 8 weeks after any of the three dates referred to below:

- The week during which the employee is notified that the placement will not take place
- The week during which the child dies
- The week during which the child's placement ends

11. RETURNING TO WORK AFTER ADOPTION LEAVE

It will be presumed that the employee will take her or his full statutory adoption leave entitlement, i.e. the full 52 weeks, unless (s)he notifies the Trust of her/his intention to return early.

An employee returning to work at the end of additional adoption leave need not give the Trust notice of her/his return. The employee can simply turn up to work on the first working day after the end of the leave period.

An employee has the right to return from adoption leave at any point before the end of the ordinary or additional adoption leave period but must give at least 8 weeks' notice, in writing, of the date on which (s)he intends to return.

An employee returning from OAL is entitled to return to the same job that (s) he left, on the same terms and conditions as before.

An employee returning from AAL has the right to return to the same job unless this is not reasonably practicable. If it is not reasonably practicable, the Trust should find another job which is both suitable and appropriate.

An employee who decides that (s) he does not want to return to work after a period of adoption leave should contact the Trust as early as possible. In such circumstances the employee will be required to give notice of resignation in accordance with his or her contract. The Employee will have to give the amount of contractual notice specified in that contract. Once the employee has given notice that (s) he will not be returning, the employee cannot change his or her mind without the agreement of the Trust.

Deciding not to return to work will not affect an employee's right to SAP.

12. FLEXIBLE WORKING

Employees who would like to return to work on a part-time basis following a period of adoption leave should consider making a flexible working request. There is no right to insist on flexible working, such as part-time working or reduced hours, and employees are encouraged to read the Trust's Flexible Working Policy should flexible working be something that they would like to consider.

13. SHARED PARENTAL LEAVE

Parental leave, which is unpaid, should not be confused with Shared Parental Leave.

Shared Parental Leave gives eligible parents the right to choose how to share the care of a child during the first year of the child's birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. This could mean that adopter shares some of the leave with his/her partner, perhaps returning to work for part of the time and then resuming leave at a later date. An employee who would like to look at shared parental leave will need to give at least 8 weeks' written notice to end adoption leave and to opt into shared parental leave. Employees who are considering this option should look at the Trust's Shared Parental Leave Policy.

14. OTHER RIGHTS

There are a number of other initiatives designed to support employees in balancing work and family life. These include:

Paternity leave – A father's/partner's right to 2 weeks off after the adoption, subject to qualifying criteria.

Parental leave – This is unpaid leave for dealing with emergencies relating to a child's welfare.

Leave of Absence Policy - The right to unpaid time to deal with emergencies.

If you would like information on any of the above please contact the Trust's HR Manager who will be able to provide you with further details.

Notice of intention to take Adoption Leave

Please refer to the **Adoption Leave Policy** before completing this form.

| Your Details | |
|--|--|
| Surname: | |
| First name(s): | |
| Post title: | |
| Contact phone number; | |
| Department: | |
| School: | |
| Dates for Pay and Leave | |
| Date notified by the adoption agency that a match was made: (within UK) or Date of official notification: (overseas) | |
| Date the child is expected to be placed /was placed: | |
| Do you intend to return to work after Adoption Leave? | Yes / No / Undecided <i>(delete as appropriate)</i> |
| Date intend to start Adoption Leave: | |
| Date intend to return to work: | |
| Declaration | |
| Adoption status, confirm whether you are: <i>(delete as appropriate)</i> | <ul style="list-style-type: none"> - The sole adoptive parent (main adopter) - Adopting the child with my partner (secondary adopter) |
| If adopting the child with your partner you must be able to tick this box: | <input type="checkbox"/> My partner is not taking adoption leave |
| Additional documentation required: <i>(please enclose)</i> | <ul style="list-style-type: none"> <input type="checkbox"/> Matching Certificate, provided by the Adoption Agency, OR <input type="checkbox"/> Copy of official notification and date of child's entry to the UK |
| Signature: | |
| Date: | |