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Lanesend Primary School

Adoption Provisions Policy

For children matched for adoption in Great Britain, overseas adopted, being fostered for adoption, or the subject of a parental order, and who are placed, enter Great Britain or who are born on or after 1 April 2015

Isle of Wight Policy Safeguarding and Welfare of Children Policy

Signed: **Date:**
(Headteacher)

Signed: **Date:**
(Chair of Governors)

Review Date: When new legislation requires.

Reviewed By: Isle of Wight Council and agreed by Full Governing Body

1 Document Information

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3 Introduction

This policy sets out rights of employees to statutory adoption leave and pay. Employees may be eligible for adoption leave and/or adoption pay if:

- they have been newly matched with a child for adoption by an adoption agency or relevant domestic authority,
- they are local authority foster parents who are also approved prospective adopters (“fostering for adoption” or “dual approved adopters”), or
- they have received (or intend to apply and expect to receive) a parental order in relation to child surrogacy (“parental order parents”).

Adoption leave and pay is available to:

- Individuals who adopt/foster for adoption/receive parental orders, or
- One member of a couple where the couple adopts/fosters for adoption/receives parental orders jointly (the couple may choose which partner takes the paid adoption leave). The other member of the couple may be entitled to paternity leave and pay (adoption).

Adoption leave and pay are currently not available for:

- Private adoptions;
- Step-parents who adopt their step-children;
- Parents who have a child with the help of a surrogate but who are not eligible for a parental order; or
- Special guardians or kinship carers.

Please note that for babies born on or after 5 April 2015 Shared Parental Leave has been introduced to enable eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. For further information please refer to the Shared Parental Leave Provisions.

The Isle of Wight Council recognises that, from time to time, employees may have questions or concerns relating to their adoption rights. It is the council’s policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees should clarify the relevant procedures with the HR Support team (human.resources@iow.gov.uk) to ensure that they are followed.

If you work at a school you should contact the HR provider for that school for further information. All notifications will also need to go to your school’s HR or payroll provider rather than to the Isle of Wight Council.

The following definitions are used in this policy:

‘Adoption agency’ means a local authority or a registered adoption society in England and Wales, or a registered adoption service in Scotland.

‘Notification of Matching’ issued by an adoption agency confirming that you have been matched with a child for adoption (includes matches under a fostering for adoption scheme)

'Official notification' means 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 approved and assessed as being a suitable adoptive parent.

'Parental statutory declaration' means a statutory declaration stating that the maker has applied, or intends to apply within the six-month time limit, with another person for a parental order in respect of the child and that they expect the court to make the parental order.

'Relevant domestic authority' means the Secretary of State.

4 Notification of Adoption

In order to make administration as easy as possible, you should discuss the timing of your adoption leave with your line manager as early as possible

4.1 Adoption within Great Britain and Fostering for Adoption

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier.

In order to be entitled to take adoption leave and receive statutory adoption pay, you are required to give the Council written notification of your intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. The written notification should include:

- the date the child is expected to be placed with you for adoption; and
- the date on which you intend to start adoption leave.

You must also provide evidence of entitlement to adoption leave and/or pay by producing a 'matching certificate' from the adoption agency.

4.2 Adoption from Overseas

Adoption leave can start on the day on which the child enters Great Britain or on a chosen date no later than 28 days after the child enters Great Britain.

In order to be entitled to take adoption leave and receive statutory adoption pay you are required to give the Isle of Wight Council written notification of your intention to take adoption leave. No later than 28 days after receipt of the official notification, you must give notice of:

- The date the official notification was received; and
- The date that the child is expected to enter Great Britain.

At least 28 days prior to the date you have chosen as the beginning of your adoption leave period, you must give notice of:

- The date you intend to start their adoption leave; and
- A declaration that you have chosen to receive statutory adoption pay and not statutory paternity pay.

You must also provide a copy of the official notification document.

Within 28 days of the child's entry into Great Britain you must inform the Isle of Wight Council of the date of entry and provide evidence of this entry in the form of a plane ticket or copies of entry clearance documents.

In the cases of either Great Britain or overseas adoptions you are permitted to bring forward your adoption leave start date, provided that you advise the Isle of Wight Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your adoption leave start date, provided that you advise

the Isle of Wight Council in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

Within 28 days of receiving your notice of intention to take adoption leave, the Isle of Wight Council will write to you confirming the date on which you must return to work after adoption leave.

4.3 Surrogacy/Parental Order Cases

Adoption leave will start on the day that the child is born, unless the employee is at work, in which case adoption leave will start the following day.

In order to be entitled to take adoption leave and receive statutory adoption pay you are required to give the Isle of Wight Council written notification of your intention to take adoption leave.

No later than the 15th week before the expected birth of the child, you must give written notice of your intention to take adoption leave, stating the expected week of the child's birth.

As soon as possible after the child's birth, you must give notice of the date of the child's birth.

You must also provide evidence of entitlement to adoption leave and/or pay by producing a 'parental statutory declaration' or your 'parental order'.

5 Adoption Leave

When you adopt a child through an adoption agency or, with official notification, from overseas, you will be entitled to up to 52 weeks adoption leave.

Your entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. In order to take additional adoption leave, the ordinary adoption leave must not have ended prematurely (because the placement of the child was disrupted, you were dismissed, you failed to apply for or to receive a parental order or the child died).

During the period of adoption leave, your contract of employment continues in force and you are entitled to receive all contractual benefits, except for salary. In particular, any benefits in kind will continue; annual leave and bank holiday entitlement will continue to accrue; and pension contributions will continue to be made on actual earnings received

Salary will be replaced by statutory adoption pay (SAP) if you are eligible to receive it. Please see section 9 for further details

You may also be eligible to opt into the Shared Parental Leave and Pay scheme by curtailing your entitlement to adoption leave/pay. For more information, please see the Shared Parental Leave Provisions.

5.1 Annual Leave

You are reminded that holiday must be taken in the calendar year that it is earned and therefore if the holiday year is due to end during adoption leave, you will need to take any outstanding annual leave due to you before the commencement of adoption leave, plus any entitlement to leave due to any bank holidays or additional statutory days that fall during your maternity leave. This means your annual leave entitlement for 12 months adoption leave would be 39 days, including bank holidays (pro rata for part time). You can request to carry forward a maximum of one weeks' contracted hours annual leave entitlement from one year to the next under the Council's annual leave policy (ie 5 days leave if working a regular 5 day week at full time).

If your adoption leave period exactly coincides with the annual leave year you will need to agree with your line manager on one of the following options:

That you take paid annual leave before starting adoption leave.

That you cease adoption leave before your full maternity leave entitlement expires and take paid annual leave.

Term-time staff will be entitled to a lump sum payment in respect of accrued annual leave and bank holidays and this will be paid upon return to work.

6 Statutory Adoption Pay

Statutory adoption pay (SAP) is payable for up to 39 weeks during adoption leave. You are entitled to SAP if:

- You have continuous service of at least 26 weeks at the week in which notification of matching is given by the adoption agency or official notification was received.
- Your average weekly earnings are not less than the lower earnings limit for national insurance contributions;
- You provide a certificate of matching, official notification, parental statutory declaration or parental order; and
- You give the Council proper notification of your intention to take adoption leave in accordance with the rules set out above.

SAP is payable for up to 39 weeks at a rate set by the Government for the relevant tax year, or at 90% of your average weekly earnings, if this figure is lower than the Government's set weekly rate.

SAP is treated as earnings and is therefore subject to PAYE and national insurance deductions.

SAP is payable whether or not you intend to return to work after your adoption leave.

Please note that if you opt into the Shared Parental Leave/Pay scheme, your statutory adoption pay will cease and you will receive payment through the Shared Parental Leave and Pay schemes. For more information, please see the Shared Parental Leave Provisions.

7 Contractual Adoption Pay

If you have at least one year's continuous Local Government service at the beginning of the 11th week before the day the child is to be placed for adoption (Great Britain adoptions and fostering for adoption), the day the child enters Great Britain from outside the UK for the purposes of adoption (overseas adoption), or the day the child is expected to be born (surrogacy), and you have indicated that you will return to Local Government employment (not just the Isle of Wight Council) for at least three months (13 weeks if you are working under teacher's pay and conditions) immediately following your adoption leave, you will receive 12 weeks half pay during ordinary adoption leave without deduction except to the extent that the half pay plus SAP exceeds full pay. In the event that you do not return to Local Government employment at the end of your adoption leave period, you will be required to refund to the Isle of Wight Council the monies paid in respect of the half pay.

Where it is agreed that you may return to work on a part-time basis and you are a teacher, you must return to work for a period which equates to 13 weeks service based on your previous contractual hours in order to be entitled to the contractual pay element.

If you are being made redundant, or likely to be at risk of redundancy during your adoption leave, half pay will only be paid at the end of the adoption leave period if successful redeployment has taken place.

If no written notification is received of your intent to return to work, 12 weeks half pay will only be paid as a lump sum on your return to work.

Please note that if you opt into the Shared Parental Leave/Pay scheme, your contractual adoption pay will cease and you will receive payment through the Shared Parental Leave and Pay schemes. For more information, please see the Shared Parental Leave Provisions.

8 Adoption Leave Pay Table

	26 weeks continuous service at the week in which notification of matching is given	One year's service or more at the 11th week before the expected date of the child being placed for adoption
Weeks 1 - 12	SAP	SAP plus half pay
Weeks 12 - 39		SAP
Weeks 40 - 52	Unpaid	Unpaid

9 Pension Contributions during Adoption Leave

During any period of paid adoption leave; you must continue to pay pension contributions on the actual pay that you are receiving, if any. Benefits will continue to accrue as if you were working normally and receiving full pay.

LGPS Members

You can choose to buy back pension membership for any period of unpaid adoption leave through an age-related Additional Pension Contribution (APC) contract. The contributions will be calculated at the assumed pensionable pay, which is the pay you would have received but for the absence. Please contact the pensions team for information regarding this option.

If you were paying additional contributions to increase your membership, prior to your adoption leave, you will continue to pay these. These payments will be calculated at the rate of pay which you would have received had you not taken adoption leave. The additional membership continues to accrue in full.

Teachers' Pensions Members

There is no facility for you to continue to pay contributions during any period of unpaid adoption leave. You can, however, purchase additional pension contributions upon your return to work provided you return to pensionable employment. Please refer to the Teachers' Pensions website for further information: www.teacherspensions.co.uk

During any period of paid paternity leave you must continue to pay pension contributions on the actual pay, if any, that you are receiving. Benefits will continue to accrue as if you were working normally on full pay.

Firefighters Pension Scheme

You can choose to pay contributions for any period of unpaid adoption leave so that the period of absence will count in full for pension purposes. The contributions will be calculated on the rate of pay (or reduced pay) that you were receiving immediately before you commenced the period of unpaid adoption leave.

If you were paying additional contributions to increase your membership before going on adoption leave then you will continue to pay these. These payments will be calculated at the rate of pay you would have received had they not been on adoption leave. The additional membership continues to accrue in full.

10 Salary Sacrifice Schemes during Adoption Leave

10.1 Childcare Scheme

If you are participating in the Childcare scheme as at the date of commencement of your adoption leave, you may either continue in the scheme or withdraw from it, but you should in either event, contact the Staff Benefits Officer for further information by phoning 821000 Ext. 8845.

If you remain in the scheme then your monthly salary sacrifice deductions will continue to be taken from any Contractual Adoption Pay (reductions are subject to the requirement that your pay must remain above the National Minimum Wage rate after reduction of your salary sacrifice) but they cannot be taken from any Statutory Adoption Pay (subject to NMW requirement). During your Ordinary Adoption Leave and Additional Adoption Leave periods you are entitled to continue to receive your 'contractual non-cash benefits' and therefore the Isle of Wight Council will be responsible for paying your monthly childcare costs during periods when you are not in receipt of any Contractual Adoption Pay.

You should note that if you have not indicated that you intend to return to work after your adoption leave and therefore have your 12 weeks contractual half pay paid to you as a lump sum upon return to work, this will be reduced by the value of the childcare payments that the IW Council has been responsible for paying during the relevant 12 week adoption pay period.

11 Contact during Adoption Leave

Shortly before your adoption leave starts, your line manager will discuss the arrangements for you to keep in touch during your leave. The Council reserves the right in any event to maintain reasonable contact with you from time to time during your adoption leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

12 Keeping-in-touch days

You can agree to work for the Council (or to attend training) for up to 10 days during your adoption leave without that work bringing the period of adoption leave to an end and without loss of a week's SAP. These are known as 'keeping-in-touch' days. Any work carried out on a day shall constitute a day's work for these purposes.

Managers should use the claim form at the end of these provisions to notify payroll of any keeping in touch days so that these can be paid appropriately.

Managers are also responsible for ensuring that a record is kept of the number of keeping-in-touch days undertaken and the form at the end of these provisions can be used for this purpose.

The Council has no right to require you to carry out any work, and you have no right to undertake any work, during your adoption leave.

Any work undertaken, will be paid at your normal salary less SAP or contractual adoption pay already being paid. Any keeping-in-touch days worked do not extend the period of adoption leave. Once the keeping-in-touch days have been used up, you will lose a week's SAP for any week in which you agree to work for the Council, if SAP is paid, and will automatically end your adoption leave period if on unpaid adoption leave.

13 Returning to Work

The HR Support Team will formally advise you in writing of the date on which you are expected to return to work if you take the full 52 week entitlement to adoption leave. You are expected to return on this date, unless you notify the council, copied to the HR Support Team, otherwise. If you are unable to attend work at the end of the adoption leave due to sickness or injury, the council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While you are under no obligation to do so, it would greatly assist the council if you confirm as soon as convenient during the adoption leave that you will be returning to work as expected.

If you wish to return to work earlier than the expected return date, you must give the council at least 8 weeks' notice of the date of early return, preferably in writing. If you fail to do so, the council may postpone the return to such a date as will give the council 8 weeks' notice, provided that this is not later than the expected return date.

If you decide not to return to work after adoption leave, you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment. If the notice period would expire after adoption leave has ended, the council may require you to return to work for the remainder of your notice period.

14 Rights on and after Return to Work

On resuming work after ordinary adoption leave, you are entitled to return to the same job as you occupied before commencing adoption leave on the same terms and conditions of employment as if you had not been absent.

On resuming work after additional adoption leave, again, you are entitled to return to the same job as you occupied before commencing adoption leave on the same terms and conditions of employment as if you had not been absent.

However, if it is not reasonably practicable for the council to allow you to return to the same job, the council may offer you suitable alternative work, on terms and conditions that are no less favourable than would have applied if you had not been absent.

If you worked full-time prior to your adoption leave, there is no automatic right to return to work on a part-time basis or to make other changes to your working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the council's business. If you would like this option to be considered, you should write to your line manager setting out your proposals as soon as possible in advance of your return date, so that there is adequate time for full consideration of the request. The procedure for dealing with such requests is set out in the council's Flexible Working Policy.

15 Staff Benefits

The Isle of Wight Council has a scheme available to help its employees save money on their childcare costs. Details of the scheme will usually be sent to you shortly after the start of your adoption leave. Alternatively, full details of the scheme can be found on the Staff Benefits section of the intranet;

<http://wightnet2000.iow.gov.uk/staff/staff%5Fbenefits/Childcare%5FInitiative/>

If you don't have access to the council's Intranet then please access the council's Extranet, this can be accessed from any PC at home or work. The link is: <http://www.iwight.com/wightnetextra/> To logon you will need to input your name eg, John Smith, the password is: vine. Once logged on click on Staff Benefits and then from the list on the left, click on Childcare Scheme.

16 Time Off For Adoption Appointments

Employees and agency workers may take time off to attend an adoption appointment (for Great Britain adoptions, fostering for adoption and overseas adoptions) once the agency has notified you that a child is to be placed with you for adoption but before the child is actually placed with you.

Agency workers may take time off to attend an adoption appointment once you have been employed with the Council for at least 12 continuous weeks (which may include more than one assignment). This period will not include any breaks due to holiday or other leave to which you are entitled, breaks due to workplace closure, breaks due to industrial action, breaks of up to 28 weeks in cases of sickness or jury service, and breaks of up to six weeks for any other reason. We will treat breaks due to pregnancy or childbirth up to 26 weeks after birth, and any statutory maternity, paternity or adoption leave, as time worked.

16.1 Amount of time off

Employees adopting with a partner must choose whether to be a primary adopter or a secondary adopter for adoption appointments purposes.

You may take paid time off to attend an adoption appointment on up to five occasions in relation to any particular adoption if:

- (i) you are adopting on your own; or
- (ii) you are adopting with a partner and you have chosen to be the primary adopter for adoption appointment purposes.

You may take paid time off to attend an adoption appointment on up to two occasions if you have are adopting with a partner and you have chosen to be the secondary adopter for adoption appointment purposes.

You must not take more than six and a half hours off for each appointment, including travel and waiting time.

16.2 Procedure to request time off

You may request time off for an adoption appointment by providing your manager with a signed statement or an email confirming:

- (a) the date and time of the appointment; and
- (b) that the appointment has been arranged or requested by the adoption agency.

You should endeavour to give your line manager as much notice as possible of adoption appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

If you are an agency worker you may have to notify your agency as well. You should check with the agency about the process for notifying them.

You may sometimes be asked to try and rearrange an appointment where it is reasonable to do so. In exceptional circumstances, if there is a good reason, you may be denied a request for a particular appointment.

17 Notification of employee’s intention to take adoption leave (adoption within Great Britain)/fostering to adopt

To (Line Manager/Headteacher)

From
Job Title
Department/School
Work Base

cc: HR Support Team (enclosing matching certificate)
OR School’s HR/payroll provider

Dear.....

Re: Notification of Adoption (adoption within Great Britain /fostering to adopt)

I hereby give notice that I intend to take adoption leave commencing on (date).

The date on which the child is expected to be placed for adoption is (date)

The date on which I was notified by the adoption agency of having been matched with the child was (date).

In relation to the child I am adopting I confirm that I have elected to receive statutory adoption pay and not statutory paternity pay (adoption).

*I intend to return to work after my adoption leave.

Yours sincerely

Signed:

Dated:

Enc

*Delete as appropriate

To qualify for adoption leave you must return this notice to your line manager with a copy of your matching certificate no later than seven days after the date on which notification of the match with the child was given to you by the adoption agency, or if that is not possible, as soon as reasonably practicable..

18 Notification of placement date of child (adoption within the Great Britain/fostering for adoption)

To(Line Manager/Headteacher)

From
Job Title
Department/School
Work Base

Cc HR Support Team
OR School's HR/payroll provider

Dear.....

Re: Notification of Adoption (adoption within Great Britain/fostering to adopt)

I previously notified you that I wished to take adoption leave commencing on (date).

I wish to confirm that the child in respect of whom I am taking adoption leave was placed with me for adoption on (date).

Yours sincerely

Signed.....

Dated.....

19 Notification of employee's intention to take adoption leave (adoption from overseas)

To(Line Manager/Headteacher)

From
Job Title
Department/School
Work Base

Cc HR Support Team (enclosing official notification)
OR School's HR/payroll provider

Dear.....

Re: Notification of Adoption (adoption from overseas)

I hereby give notice that I intend to take adoption leave in relation to a child adopted from overseas in respect of whom I have received official notification.

The date on which I received the official notification is (date).

The date on which the child is expected to enter Great Britain is (date)

Yours sincerely

Signed.....

Dated.....

To qualify for adoption leave you must return this notice to your line manager with a copy of your official notification no later than 28 days after you received the official notification or, if that is not possible, as soon as reasonably practicable.

20 Notification of adoption leave start date (adoption from overseas)

To(Line Manager/Headteacher)

From

Job Title
Department/School
Work Base

Cc HR Support Team
OR School's HR/payroll provider

Dear.....

Re: Notification of Adoption (adoption from overseas)

I hereby give notice that I wish my adoption leave to start on (date).

I have already informed the Council of the date that I received official notification and of the date that the child is expected to enter Great Britain.

In relation to the child I am adopting I confirm that I have elected to receive statutory adoption pay and not statutory paternity pay (adoption).

*I intend to return to work after my adoption leave.

Yours sincerely

Signed.....

Dated.....

*Delete as appropriate

To qualify for adoption leave you must return this notice to your line manager no later than 28 days prior to the date that you wish your adoption leave to begin.

21 Notification of child entering Great Britain (adoption from overseas)

To(Line Manager/Headteacher)

From

Job Title
Department/School
Work Base

Cc HR Support Team
OR School's HR/payroll provider

Dear.....

Re: Notification of Adoption (adoption from overseas)

I hereby give notice that the child in relation to whom I am taking adoption leave entered Great Britain on (date).

Please find enclosed evidence of the child's entry into this country.

Yours sincerely

Signed.....

Dated.....

*Delete as appropriate

You must return this notice to your line manager no later than 28 days after the date on which the child entered Great Britain.

22 Notification of employee’s intention to take adoption leave (surrogacy)

To (Line Manager)

From
Job Title
Department/school
Work Base

cc: HR Support Team (enclosing parental statutory declaration or parental order)
OR School’s HR/payroll provider

Dear

NOTIFICATION OF INTENTION TO TAKE ADOPTION LEAVE (SURROGACY)

I hereby give notice that I intend to take adoption leave commencing on (date).

The child’s expected week of birth is (date).

In relation to the child I intend to apply/have received a parental order for, I confirm that I have elected to receive statutory adoption pay and not statutory paternity pay (adoption).

*I intend to return to work after my adoption leave.

Yours sincerely

Signed:

Dated:

Enc

*Delete as appropriate

To qualify for adoption leave you must return this notice to your line manager with a copy of your parental statutory declaration or parental order no later than the 15th week before the expected birth of the child, or if that is not possible, as soon as reasonably practicable.

23 Notification of birth date of child (surrogacy)

To(Line Manager/Headteacher)

From
Job Title
Department/School
Work Base

Cc HR Support Team
OR School's HR/payroll provider

Dear.....

Re: Notification of Birth Date (surrogacy)

I previously notified you that I wished to take adoption leave commencing on (date).

I wish to confirm that the child in respect of whom I am taking adoption leave was born on (date).

Yours sincerely

Signed.....

Dated.....

24 Keeping-in-touch day record

Name		Post	
Department/ School		Date Adoption Leave Commenced	
Personnel Number			

Day Number	Date	Hours Worked	Date Claim Submitted to Payroll
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

25 Keeping-in-touch day claim form

Name		Post	
Department/ School		Date Adoption Leave Commenced	
Personnel Number			

Please provide the details below to allow payroll to calculate the amount to be paid.

Date	Number of Hours Worked

Please remember that any hours undertaken on this date will count as a full keeping in touch day

Claiming Officer		Authorising Officer	
Date		Print Name	