

Bishop Vaughan Catholic School

Adoption Leave Policy

Adoption Leave Policy



Bishop Vaughan Catholic School follows the LA's policy on Adoption Leave. It is reproduced here in full.

\*\*\*\*

Copies of this policy are available on our website, in policy folders on the school network and can be made available on request.

# ADOPTION LEAVE POLICY

# ADOPTION LEAVE POLICY

## CONTENTS

<b>CONTENTS</b>		
	<b>POLICY</b>	<b>Page</b>
1.	Policy Statement	3
2.	Scope	3
3.	Definition of Adoption Leave	3
4	UK and Overseas Adoptions Information	3-5
5.	Statutory Adoption Pay, (SAP) for All Staff	5-7
6.	Local Government Pension Scheme, (LGPS), for All Staff and Teaching Staff	8
<b>APPLICATION PROCEDURE</b>		
7.	Statutory Annual Leave, (SAL)	8-9
8.	Time-Off to Attend Appointments	9
9.	If the Adoption Placement is Terminated	10
10.	Rights to Return to Work After Adoption Leave	10-11
11.	Useful Line Manager / Headteacher Information	11
12.	Swansea Family Information Service, (FIS)	12
<b>APPENDIX</b>		
13.	Adoption Declaration Form: AL1 Form – Application Form for Adoption Leave and Pay for Teachers	
14.	Adoption Provision Form – For all Non-Teachers and Central Staff	

# ADOPTION LEAVE POLICY

## 1.0 POLICY STATEMENT

- 1.1 The purpose of this Adoption Leave policy is to inform employees who are wishing to adopt, or who are in the process of, adopting a child, of their statutory adoption rights and entitlements. This is to support them to make informed choices that promote equality of opportunity and to help to retain the skills and knowledge of our workforce, which is the Council's most important asset.
- 1.2 In this policy, an employee's rights during Adoption Leave and the rights to return to work mirror the provisions in relation to Maternity Leave.
- 1.3 This policy also affords surrogate parents the same rights as adoptive parents. All provisions in this policy should be read as applying to parents receiving a child through surrogacy arrangements.

## 2.0 SCOPE

- 2.1 This policy applies to all employees, including those employed in educational establishments.

## 3.0 DEFINITION OF ADOPTION LEAVE

- 3.1 Adoption Leave consists of Ordinary Adoption Leave, (OAL), and Additional Adoption Leave, (AAL).
- 3.2 Each period of leave last for 26 weeks, and there should be no gap between the two.
- 3.3 An employee is entitled to take 52 weeks' Statutory Adoption Leave, (SAL), when they adopt a child. The qualifying criteria for Statutory Adoption Pay is outlined in **Section 5**.
- 3.4 An employee may choose to take less than 52 weeks' Statutory Adoption Leave.
- 3.5 An employee's contract of employment continues through both OAL and AAL, unless the Council, School, or the employee expressly ends it, or it expires.

## 4.0 UK AND OVERSEAS ADOPTIONS

- 4.1 When an employee chooses to start their Statutory Adoption Leave, (SAL), depends on whether they are adopting a child in the UK or from overseas.

**The criteria differ for UK and Overseas Adoptions.**

# ADOPTION LEAVE POLICY

## 4.2 UK ADOPTIONS:

An employee qualifies for Statutory Adoption Leave, (SAL), when they adopt a child in the UK if the employee has:

- Been matched with a child to be placed with them by a UK Adoption Agency, and
- Notified the Agency that they agree that the child should be placed with them, and that they have agreed the date of placement.

## 4.3 When UK Adoption Leave Can Begin:

Adoption Leave can start up to **14 days** before the child starts living with the employee.

An employee must tell their employer within **7 days**:

- How much leave they want.
- Their leave start date, and
- The 'date of placement', i.e., the date the child is placed with them.

## 4.4 When Statutory Adoption Leave and Statutory Adoption Pay Can Begin:

An employee can choose to begin their **Statutory Adoption Leave, (SAL)**, and **Statutory Adoption Pay, (SAP)**, on either:

- The date on which the child is placed with them for adoption, or
- A pre-determined date, no earlier than **14 days** before the expected date of placement, and no later than the expected date of placement.
- If an employee chooses to start their leave on the day the child is placed with them, and they are at work that day, the SAL and SAP can start on the next day, which can be any day of the week.
- If the date of placement changes before the employee begins their SAL, they should discuss this with their Line Manager / Headteacher and give appropriate notice to change the start date.
- If the employer decides the employee is not eligible for SAP, they must give the employee form SAP1 within 7 days of making their decision, explaining the reasons why.

## 4.5 OVERSEAS ADOPTIONS:

An employee qualifies for 52 weeks' Statutory Adoption Leave, (SAL), when they adopt a child from overseas if they have:

- Received **official notification** from the relevant UK authority of their eligibility to adopt a child from abroad.
- Given the Council correct notification; and
- Is the person who will adopt, or has adopted the child; or, where the child will be, or

# ADOPTION LEAVE POLICY

has been, adopted by two people jointly, whichever of the joint adopters has chosen to take Statutory Adoption Leave in respect of the child.

## 4.6 When Overseas Adoption Can Begin:

Adoption Leave can start **when the child arrives in the UK** or within **28 days** of this date:

- Employees may choose to start their SAL from either the date the child enters the UK, or a fixed date, as notified to the employer, no later than **28 days** following the date the child enters the UK.
- The leave can start on any day of the week.
- SAL cannot be used to cover the period employees spend travelling overseas to arrange the adoption or visit the child.

## 4.7 Official Notification:

- This is written notification issued by, or on behalf of, the relevant domestic authority, stating that the authority is either prepared to issue a certificate, to the overseas authority dealing with the adoption of the child, or has issued a certificate and sent it to that authority.
- The certificate confirms that the Adopter has been approved by them as being a suitable adoptive parent to adopt a child from overseas.
- The Council / School may request documentary evidence of the match issued by the Adoption Agency and proof of the employee's eligibility for Statutory Adoption Leave. This may be provided in a standard form document that accompanies the Regulations.
- **Teachers should complete the 'Adoption Declaration Form'** (AL1 Form), included as Appendix 1 to this policy.
- **Non-Teachers and Central Staff should complete the 'Adoption Provisions Form'**, (included as Appendix 2 to this policy).
- These forms ask the employee when they wish to take receipt of payment of the 12 weeks half pay, if eligible.

## 4.8 SURROGACY ARRANGEMENTS:

For surrogacy arrangements, Adoption Leave can begin the day the child is born, or the day after.

# ADOPTION LEAVE POLICY

## 5.0 STATUTORY ADOPTION PAY FOR ALL STAFF

### 5.1 Statutory Adoption Pay for All Staff, Excluding Teachers:

Statutory Adoption Pay, (SAP), is as the same rate for Statutory Maternity Pay, so entitlement will be dependent upon the employee's service, as outlined in the table in 5.2.

### 5.2 Table Showing Employees' SAP Entitlement, Based on Length of Service:

SERVICE	ENTITLEMENT
26 weeks or more at the date they are notified of having been matched with the child but <b>LESS</b> than 12 months' service.	<p><b>Weeks 1 to 6</b> – 9/10<sup>ths</sup> of a week's pay.</p> <p><b>Weeks 7 to 39</b> – Statutory Adoption Pay only.</p> <p><b>Weeks 40 to 52</b> –Unpaid Additional Adoption Leave.</p>
26 weeks or more at the date they are notified of having been matched with the child and <b>MORE</b> than 12 months' service.	<p><b>Weeks 1 to 6</b> – 9/10ths of a week's pay.</p> <p><b>Weeks 7 to 18</b> - 12 weeks Occupational Half Pay, plus Statutory Adoption Pay.</p> <p>The 12 weeks half pay may be spread over any other mutually agreed distribution, e.g., 3/10 of pay for 33 weeks.</p> <p>The Workforce Team will need to be advised accordingly.</p> <p><b>Weeks 19 to 39</b> – Statutory Adoption Pay only.</p> <p><b>Weeks 40 to 52</b> –Unpaid Additional Adoption Leave.</p>

5.3 Statutory Adoption Pay, (SAP), is as the same rate for Statutory Maternity Pay, so entitlement will be dependent upon the employee's service, as outlined in the table in 5.2.

# ADOPTION LEAVE POLICY

## 5.4 Statutory Adoption Pay for Teachers:

Statutory Adoption Pay, (SAP), is at the same rate as Statutory Maternity Pay, so entitlement will be dependent upon the employee's service, as outlined in the table in 5.5.

## 5.5 Table Showing teachers' SAP Entitlement, Based on Length of Service:

Service	Entitlement
Payments for teachers who have less than 1 years' continuous service as a teacher with one or more LEAs at the beginning of the 11th week before the EWC	<p><b>Weeks – 1 to 39</b> -Statutory Adoption Pay (SAP) only.</p> <p><b>Weeks 40 to 52</b> – Unpaid Additional Adoption Leave.</p>
Payment of salary to a teacher who has completed not less than 1 year's continuous service as a teacher with one or more LEAs at the beginning of the 11th week before the EWC.	<p><b>Week 1 to 4</b> - Full pay, offset against payments made by way of SAP or any other benefits payable by DWP for employees not eligible for SAP.</p> <p><b>Week 5 to 6</b> - 9/10ths of a week's salary, offset against payments made by way of SAP or any other benefits payable by DWP for employees not eligible for SAP.</p> <p><b>Week 7 to 18</b> - Half pay without deductions except by the extent to which the combined pay and SAP or any other benefits payable by DWP for employees not eligible for SAP.</p> <p><b>Weeks 19 to 39</b> - Payment of SAP if appropriate.</p> <p><b>Week 40 to 52</b> - No pay for any remaining period of absence up to the date of return.</p>

## 5.6 Calculation of Statutory Adoption Pay, (SAP):

Employees have the option to spread their SAP, but this must be at the employee's instruction over how long a period, and no individual calculations will be provided.

## 5.7 Complete the Adoption Declaration Form, (AL1 Form, included as Appendix 1 to this policy):

- This form asks you when you wish to take receipt of the 12 weeks' half pay, (if eligible).
- Please note that these payments are made on the understanding that you will physically return to work for a period of at least 13 weeks following Adoption Leave.
- If you don't return to work within this period, you will be required to refund the 12 weeks' half pay.

## 6.0 PENSIONS

# ADOPTION LEAVE POLICY

## 6.1 Local Government Pension Scheme for All Staff, excluding Teachers:

- Employees will be required to pay pension contributions on any paid Statutory Adoption Leave, (SAL). The contributions will be based on the actual pay received, but length of service will count in full for pension purposes.
- For pension purposes, any period of unpaid Adoption Leave will be classed as a period of 'authorised unpaid leave of absence'. Therefore, pension contributions will not automatically be paid.
- Employees can elect to buy these pension contributions back, and, if the employee chooses to cover the period of absence for pension purposes, this will be by paying an age-related Additional Pension Contribution, (APC), to cover the amount of pension 'lost' during the period of authorised, unpaid leave of absence.
- If the employee elects to pay APCs to cover the lost pension, the Council will be liable to pay **two-thirds of the costs** if the election is made **within 30 days** of the application being approved.
- If the employee elects to cover the period of absence for pension purposes **after 30 days** of the application being approved, **the Council is not obliged to pay employer pension contributions costs, and the employee will be liable for the full amount.**
- The employee will receive a letter confirming the amount that would have to be paid, and an Election Form to complete.

## 6.2 Teachers Pensions for Teaching Staff:

Teaching staff should seek advice from Teachers Pensions on how adoption leave will affect their pension contributions at:

[Teachers' Pensions \(teacherspensions.co.uk\)](http://teacherspensions.co.uk)

## 7.0 STATUTORY ADOPTION LEAVE, (SAL)

### 7.1 Duration of Statutory Adoption Leave:

- An employee may decide to take less than 52 weeks' Statutory Adoption Leave.
- For employees receiving a child through surrogacy arrangements, SAL can commence the day of the birth or the day after. Employees must inform the Council / School 15 weeks before the child is due, that they intend to take Adoption Leave.

# ADOPTION LEAVE POLICY

## 7.2 Accrual of Annual Leave During SAL for All Staff Excluding Teaching Staff:

During the period of Statutory Adoption Leave, an employee continues to accrue Annual Leave and is entitled to Time Off In Lieu, (TOIL), for any bank holiday and extra statutory holidays that falls within the period of paid Adoption Leave.

## 7.3 Circumstances Where SAL is Not Entitled:

- Private adoptions ('non-agency' adoptions, where existing relatives adopt the child, or where the child has lived with the proposed applicants).
- Adopting a stepchild or family member.
- To special guardians or Kinship Carers, and
- Where a couple are adopting jointly, and one of them is already receiving SAL. They cannot both take SAL or Statutory Paternity Leave.

## 7.4 When SAL Can Be Taken Early:

SAL can be taken early, but the following procedures must be followed:

- Employees must inform their Line Manager / Headteacher in writing of the **date** they wish it to start, and the **length of time** they wish to take.
- This must be submitted no more than **7 days** after the employee has been notified that they have been matched with a child.
- The employee can change their intended start date if they notify their Line Manager / Headteacher of the new start date. They must do this by whichever is the earlier of these two options:
  - **28 days** before their **original** SAL start date.
  - **28 days** before their **new** SAL start date.
- The request must be made in writing and the **Adoption Declaration Form** completed. This is included as Appendix 1.
- The form asks the employee when they wish to take receipt of payment for the 12 weeks half pay, (if eligible).
- These payments are made on the understanding that the employee will physically return to work for a period of at least 13 weeks following Adoption Leave.
- If the employee doesn't return to work in this time-period, they will be expected to refund the 12 weeks' half pay.

# ADOPTION LEAVE POLICY

## 8.0 TIME-OFF TO ATTEND ADOPTION APPOINTMENTS

8.1 If the employee is a prospective Adopter, who has been notified that an adoptive child may be placed with them, they are entitled to:

- As the Main Adopter, **paid time off for up to 5 appointments.**
- Co-Adopter / Intended Parents (Surrogacy), **unpaid time-off for up to 2 appointments.**

8.2 The employee must take all the appointments before the child is placed, and there is no additional entitlement for more than one child.

## 9.0 IF THE ADOPTION PLACEMENT IS TERMINATED

9.1 If the child's placement is terminated during Adoption Leave, unless the Adoption Leave is due to end earlier, it will terminate **8 weeks** after the end of the week that the employee is notified that the adoption will not take place, due to the child's death, or the child being returned.

## 10.0 RIGHTSTO RETURN TO WORK AFTER ADOPTION LEAVE

10.1 Employees are entitled to return to the role they had before they took leave.

10.2 If this is not practical, they will be found another role which is suitable and appropriate for them to do in the circumstances.

10.3 Employees must give **8 weeks' notice** of their intention to return, unless they intend to take the full 52 weeks of Ordinary and Additional Leave, which requires no notice.

10.4 If the employee does not wish to return to work, notice must be given in line with their contractual provisions, and they will need to repay their 12 weeks' half pay.

10.5 As long as the employee specifies the date they wish to terminate their employment contract, e.g., the date they were due back at work after SAL, their leave will continue.

10.6 If the employee terminates their contract before the end of their Statutory Adoption Pay, (SAP), period, they will continue to be paid, provided they have not started work for another employer.

10.7 They will not be required to repay any SAP they have received.

### 10.8 Returning to Work EARLIER than the Planned Date:

- Employees must give at least **8 weeks' notice.**
- If the employee does not give sufficient notice, the Council / School is entitled to postpone their return date.
- The Council / School will write to the employee before the end of the Ordinary

# ADOPTION LEAVE POLICY

Adoption Leave period, requesting notification in writing, of whether:

- They will be taking Additional Adoption Leave, and, if so,
  - Whether it is their intention to return to work at the end of it.
- The employee must respond to this request within **21 days** of receiving the letter.
  - The letter from the Council / School will also explain how the employee may determine the date on which the Additional Adoption Leave will end. This is dealt with by the Workforce Team.

## 10.9 Returning to Work LATER than the Planned Date:

The employee should provide notice of their new return date **at least 8 weeks before** their original planned return date.

## 10.10 Returning to Work after Sickness Absence:

- Periods of sickness absence will not count towards the 13-week period staff members are required to return to work to retain the half pay entitlement.
- If an employee terminates employment and they have not physically returned to work for 13 weeks required, part of the half pay will need to be paid on a pro rata basis.
- School closure periods will count towards the 13 weeks, but sickness absence will not. For example, if an employee returns to work for 8 weeks of the required 13 weeks period, 8/13ths of the half pay is retained and 5/13ths of the amount paid is repayable.
- If an employee is made redundant half pay will not need to be repaid.

## 11.0 USEFUL LINE MANAGER / HEADTEACHER INFORMATION

### 11.1 What contact can I have with my employee during Statutory Adoption Leave, (SAL)?

- You may make reasonable contact with the employee during SAL.
- The employee may come to work for up to **10 days** as a means of **Keeping In Touch**, (known as '**KIT**' days), with workforce developments.
- Even if you work one hour of a KIT day, it counts as one KIT day. Therefore, irrespective of hours worked, it will count as a full day off the entitlement.
- KIT days are paid.

### 11.2 How do I give my employee confirmation of the end date of their SAL?

- After you receive notification that an employee wishes to take SAL, contact the Workforce Transactional Team, who will then give the employee the date on which their SAL will end.
- This may be up to 52 weeks from the intended start of their SAL.
- This information must be given to the employee within 28 days of the date the

## ADOPTION LEAVE POLICY

notification is received.

- If the employee has since changed the date their leave will start, they must be notified of the end date within 28 days of the start of their leave.

# ADOPTION LEAVE POLICY

## 12.0 SWANSEA FAMILY INFORMATION SERVICE, (FIS)

12.1 The Swansea Family Information Service (FIS), offers free, impartial advice on a range of children’s, childcare, and family support issues; and, where possible, provides a signposting service.

12.2 For more information, please visit their website:

[www.swansea.gov.uk/fis](http://www.swansea.gov.uk/fis)

For general enquiries, email: [fis@swansea.gov.uk](mailto:fis@swansea.gov.uk)

Telephone: 01792 517222

## POLICY MONITORING

The Council will monitor the application of this policy and has discretion to review it at any time through the appropriate consultation mechanisms.

Responsibility for the implementation, monitoring and development of this policy lies with the Head of Human Resources and Service Centre. Day to day operation of the policy is the responsibility of nominated officers who will ensure that this policy is adhered to.

Version Number	Details of Change	Date
4.0	Review of updated legislative requirements	12 <sup>th</sup> March 2024



### **Your Privacy**

Swansea Council is the data controller for the personal information you provide here. We will use the information we collect from this form, and from the supporting evidence you provide, to process your application for employment. Should you be successful in your application, we will also use this information to fulfil certain legal obligations and administer any service or benefit that we are responsible for as part of your employment e.g. Statistical Information and Reporting.

We may check information provided by you, or other information about you provided by a third party, against other information we hold. We may also contact third parties to verify the accuracy of the information. For example, we may contact your previous employer with specific questions about your employment with them. We will only do this to prevent or detect fraud, as we are permitted to do by law.

Data protection law describes the legal basis for our processing of your data as one based on the pursuit of our legitimate interests. For further information about how Swansea Council uses your personal data, including your rights as a data subject, please see our corporate privacy statement at <https://www.swansea.gov.uk/privacynotice> on our website.



**ADOPTION LEAVE**

*The following declaration is to be signed by all employees prior to commencement of Adoption Leave*

**FOR COMPLETION BY THE EMPLOYEE**

Name: .....  
Post Title: .....  
Department: .....  
Section: .....  
Pay No: .....  
Post No: .....  
Please supply an email address: .....

**I wish my Adoption Leave to commence on .....**

- I wish to receive my 12 weeks’ half pay whilst on Adoption Leave\*
- I wish to receive my 12 weeks’ half pay on my return to work\*
- I do not wish to receive 12 weeks’ half pay as I intend to take a Career Break\*
- I do not wish to receive 12 weeks’ half pay as I intend to leave the Authority\*
- I wish to receive my 12 weeks half pay spread over a mutually agreed period of ..... weeks (maximum of 33 weeks)\*

*\*Delete as applicable*

**TO QUALIFY FOR THE AUTHORITY’S OWN ADOPTION BENEFITS,  
I UNDERSTAND THAT**

- (a) I must physically return to work after Adoption Leave for a period of 13 weeks
- (b) Should I not return to work, I agree to repay the Authority the 12 weeks’ half pay received.

*I hereby declare that I have read and understand the Maternity/Dependent Leave Policy and the eligibility criteria of Swansea Council and that I understand the conditions set out therein relating to the operation of the Adoption Leave/Pay.*

Signed: ..... Date: .....  
(Employee)

Signed: ..... Date: .....

*(Workforce - ARC Officer)*



## **Your Privacy**

Swansea Council is the data controller for the personal information you provide here.

We will use the information we collect from this form, and from the supporting evidence you provide, to process your application for employment. Should you be successful in your application, we will also use this information to fulfil certain legal obligations and administer any service or benefit that we are responsible for as part of your employment eg Statistical Information and Reporting.

We may check information provided by you, or other information about you provided by a third party, against other information we hold. We may also contact third parties to verify the accuracy of the information. For example, we may contact your previous employer with specific questions about your employment with them. We will only do this to prevent or detect fraud, as we are permitted to do by law.

Data protection law describes the legal basis for our processing of your data as one based on the pursuit of our legitimate interests. For further information about how Swansea Council uses your personal data, including your rights as a data subject, please see our corporate privacy statement at <https://www.swansea.gov.uk/privacynotice> on our website.