



Transform Trust Adoption Guide

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1. Introduction

This guidance applies to all school based and centrally based teaching and support staff within Transform Trust and reflects the provisions for support staff and teachers who adopt a child through an approved adoption agency.

If you are adopting through an overseas adoption agency please inform your Headteacher / line manager. The Trust HR Team will advise you of the relevant requirements.

This guide only applies to employees and does not apply to agency workers or self-employed contractors. It does not form part of an employee's contract of employment and Transform Trust may amend it at any time.

2. Entitlement to adoption leave

You are entitled to adoption leave if you meet all the following conditions:

- You are adopting a child through a UK or overseas adoption agency.
- You have 26 weeks' continuous service with the Trust (or have continuous service protected following a TUPE transfer) and have earnings over the national insurance lower earnings limit by the end of the notification week to qualify for the adoption scheme.
- The adoption agency has given you written notice that it has matched you with a child for adoption and tells you the date the child is expected to be placed into your care with a view to adoption (**Expected Placement Date**).
- You have notified the agency that you agree to the child being placed with you on the Expected Placement Date.
- You are employed by the Trust when the agency notifies you in writing of the match.
- Your spouse or partner will not be taking adoption leave with their employer (although they may be entitled to take paternity leave or shared parental leave). Adoption provisions will not be granted to two employees in respect of the same adoption.
- You are intending to adopt under the 'Fostering for adoption' scheme (involving the placement of a child with a local authority foster parent who are also prospective adopters)
- You are surrogate parents (a couple who have applied for a parental order in respect of a surrogate child). You must have been continuously employed for at least 26 weeks up to any day in the 15th week before the baby is due. You must also provide proof that you intend to become the baby's legal parent
- The maximum adoption leave entitlement is 52 weeks, consisting of 26 weeks' Ordinary Adoption Leave (**OAL**) and 26 weeks' Additional Adoption Leave (**AAL**).

You will not qualify for either adoption leave or pay if you:

- become a special guardian or kinship carer
- adopt a stepchild or family member
- adopt privately, for example without permission from a UK authority or adoption agency

3. Notification requirements

You must notify your Headteacher / line manager in writing at least 28 days before the absence begins or as soon as reasonably practicable:

- That you intend to adopt a child.
- Of the date the child is due to be placed.
- Of the date of the beginning of the adoption leave.
- For employees in surrogacy arrangements you must inform us when the baby is due and when you want to start their leave at least 15 weeks before the due date.
- Whether you intend to return to work and wish to receive half-pay during the adoption leave (if eligible).
- If you are adopting a child from overseas form SC6 must be completed which is available on the Government website- <https://www.gov.uk/employers-adoption-pay-leave/>

You must include a copy of the letter received from the adoption agency and any matching certificate if applicable, with the above notification, (or as soon as possible after this). Where little notice is given for the placement of an adopted child, you are asked to give as much notice as practicable and managers are expected to be as flexible as possible.

You must provide documentary evidence that the adoption placement has taken place once available.

Employees with less than 26 weeks' service can apply for unpaid leave in accordance with the relevant provisions (Other Leave Policy)

4. Adoption pay

Entitlement – over 1 years' service and over national insurance lower earnings limit

Employees with:

- A. over one year's continuous Transform Trust service (and / or local government service for support staff covered by Green Book provisions) at the 11th week before the EWC, and
- B. earnings over the national insurance lower earnings limit are entitled to:

School Support Employees ONLY

A total of 39 weeks' Statutory Adoption Pay (SAP) is payable:

- 90% of normal pay (i.e. higher rate SAP) for the first 6 weeks (offset against SAP). If the rate of SAP is higher than 90% of weekly salary, then 90% of salary will be paid
- Occupational Adoption Pay (OAP), which is half of normal pay may be paid for 12 weeks (during weeks 7-18) plus SAP. This will only be paid where the employee has provided

written notification of their intention to return to work. There is a requirement to return to work for 13 weeks (including periods of school closure) otherwise the 12 weeks at half

pay will be recouped. If the combined half pay and SAP exceed usual full pay the half pay will be reduced accordingly. (If you do not wish to receive OAP then 33 weeks SAP will be paid)

- Then a further 21 weeks of lower rate SAP.

Teachers ONLY

- Full pay for the first 4 weeks inclusive of SAP (Statutory Adoption Pay)
- Higher rate of SAP for next 2 weeks, which is 90% of average earnings
- Followed by Occupational Adoption Pay (OAP), which is 12 weeks half pay (dependent on the employee having a minimum of one years' service with Transform Trust as at 11th weeks before DOA (date of adoption) plus lower rate SAP. However there is a requirement to return to work for 13 weeks (including periods of school closure), otherwise the 12 weeks at half pay will be recouped. If the combined half pay and SAP exceed usual full pay the half pay will be reduced accordingly.
- Then a further 21 weeks of lower rate SAP.

Entitlement – between 26 weeks and 1 years' service and over national insurance lower earnings limit

Employees (support employees and teachers) with:

- A. less than one year's continuous local government service or service with Transform Trust (Teachers) at the 11th week before the DOA ;
- B. more than 26 weeks' continuous service with Transform Trust at the 15th week before the DOA, plus
- C. earnings over the National Insurance lower earnings limit

are entitled to:

- 90% pay (i.e. higher rate SAP) for the first 6 weeks.
- Basic rate SAP for the remaining 33 weeks.

Employees (school support employees and teachers) below the NI lower earnings limit or with less than 26 weeks' continuous service with Transform Trust should contact their adoption agency for advice regarding any financial support that may be available.

It should be noted that any period of parental leave, taken following adoption leave, shall not be counted as returning to work for the purpose of the requirement to repay the monies received during adoption leave, where it is taken in one block, or a significant block. However, if an employee takes parental leave, for example, every Friday due to childcare arrangements, then this

will be viewed differently to an employee who takes a 13 week block and gives notice to end employment.

5. Changes to leave

Where, after starting adoption leave, an employee is notified that the child will not be placed, or after the child is placed, the child dies or is returned to the adoption agency, the employee will not be entitled to the full adoption leave. In these circumstances adoption leave will end eight weeks after the end of the week in which the disruption occurred.

Where the adoption leave has been cut short due to disruption of the placement, the employee should give eight weeks' notice to return to work early, although Line Managers should be as flexible as possible in such circumstances.

6. During adoption leave

All the terms and conditions of your employment remain in force during OAL and AAL, except for the terms relating to pay.

Annual Leave:

All year round support employees Annual leave entitlement will continue to accrue at the rate provided under your contract. If your adoption leave will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your adoption leave can be carried over and must be taken immediately before returning to work unless the Headteacher / line manager agrees otherwise. You should try to limit carry over to one week's holiday or less. Carry-over of more than one week is at the school/Trust's discretion.

Term time only employees on equated weeks pay: You have a statutory entitlement to 28 days (pro –rata for part time and term time only) annual leave. Your annual salary includes payment of holiday pay and is paid in 12 equal monthly instalments. During adoption leave, holiday pay will be accrued and paid monthly

Annual Leave for Teachers: You have a statutory entitlement to 28 days (pro –rata for part time) annual leave and this should be taken either before or after the adoption leave period during school closure periods. If there are insufficient school closure days before the end of the leave year for you to take your statutory leave entitlement during the leave year this will be carried over into the next leave year.

If you do not intend to return to work at the end of your adoption leave, any untaken leave will be paid on a pro rata basis at the end of your adoption leave.

Pension:

If you are a member of the pension scheme, the school / Trust will make employer pension contributions during OAL and any further period of paid adoption leave based on your normal salary, in accordance with the pension scheme rules. Any employee contributions you make will be based on the amount of any adoption pay you are receiving, unless you inform your Headteacher that you wish to make up any shortfall.

During periods of unpaid adoption leave contributions to the Local Government Pension Scheme (LGPS) or Teachers' Pension Scheme (TPS) will not be made. Further information about the opportunity to cover 'lost' pension is available from:

Nottinghamshire <https://www.nottspf.org.uk/members/existing-member/absences-buying-lost-pension/>

Derbyshire – <http://www.derbyshire.gov.uk> (facts and leaflets)

Teachers' Pensions – www.teacherspensions.co.uk (additional pension benefits)

7. Keeping in touch

Your Headteacher / line manager may make reasonable contact with you from time to time during your adoption leave although this will be kept to a minimum. This may include contacting you to discuss arrangements for your return to work.

You may work (including attending training) on up to ten "keeping-in-touch" days during your adoption leave. This is not compulsory and must be discussed and agreed with your line manager / headteacher.

You will be paid at your normal basic rate of pay for time spent working on a keeping-in-touch day and this will be inclusive of any adoption pay entitlement.

8. Returning to work

If you are taking the full 52 weeks you do not have to advise on a return to work date, you must return to work on the expected return date unless you advise otherwise.

If you wish to return to work early, you must give at least eight weeks' notice of the date in writing. You may be able to return later than the expected return date if you request annual leave or parental leave, which will be at the Headteacher / line manager's discretion.

You are normally entitled to return to work in the position you held before starting adoption leave, on the same terms of employment. Where this is not possible due to reasons of reorganisation or redundancy, employees will be treated in accordance with the appropriate procedures for redeployment and redundancy.

If you wish to return to work on a different working pattern, (including on a job share basis) you should consult the Trust Flexible Working Policy. You must give your head teacher / line manager at least 3 months' notice prior to your return date to enable your request to be considered and appropriate arrangements to be put in place.

If you decide you do not want to return to work you should give notice of resignation in accordance with your contract of employment.

