

## The Sovereign Trust

### Adoption Leave Policy: Entitlements to Leave and Pay

For all School based staff employed by the Directors of The Sovereign Trust

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## 1. Introduction

This policy has been written with full regard to employment legislation and provides all employees with the right to take adoption leave and applies where a child is placed with an employee on or after 1 April 2007.

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## 2. Scope of the Policy

This policy covers only the leave and pay rights where a child is matched and placed for adoption within the UK. The measures will also be available where a child is adopted from overseas, although the detailed operation of the scheme will differ slightly for practical reasons.

Eligible employees may take paid leave when a child is newly placed for adoption. Adoption leave and pay are available to:

- Employees who adopt a child
- One member of a couple where a couple adopt jointly (the couple must choose which partner takes adoption leave)

For the purposes of this scheme a child is defined as a person under the age of 18. Adoption leave is not available where a child is already known to the adopter e.g. where a step parent is adopting a partner's children.

## 3. Eligibility

### Who is eligible for adoption leave?

To qualify for adoption leave, you must:

- be newly matched with a child for adoption by an adoption agency

To qualify for paid adoption leave, you must:

- Fulfill the service requirements as detailed in section (6) Payment

### What is continuous local authority service?

Continuous service is service with The Sovereign Trust plus service with other local authorities and any other recognised bodies where there has not been a gap in service of a week or more (Sunday to Saturday) between employments. This date should be detailed in your written statement of particulars (if you need clarification on your date of continuous service contact the Schools' HR Team).

The length of your adoption leave and the pay you will receive is dependent on both your length of service with Trafford and the length of any continuous local authority service.

#### 4. Length of adoption leave

##### How long may I take off work if I adopt a child?

##### **(1) Employees with less than 26 weeks' service with Trafford Council**

Employees with less than 26 weeks' service with Trafford Council are entitled to 12 weeks unpaid leave of absence for the purposes of adopting a child.

##### **(2) Employees with more than 26 weeks' service with Trafford Council**

Employee's with more than 26 weeks service with Trafford council, at the end of the week they have been notified of being matched with a child for adoption, are entitled to up to 26 weeks' **ordinary adoption leave (OAL)** followed immediately by up to 26 weeks' **additional adoption leave (AAL)**; in total up to 52 weeks' leave.

**See section 11 for a quick guide to entitlements.**

#### 5. Starting adoption leave

##### When can I start my adoption leave?

You may choose to start your leave:

- from the date of the child's placement
- a pre-determined date no more than 14 days before the date the child is expected to be placed with you.

Only one period of leave is available irrespective of the number of children placed for adoption as a part of the same arrangement.

If, after starting your adoption leave you are notified that the child will not be placed, or after the child is placed and the placement ends during the adoption leave period, you are not entitled to the full adoption period. In this situation adoption leave may continue for up to 8 weeks after the end of the week in which the disruption occurred.

#### 6. Payment

**Statutory pay entitlements apply to all members of school based staff, this includes teachers.**

##### How much pay will I receive during my adoption leave?

All adopters are entitled to a maximum of up to 3 days leave of absence with full pay to be taken as necessary (subject to consultation with the Headteacher) to attend meetings with the adoption agency or to deal with legal and technical formalities which may involve court appearances.

Where both members of a couple are employed by Trafford Council, they will both be entitled to this paid time.

### **Statutory Adoption Pay – where an employee has more than 26 weeks' service with Trafford council.**

To qualify for paid ordinary adoption leave (i.e. statutory adoption pay SAP) you must have 26 weeks' service with Trafford Council **and** have average weekly earnings above the minimum earnings level as defined by the Department of Work and Pensions. You will receive:

#### **Weeks 1 – 6**

Statutory adoption pay i.e. 90% of your gross average earnings for the first 6 weeks.

Tax and National Insurance need to be deducted.

#### **Weeks 7 – 40**

Statutory adoption pay is £140.98 a week or 90% of your gross average weekly earnings (whichever is lower) for the next 33 weeks

Tax and National Insurance need to be deducted.

#### **Weeks 41 - 52**

Unpaid

You are under no obligation to return to work following adoption leave and won't be required to reimburse statutory adoption pay.

**and/or**

### **Occupational Adoption Pay – where an employee has more than 26 weeks' service with The Sovereign Trust plus one year's continuous local authority service**

If you have more than one years' continuous local authority service, at the end of the week you have been notified of being matched with a child for adoption, and meet the criteria for statutory adoption pay you will be entitled to statutory adoption pay plus occupational adoption pay which is half your normal weekly earnings for a period of 12 weeks. This is generally paid during weeks 1-12; however arrangements can be made for it to be spread over the 39 week period of paid leave if this is preferred:

#### **Weeks 1 – 12**

Statutory adoption pay, i.e. 90% of gross average earnings or the standard SAP rate, whichever is the lower PLUS half pay (NB the total must not be more than normal pay)

#### **Weeks 13 - 39**

Statutory Adoption pay, i.e. 90% of gross average earnings or the standard SAP rate whichever is the lower

## **Weeks 40 – 52**

### **Unpaid**

If you do not meet the criteria for statutory adoption pay, providing you have more than one year's continuous local authority service you are entitled to occupational adoption pay.

If you do not continue to work for the authority for 3 months after your return from adoption leave the difference between statutory adoption pay and occupational adoption pay will have to be repaid to the authority.

If you are undecided about whether you will return to work following adoption leave it is possible for the half pay element of the occupational adoption pay to be withheld until you return to work.

### ***Effect of Childcare Benefit Scheme on Calculation of SAP / OAP***

*The Council's Childcare Benefit scheme is a salary sacrifice scheme whereby an employee's gross salary is reduced by up to £55 per week, and in return the Council agrees to pay an element of childcare costs directly to an approved childcare provider. Further information on the Childcare Benefit scheme is available on the Intranet and from our provider, Bentley Jennison on 0870 855 4956.*

*If you are part of the scheme, and based on your personal circumstances you are considering whether or not to continue in the scheme during your adoption leave, you should be aware that the timing of your opt-out from the scheme may affect the levels of SAP and OAP you are entitled to receive. This is because SAP is worked out based on the average of your earnings during the 8 week period prior to the Saturday of the week in which the matching takes place, whereas OAP is based on your salary immediately prior to the commencement of your adoption leave.*

*Therefore if your salary during the above reference periods is subject to a reduction due to the Childcare Benefit scheme, this will be reflected in either the SAP or OAP that you actually receive (or both if it is not cancelled prior to you going on adoption leave). If you are not currently in the scheme 8 weeks before your Matching date, you cannot then join the scheme until you return from Adoption Leave.*

*Further information is available from the Payroll section.*

## **7. Notice of intention to take adoption leave**

### **How much notice of my adoption leave do I need to give you?**

You must inform your Head of School and The Schools' HR Team of your intention to take adoption leave within 7 days of being notified by the adoption agency that you have been matched with a child for adoption, unless this isn't reasonably practicable.

You will need to tell them, in writing:

- when the child is expected to be placed with you, and,
- when you would like your adoption leave to start

You may change your mind about the date on which you would like your leave to start providing you do this 28 days in advance (where practicable).

You must provide documentary evidence from the Adoption Agency which includes basic information on matching and expected placement dates, in order to qualify for adoption leave.

## 8. Contractual benefits

### How does adoption leave affect my other benefits?

All contractual benefits, except for pay and remuneration, remain in place during adoption leave, for example,

- Annual leave – Your holiday entitlement will accrue as normal during OAL and AAL. Your Adoption Leave may span two annual leave years. If this is the case and you are not able to take your annual leave before the end of your annual leave year you will be able to carry forward any outstanding days.
- Bank Holidays and Public Holidays – you are entitled to additional days off in lieu of public and bank holidays which fall during adoption leave
- Please note that if you work a non-standard working pattern such as term time working, annual leave and bank holiday arrangements are likely to be different. In these scenarios please speak to the HR Manager.
- Car loans (where applicable) – you must continue to make repayments during both paid and unpaid adoption leave
- Essential car user allowance (where applicable) – you will continue to receive your full allowance, throughout your adoption leave.
- Lease Car (where applicable) – you are entitled to keep your lease car and receive subsidy payments during adoption leave. You must continue to pay your contribution towards the cost of your lease car throughout your adoption leave.
- Pension – The pensions section will contact you directly about pension arrangements during adoption leave.

## 9. Returning to work

### Do I need to inform you when I intend to return to work?

If you intend to return to work at the end of full adoption leave (i.e. 52 weeks) or 12 weeks unpaid adoption leave you do not have to give further notification, however, in order to facilitate administrative processes it would be helpful if you could do this. If you want to return before the end of your adoption leave period you must give your Headteacher and the Schools' HR Team 21 days notice of the date on which you intend to return, where possible.

### What happens if I need to amend my return to work date?

Once you have notified your Head of School, if you wish to either postpone it, or bring it forward, you must give them 21 days notice of your intention, where possible.

## 10. Working during your adoption leave

### Can I work during my adoption leave?

You may work for up to 10 days' during your adoption leave (these days are known as 'keeping in touch' days) without bringing your adoption leave to an end or losing any SAP. Working for part of a day will count as one day.

Working these days must be by agreement with your Head of School you are not required to work, nor is there any requirement for the School to provide work.

If you would like to undertake these 'keeping in touch' days and your Head of School is in agreement, you will need to agree what you will actually do on these days. Work can include training, attending meetings or any activity carried out for the purposes of keeping in touch with the School.

Your adoption leave will not be extended if you undertake a 'keeping in touch day'.

You will continue to receive SAP for the week in which you work. In addition, you will be paid your normal contractual hourly rate of pay for any work undertaken. SAP for the day will not be offset against any pay due.

Head of School must keep a record of days worked and inform the Director of Operations who will ensure appropriate payment is made.



## Reasonable Contact

The School may make reasonable contact with you during your adoption leave period and you may contact your Head of School during adoption leave without this bringing your adoption leave to an end. This contact is not classed as 'work' and doesn't count towards the 10 'keeping in touch' days.

This contact may be to discuss issues, such as, your planned return to work date.

Additionally the School must keep you informed of promotion opportunities, job vacancies, significant workplace developments and training opportunities, together with any information relating to your job which you would normally be made aware of if you were working.

What is classed as 'reasonable' contact will vary according to individual circumstances and preferences and you may wish to agree with your Head of School prior to your adoption leave, the type of and degree of contact you wish to have.

## 11. A quick guide to your entitlements

**Statutory pay entitlements apply to all members of school based staff, this includes teachers.**

**How much time am I entitled to take and what will I get paid at a glance?**

Circumstances	Entitlement
I have less than 26 weeks service with The Sovereign Trust and no continuous local authority service	You are entitled to 12 weeks unpaid adoption leave
I have more than 26 weeks service with The Sovereign Trust but less than 1 years continuous local authority service	You are entitled to 39 weeks adoption leave with statutory adoption pay (SAP), followed by 13 weeks unpaid leave
I have more than 26 weeks service with The Sovereign Trust and more than 1 years continuous local authority service	You are entitled to 39 weeks adoption leave with statutory adoption pay (SAP) plus 12 weeks occupational adoption pay (OAP), followed by 13 weeks unpaid leave

I have less than 26 weeks service with The Sovereign Trust but more than 1 years continuous local authority service	You are entitled to 12 weeks adoption leave with 12 weeks occupational adoption pay (OAP)

**Please see the relevant section for full explanations and further details**

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