



# The Bishop Konstant Catholic Academy Trust

Learning Communities, Inspired by Faith

## Trust Adoption Policy & Procedure 2023/2024



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<b>POLICY DOCUMENT</b>	Trust Adoption Policy & Procedure
<b>Legislation/Category: Academy Schools</b>	<b>Legally Required</b>
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## Mission Statement

*All policies are written in line with our Trust Mission statement:*

With Jesus Christ at the centre of the life of the Trust, we seek to provide learning communities offering the highest possible standards of education. We are committed to working in partnership and trust for the common good. We strive to encourage and empower children and young people to recognise and realise their God-given potential and to discern their vocation in life. As learning communities inspired by faith, we celebrate achievement, offering each other challenge and support, as together we follow Christ in self-giving love and service.

## Change Control

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Changes</b>
1.2	June 2023	Trust HR Officer	Updated with and checked for any legislative changes 2023
1.1			
1.0			

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## 1. Introduction

This document provides information and guidance to managers and employees with regard to the Academy Trust's Adoption Policy & Procedure.

## 2. Scope

This Policy & Procedure applies to all Bishop Konstant Catholic Academy Trust employees, including teachers and others working in our academy schools under the direction of a Governing Body.

Employees that have transferred to the Trust in accordance with TUPE will be subject to the statutory provisions reflected within this Policy & Procedure; however, if they have retained on transfer, terms and conditions relating to an entitlement to Adoption Leave and Pay which differ to those contained within this Policy & Procedure, then those terms and conditions will continue to apply until any agreement is reached with those employees to adopt this Policy & Procedure.

Agency workers with continuous service of 12 weeks or more are entitled to the provisions for Antenatal Appointments as set out in section 4.

## 3. Data Protection

The Trust processes personal information/data collected in the application of this Adoption Policy & Procedure in accordance with its legal obligations set out in the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) which are confirmed within the Trust's Data Protection Policy.

Information/data specifically obtained to address issues raised under this Adoption Policy & Procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of addressing these issues. Inappropriate access or disclosure of an employee's personal information/data constitutes a data breach and should be reported in accordance with the Trust's Data Protection Policy immediately. It may also constitute a matter which will be considered in accordance with the Trust's Disciplinary Policy.

## Responsibilities

### Line Managers

- Must approve requests for adoption appointments in accordance with the employee's eligibility;
- Must bring this Policy & Procedure to the attention of employees, when aware that they are considering adoption;
- Must maintain appropriate and agreed contact with the employee during Adoption Leave;

- Must update the time and attendance system to correctly record time off for Adoption appointments;
- Must ensure that adoption and variation forms are submitted to their Designated Adoption Leave Contact (DALC) in accordance with payroll deadlines to effect the start and end of Adoption leave;
- Must ensure that DALC are notified of changes in circumstances (for example if the employee's Adoption Leave start date has changed); and
- Must authorise payment for any Keeping In Touch ("KIT") days (up to a maximum of 10) agreed with the employee as and when they are worked during Adoption Leave in accordance with section 7.

### Employees

- Should, if they are adopting jointly, consider with their partner at the earliest possible stage which of them is to be the Primary Adopter to take advantage of Adoption Leave and paid Adoption Appointments and which is to be the Secondary Adopter and take Paternity Leave and unpaid Adoption Appointments;
- Must provide the proof of the adoption (or a statement in relation to surrogacy arrangements) in order to be eligible for Adoption Pay;
- Must comply with the notice requirements detailed in sections 6 and 8 of this Policy & Procedure;
- May agree with their manager to work up to 10 KIT days during their Adoption Leave
- Should seek advice from DALC if they have any queries about this Policy & Procedure

## 4. Adoption Appointments

An employee (or agency worker with at least 12 weeks continuous service) who has been notified by a UK Adoption Agency that a child is to be placed for adoption with them, and who is either a Sole Adopter or, if adopting jointly, has elected or will be electing to be the Primary Adopter for the purpose of taking Adoption Leave, may have **paid** time off to attend up to five Adoption Appointments. An employee who opts to take **paid** time off for Adoption Appointments cannot subsequently take paternity or nominated carer leave.

If adopting jointly, the joint adopter who will not be taking paid Adoption Leave (the Secondary Adopter), may have **unpaid** time off work to attend up to two Adoption Appointments.

Employees should provide as much notice as possible of appointment times and, where able, make their appointments near the start or end of the day or such other times to minimise disruption to service delivery.

Appointments must be supported by documentation confirming the appointment date and time and that they have been arranged by or at the request of the Adoption Agency.

DALC must record absences for Adoption Appointments appropriately onto the HR/Payroll system. It is important that the manager selects the appropriate option for this according to the circumstances of the adopter - either paid or unpaid leave as described above.

The maximum time off work permitted in respect of each Adoption Appointment is 6.5 hours.

## 5. Entitlements to Adoption Leave and Pay

The table in Appendix 1 summarises the key features of Adoption Leave and different elements of Adoption Pay.

### Adoption Leave

Employees who are Sole Adopters or adopt jointly and elect to be the Primary Adopter, irrespective of their length of service, have the statutory right to take up to 52 weeks Adoption Leave (26 weeks Ordinary Adoption Leave ("OAL") followed immediately by 26 weeks Additional Adoption Leave ("AAL").

Employees will not qualify for Adoption Leave or Pay when:

- becoming a special guardian or kinship carer
- adopting a family member or stepchild
- adopting privately, for example without permission from a UK Adoption Agency

There are various different circumstances under which an employee may wish to take Adoption Leave. For each of the circumstances below, to be able to take Adoption Leave, the employee must complete the adoption form and provide information as follows:

Adoption Leave can start:

- on the date the child starts living with the employee or up to 14 days before the expected placement date (UK adoptions)
- when the child arrives in Great Britain or within 28 days of this date (overseas adoptions)
- the day the child is born or, if the employee was at work on that day, the day after (for Primary Parental Order Parent in a surrogacy arrangement)

The employee may change the date they wish to commence Adoption Leave by giving 28 days' written notice.

It is up to the employee to determine how much of their 52 week entitlement of Adoption Leave to take and also when they intend to start their Adoption Leave, subject to the rules below.

It is recommended that employees discuss with their manager how to make best use of Annual Leave when determining their Adoption Leave dates. For example, some employees choose to extend the paid period of leave by using Annual Leave immediately before or following Adoption Leave.

## Notification Requirements

For adoptions through a UK Adoption Agency (or where child is matched, under section 22C of the Children Act 1989, with a foster parent who is also an approved prospective adopter, with a view to adoption – see Section 9 below):

within 7 days of being matched with a child (or as soon as reasonably practicable) an employee must:

- notify their manager in writing of:
- how much Adoption Leave they want to take;
- their Adoption Leave start date;
- the date of placement (the expected or actual date the child is placed with them); and
- provide proof of the placement – such as a copy of the letter from the UK Adoption Agency confirming the match with the child and expected placement date.

After the child has been placed, the employee must provide, in writing as soon as reasonably practicable, the date of the placement.

**In surrogacy arrangements**, where a couple have applied for, or are intending to apply for, a Parental Order for a baby that will be born of a surrogate mother, the intended parents may determine which one of them will be the Primary Parental Order Parent to take Adoption Leave (the other, Secondary, Parental Order Parent may be eligible for Paternity Leave): **at least 15 weeks before the baby is due, the Primary Parental Order Parent must:**

notify their manager in writing of:

- the baby's due date;
- when they want to start their Adoption Leave; and
- provide a statutory declaration that they have applied, or intend to apply, for a Parental Order in the 6 months after the baby's birth. After the baby has been born, the employee must provide in writing, as soon as reasonably practicable, the child's date of birth.

**For an overseas adoption the employee must complete Form SC6 available from the [www.gov.uk](http://www.gov.uk) website and must:**

notify their DALC in writing of:

- the date of their official notification<sup>3</sup> and the date the child is expected to arrive in the UK (within 28 days of getting the notification)
- the date they want to start their Adoption Leave and how much Adoption Leave they want to take (giving 28 days' notice of the start date);
- the actual date the child enters Great Britain (within 28 days of this date); and



provide a copy of their official notification, together with your signed Declaration Form SC6.

DALC will, within 28 days of receiving the adoption form from the employee's manager, confirm to the employee the start and end dates of their Adoption Leave.

The DALC must submit the adoption form to DALC giving the Adoption Leave start date in time for the payroll deadline for the month in which the Adoption Leave starts. Failure to submit this information in a timely manner may result in incorrect payments being made to the employee. In circumstances such as late notification of placement, where it is not possible to give advance notification of the Adoption Leave start date, DALC must inform payroll as soon as possible.

DALC will enter the Adoption Leave onto the time and attendance System.

## Adoption Pay

The tables in Appendices 2 and 3 show different scenarios for Adoption Pay depending on contract type and length of service.

Adoption Pay will be paid for up to 39 weeks of the 52 week Adoption Period, provided the employee meets the qualification criteria for length of service and weekly earnings. Two different payments may be made by the Academy Trust, depending on the type of Adoption Leave (OAL or AAL):

- Statutory Adoption Pay ("SAP")
- Occupational Adoption Pay ("OAP")

SAP and OAP are subject to deductions for tax, national insurance and pension.

Adoption Pay is calculated on an average of the employees' weekly earnings in the 'relevant period'<sup>4</sup> before the matching week. For further details, please see [www.gov.uk](http://www.gov.uk).

Statutory Adoption Pay ("SAP") To qualify for SAP, employees must have 26 weeks continuous service at the end of the week in which they were notified of having been matched with the child ("the qualifying week"<sup>5</sup>). an employee must give at least 28 days' notice of when they would like the SAP to start, or if that is not reasonably practicable, give notice as soon as reasonably practicable.

To be eligible for SAP, an employee must have earnings above the NI Contributions Lower Earning Limit. SAP is payable for up to 39 weeks ("the Adoption Pay Period") and is paid at a rate of 90% of the employee's average weekly earnings (before tax) for the first 6 weeks, followed by 90% of their average weekly earnings or the standard SAP rate (whichever is lower) for the next 33 weeks.

If an employee is not eligible for SAP, DALC will provide a Form SAP1 to explain why. If the employee is in legal custody, imprisoned or arrested (but not voluntarily helping Police with their enquiries, out on bail or serving a suspended sentence) during the Adoption Pay Period they must notify DALC and any SAP will cease and will not be resumed.

If the employee becomes ill while on adoption leave and is eligible to be paid SSP then the SAP will cease for the period that SSP is paid.

## The Start Date of Adoption Leave

Occupational Adoption Pay (“OAP”) To qualify for OAP, employees must have at least one year’s continuous local government employment by “the qualifying week” 6 . OAP depends on the terms and conditions of employment of the employee. It differs for teachers and other employees.

The employee’s pay for the purposes of OAP is the employee’s pay under their contract of employment (including contractual allowances) during their Adoption Leave. Changes to contractual pay that become effective during an employee’s Adoption Leave are reflected in the OAP from the effective date onwards (for example increments and pay awards).

OAP for weeks 7 onwards of the Adoption Pay Period is only payable when the employee has declared that they will return to work for at least 3 months (13 weeks) following Adoption Leave. If the employee fails to return to work for the required period, any OAP that has been paid in respect of weeks 7 onwards must be repaid to the Academy Trust, together with any associated NI contributions. This “return to work” that is required for teachers in schools, to retain OAP paid means a return to the same job, in the same school on the same terms and conditions. Centrally employed teachers must return to the job they had prior to commencing their Adoption Leave.

If the employee returns to work on fewer hours than they were contracted to work prior to Adoption Leave they will be required to return to work for a proportionately longer period (to equate to their weekly contractual hours prior to adoption leave x 13 weeks). For example if the employee returns to work on half the contractual hours, they will be required to return to work for at least 6 months (26 weeks) following Adoption Leave.

## Arrangements During Adoption Leave

Before going on Adoption Leave, employees and line managers should have a discussion about how they would like to stay in touch. Line managers have the right to a reasonable amount of contact with employees during their Adoption Leave.

While on Adoption Leave, line managers should keep employees inform of:

- jobs that are being advertised
- any promotion opportunities
- if they're planning an Organisational Change and/or proposing any redundancies Employees can also agree with managers:
  - what other information they would like to hear about, for example staff bulletins or news on social events
  - how they would like to communicate, for example by email, phone or by agreeing to have keeping in touch (KIT) days

## Organisational Change during Adoption Leave

If a restructuring exercise takes place while the employee is on Adoption Leave, the manager must ensure that the employee is kept informed of any organisational changes to ensure that they do not suffer any detrimental treatment.

Employees are protected by law against detriment or dismissal for reasons relating to taking or seeking to take Adoption Leave.

## Additional Periods of Adoption Leave

The fact that an employee is on Adoption Leave does not change their rights to further periods of Adoption Leave and Pay relating to other children. The normal rules for the employee to qualify for Adoption Leave and Pay will apply.

Only one period of Adoption Leave is permitted irrespective of the number of children being placed on one matching certificate.

If a foster parent who is also an approved prospective adopter is entitled to Adoption Leave and Pay at the time that the child is placed with them with a view to them adopting the child, they cannot then access further Adoption Leave and Pay in respect of the same child if the adoption goes ahead.

## Keeping in Touch Days (KIT days)

An employee may work up to 10 KIT days during their Adoption Leave. These KIT days must be agreed with their manager.

If KIT days are worked, the manager ensure that the KIT Day claim form is completed by the employee and submitted to payroll as soon as practicable after each KIT day, recording all the time worked.

If an employee works in excess of 10 KIT days it would effectively end their Adoption Leave and the employee would lose any SAP they were entitled to for any week in which they have worked in excess of the 10 KIT days.

Similarly, if an employee undertakes work for another employer, for whom they were not already working prior to taking Adoption Leave, they must notify DALC immediately as this may end the payment of SAP to them.

Some employees will be unable to work during their leave. This may be because of difficulties with childcare, or leaving a young baby/child with another carer, or because there is no financial incentive to come to work during leave.

For this reason, keeping-in-touch days are optional, employers are under no obligation to offer them and employees are under no obligation to work them and employees are protected from dismissal and unfair treatment for refusing to work during Adoption Leave.

Similarly, if an employee has agreed to do some work during their leave to complete a project, for example they must not be disadvantaged if they are then unable to work any pre-arranged days.

## KIT Days

- There is no obligation by the Academy Trust to offer, or for the employee to take up the opportunity to work, KIT days
- A KIT day does not have to be a full day of work. Any period of work carried out in one calendar day will count as a KIT day.
- The maximum paid KIT hours for each employee for the total number of KIT days worked is calculated as 10 days at the employee's average daily contractual hours (this equates to 2 weeks of the employee's weekly contractual hours).
- Payment for KIT days will be made by reference to the actual hours worked on each KIT day, subject to the employee not having exceeded the maximum paid KIT hours, multiplied by the employee's actual hourly rate of pay. If a KIT day is worked on a day in which the employee is in receipt of SAP and/or OAP, payment for that KIT day will be reduced by SAP/OAP paid for that day. If the amount of SAP/OAP paid for that day is greater than the hours worked for that day multiplied by the employee's hourly rate no KIT day payment will be made for that day. KIT days do not extend Adoption Leave
- Payment for KIT days will be paid in their next month's salary or as soon as possible thereafter.
- KIT days can be used for work, to talk about an employee's return to work, to keep up to date with changes at work or for training or team events
- Part time employees have the same eligibility to 10 KIT days as full time employees and a pro-rata entitlement to paid KIT hours.
- Where an employee with multiple jobs works KIT days in more than one job, their respective managers must ensure a KIT day claim forms are completed to ensure the KIT days are recorded

and the appropriate remuneration is paid. Each job will have a separate allocation of paid KIT hours. Regardless of the number of paid or unpaid KIT hours in each job, the number of KIT days to be worked in total across all jobs must not exceed 10 days.

### Employees with Multiple Contracts with the Academy Trust

Where an employee has more than one contract of employment with the Academy Trust and has accrued qualifying service in respect of each contract of employment, only one entitlement to SAP will be payable in addition to any OAP eligibility attached to each contract of employment.

Only one set of 10 KIT days in total will be permitted to be worked regardless of the number of contracts of employment that exist.

### Employees with Third Party Employment

Where an employee has a contract of employment with another employer and meets the qualifying service criteria in respect of both contracts of employment, then they will be eligible for SAP, OAP (if applicable) and KIT days in respect of each contract of employment with each employer.

## 6. Returning to Work from Adoption Leave

Employees can return to work at any time during their Adoption Leave as long as the correct notice period has been given. In accordance with statutory requirements the employee must give at least 8 weeks' notice in writing of her intended date of return. The employee must submit to DALC a Return to Work Form for this purpose

Unless an employee states otherwise, their manager will assume that they will return at the end of their full Statutory Adoption Period (52 weeks).

If an employee attempts to return prior to the end of their full Statutory Adoption Period without giving the correct notice, then the Academy Trust may request that the employee wait until the notice period has been given.

Should an employee change their mind about their intended date of return, they should give at least 8 week's written notice of the new date.

If an employee returns to work within the first 26 weeks of Adoption Leave (during OAL) they will be entitled to return to the job in which they were employed prior to their Adoption Leave and on terms and conditions no less favourable than those that would have applied had they not been absent, unless a redundancy situation occurs while the employee is on Adoption Leave.

If the employee returns to work after the first 26 weeks of Adoption Leave (during AAL), they are entitled to return to the job in which they were employed prior to their Adoption Leave and on terms and conditions no less favourable than those that would have applied had they not been absent, unless the Academy Trust determines that it is not reasonably practicable for them to return to their former job, in which case the Academy Trust may offer them an alternative job on no less favourable terms and conditions.

Employees can request flexible working arrangements prior to their return from Adoption Leave, in which case the Academy Trust must consider the request. However, the Academy Trust is not obliged to agree to such a request if it can demonstrate that the flexible working arrangements requested would have an adverse impact on service delivery.

If an employee is unfit to return to work due to medical reasons on the date they are due to return to work from Adoption Leave, this will still be treated as a return to work from Adoption Leave. The Sickness Absence Policy will thereafter apply for that period of sickness absence.

For a return to work the manager must complete a Variation Form, to be received in DALC by the payroll deadline, stating the return to work date from Adoption Leave and detailing any changes to the employee's working arrangements from the return to work date.

### Not returning to work

Where an employee decides that they no longer wish to return to work from Adoption Leave, and would like to resign from their employment, they may do so by giving the appropriate contractual notice.

The DALC must then complete a Leavers' Form for the employee and forward this to payroll in order that the necessary action can be taken.

If an employee (other than a teacher contractually based within a school) has already been paid OAP from week 7 onwards of their Adoption Leave and has given notice that they will not be returning to work from Adoption Leave, or will not be remaining in employment for more than the required minimum of 13 weeks (or proportionately longer period of time if reducing their hours of work on return) following their return from Adoption Leave, then this OAP paid will automatically be recovered from the employee.

In accordance with the Conditions of Service for School Teachers in England and Wales, the Academy Trust will recommend to schools that a similar recovery should be made from teachers who do not return to work; however, it will be for the school in question to make the final decision and notify DALC accordingly.

Centrally employed teachers who do not return to work for the required minimum of 13 weeks (or proportionately longer period of time if reducing their hours of work on return) will be subject to automatic recovery of OAP paid from week 7 onwards.

An employee who is eligible for SAP and who does not return to work is still entitled to the full period of SAP, unless they start work for a new employer while on Adoption Leave. If this occurs, the employee must notify payroll. In this situation, SAP will cease to be paid by the Academy Trust to the employee and the employee will be given form SAP1 to explain why they are no longer entitled to SAP.

The Academy Trust is committed to avoiding compulsory redundancies and will mitigate against the need for redundancies wherever possible. Employees on Adoption Leave have additional protections from redundancy and should be redeployed into a suitable alternative post. However, should a redundancy be unavoidable during their Adoption Leave, the Academy Trust will remain responsible for paying any outstanding SAP following the redundancy.

Wherever possible the employee will be paid their redundancy pay in the month following the date of their last day of service, or as soon as possible thereafter.

## 7. Transferring / Sharing Adoption Leave and Pay

### Shared Parental Leave

An employee may choose to end their Adoption Leave early and convert the balance of this leave to Shared Parental Leave, provided both partners in the relationship meet the eligibility criteria: Any remaining untaken SAP can be taken as Statutory Shared Parental Pay (subject to eligibility).

An employee choosing to end their Adoption Leave early and convert the balance of this leave to Shared Parental Leave must give 8 weeks' notice of this.

## 8. Fostering to Adopt

All of the provisions contained within this Policy & Procedure will apply to employees who have a child placed with them under the Fostering to Adopt Scheme.

An employee will be eligible for both adoption leave and pay from the date that a child is placed with them under the Fostering to Adopt Scheme, subject to the provisions set out in Section 6 being followed. As such adoption leave and pay is applicable during the initial period of fostering prior to the adoption being confirmed. The payment of adoption pay during the fostering period will not affect the employee's entitlement to claim fostering allowances.

If an employee chooses not to take adoption leave at the point that the child is placed with them they may do so at a later date (i.e. at the matching date when the adoption is confirmed) however it should be noted that if any unpaid leave is taken during the initial period of fostering (or adjustments to working hours are made) the employee's statutory adoption pay may be affected as this is based on the final 8 weeks before the adoption leave begins.

Employees are eligible for only one set of adoption leave and pay per placement.

If a child is withdrawn from the fostering arrangements prior to the adoption being confirmed (e.g. where a court determines that the child should be returned to a member of the birth parents family) the employee is eligible to receive adoption leave and pay for a further 8 weeks, unless their entitlement to leave/pay expires during this period. If subsequently, a second fostering to adopt arrangement is put in place the employee will be entitled to full adoption leave and pay from the point that the second child is placed for fostering.

## Other Provisions

### Disruption of Placement or Similar Circumstances

If Adoption Leave has already commenced and:

- the adopter is notified that the child will not now be placed with them;
- the child ceases to live with the adopter;
- the child dies;
- the time limit for the application for a Parental Order expires without the adopter having applied;
- or
- the Parental Order application is refused, withdrawn or terminated;

the employee must immediately provide notification of this change in circumstances to their manager and their Adoption Leave will end either 8 weeks after the end of the week in which the above occurs or at the end of the full Adoption Leave Period, whichever is the sooner.

## Annual Leave and Bank Holidays

Employees continue to accrue Annual Leave during Adoption Leave. Employees may wish to discuss with their manager how to make best use of their Annual Leave entitlement, i.e. taking Annual Leave immediately before or after their Adoption Leave.

Annual Leave should, where possible, be taken in the leave year in which it is accrued.

Employees who receive a separate entitlement to Bank Holidays will receive a compensatory day (pro rata for part time workers) for each Bank Holiday that falls during their Adoption Leave. These



can be taken on the employee's return or before Adoption Leave commences and should, where possible, be taken in the leave year which they relate to.

Where it is not possible due to Adoption Leave for an employee to take their Annual Leave in the leave year in which it accrued, the employee will be allowed to carry forward the untaken balance of their statutory holiday entitlement into the next leave year.

Where employees have a separate Bank Holiday entitlement, this will mean that a maximum of 20 days (pro rata for part time employees) Annual Leave can be carried forward to the next year. For teachers and any other employees that do not have a separate Bank Holiday entitlement, the maximum carry forward will be 28 days (pro rata for part time employees and those on a term time formula).

If Annual Leave is carried over in these circumstances, the maximum carry forward period is limited to the end of the following leave year. Where a 15 month leave year applies then it will be 15 months from the last date of the leave year when the leave was accrued. For example, if the year for accruing leave runs from 1st April to 31st March, the final date for taking the Annual Leave that is carried forward to the next year is 30th June of that year. Any carried forward Annual Leave untaken after that date will automatically be lost.

If an employee's contract of employment terminates before they have been unable to take all their accrued Annual Leave due to Adoption Leave, the employee will be paid in lieu for any untaken Annual Leave accrued in the current leave year and, if applicable, for any untaken statutory holiday entitlement which they had been permitted to carry over from the previous leave year.

Teachers accrue statutory holiday entitlement (28 days per year under the Working Time Regulations) during Adoption Leave. This statutory holiday entitlement can be offset by any school closure periods before or after Adoption Leave. It is likely that there will be enough school closure periods in the year outside of Adoption Leave to take up this holiday entitlement. If, however, this is not the case, any accrued entitlement up to the 28 days may be carried forward to the next year to be taken during periods of school closure in that year.

## Payments of Car Allowance

Employees designated as having 'Essential Car User' status, will continue to receive their lump sum payment for the whole of the paid occupational adoption period at full rate from the date that the adoption leave commences. Where the employee does not return to work from Adoption Leave, or does not work for the required minimum of 13 weeks (or proportionately longer period of time if reducing her hours of work on return) these payments will be recovered along with the OAP paid.

## Other Paid Work (inc. election duties)

If during the SAP period an employee works for the Academy Trust or any new employer SAP will end. This includes undertaking election duties. If this occurs, the employee must notify payroll accordingly. In this situation, SAP will cease to be paid to the employee by the Academy Trust and the employee will be given form SAP1 to explain why they are no longer entitled to SAP.

## Termination of Contract inc. Fixed Term Contracts

Where an employee resigns, or their contract is terminated, during their Adoption Leave (including the termination of a fixed term contract), this ends the employee's Adoption Leave and their entitlement to OAP. However, if the employee has qualified for SAP, the payment of this will continue until their full entitlement has been paid.

Non-renewal of a fixed term contract is a dismissal in law and therefore it is unlawful for a fixed term contract not to be renewed for a reason connected with the Adoption Leave.

If an employee resigns for reasons relating to adoption and the raising of a family, and they return to the Academy Trust within 8 years of leaving, then they may aggregate their service before and after the break with regard to calculating their sick pay and future OAP entitlement. A similar provision will apply to the calculation of Annual Leave; however, in this case there is no time limit in which they must return. These provisions will only apply where the employee has not had permanent full time employment (over 30 hours per week) in the intervening period.

## Career Breaks

An employee who is on Adoption Leave may apply for a career break in accordance with the principles of the Career Break Scheme. As such, if the career break commences within 13 weeks (or proportionately longer period of time if reducing their hours of work on return) of the employee's Adoption Leave ending, then the provisions regarding the repayment of OAP will be deferred until the end of the career break and only applied if the employee does not return to work at that time.

## Pension

Where an employee receives SAP or OAP during their Adoption Leave, pension contributions will continue to be taken from their Adoption Pay and pension will continue to be accrued.

Pension contributions will cease if a period of Adoption Leave is unpaid. Employees in the Local Government Pension Scheme must decide if they want to pay contributions to buy back the lost pension.

Members of the Teachers' Pension Scheme are unable to continue paying pension contributions during a no-pay period. As such this period will be classed as days excluded and will not be counted as pensionable service.

## 9. Associated Documents

Paternity and Nominated Carer Policy & Procedure

Adoption Policy & Procedure

Maternity Policy & Procedure

Shared Parental Leave Policy & Procedure

## APPENDIX 1 - Summary of Entitlements and Eligibility for Adoption Leave and Pay

The table below summarises rules around Adoption Leave, Statutory Adoption Pay and Occupational Adoption Pay.

	<b>Adoption Leave</b>	<b>Statutory Adoption Pay</b>	<b>Occupational Adoption Pay</b>
<b>Length of service required</b>	No service required	26 weeks' continuous service: <ul style="list-style-type: none"> <li>• at end of 15<sup>th</sup> week before EWC (for a Parental Order Parent);</li> <li>• at the week they are notified of being matched with a child; or</li> <li>• at the week of official notification (overseas adoption)</li> </ul>	1 year's continuous service: <ul style="list-style-type: none"> <li>• at end of 11<sup>th</sup> week before EWC (Parental Order Parent);</li> <li>• end of the week they are notified of being matched with a child; or</li> <li>• at the week of official notification (overseas adoption)</li> </ul>
<b>Other eligibility criteria</b>	Must have notified HR: <ul style="list-style-type: none"> <li>• within 7 days of being matched;</li> <li>• 15 weeks before Expected Week of Childbirth with a statutory declaration (for Parental Order Parent); or</li> <li>• within 28 days of receiving official notification (overseas adoptions)</li> </ul>	<ul style="list-style-type: none"> <li>• Average weekly earnings in 8 weeks up to qualifying week must be at least the Lower Earnings Limit for NI Contributions;</li> <li>• 28 days' notice unless this is not reasonably practicable in which case notice must be given as soon as reasonably practicable</li> </ul>	
<b>Duration</b>	Up to 52 weeks total.	Weeks 1 to 39	Weeks 1 -18 (non-teachers have option of stretching pay for weeks 7 - 18 to cover weeks 7 - 26)
<b>Restrictions</b>	<ul style="list-style-type: none"> <li>• Earliest start (for most adoptions) is 2 weeks before the date the child is expected to be placed.</li> <li>• Earliest start for overseas adoptions is the date the child enters Great Britain.</li> <li>• Earliest start for a Parental Order Parent is the date the child is born.</li> </ul>	<ul style="list-style-type: none"> <li>• SAP ceases if employee is in Legal Custody during the Adoption Pay Period</li> </ul>	<ul style="list-style-type: none"> <li>• To receive and keep the OAP after the 1<sup>st</sup> 6 weeks the employee must return to work after Adoption Leave for the equivalent of 13 weeks at hours employed before their Adoption Leave</li> </ul>

## Appendix 2 – Academy Trust Employee’s (Non Teachers) Adoption Pay

<b>Trust Employees’ (Non-Teachers) Adoption Pay</b>				
Employees with over 1 year’s continuous service at the qualifying week can have the choice of 2 options of how to have their Occupational Adoption Pay (OAP) paid to them				
Employees with under 26 weeks’ service at the “qualifying week” and less than 1 years’ continuous service at the “qualifying week”	<b>Weeks 1-52</b>  No SAP or OAP			
Employees with more than 26 weeks’ service at the “qualifying week*” but less than 1 years’ service at the “qualifying week”	<b>Weeks 1-39</b> SAP only (subject to earnings see page 9)		<b>Weeks 40-52</b> No Pay	
Employees with under 26 weeks’ Service at the “qualifying week”, but more than 1 years’ service at the “qualifying week”	<b>Weeks 1-6</b> OAP that is 90% of the employee’s average gross weekly earnings	<b>Weeks 7-18</b> 50% OAP  ----- <u>or</u> -----  <b>Weeks 7-26</b> 30% OAP	<b>Weeks 19-52</b> No Pay  - <u>or</u> -  <b>Weeks 27-52</b> No Pay	
Employees with over 26 weeks’ service at the “qualifying week” and more than 1 years’ service at the “qualifying week” <b>Option 1 (or option 2 below)</b>	<b>Weeks 1-6</b> OAP that is 90% of the employee’s average gross weekly earnings offset by SAP	<b>Weeks 7-18</b> OAP that is 50% Pay plus SAP* that is the <b>lower</b> of either 90% of the employee’s average gross weekly earnings or standard rate SAP (half pay plus SAP must not exceed full pay)	<b>Weeks 19-39</b> SAP* that is the <b>lower</b> of either 90% of the employee’s average gross weekly earnings or standard rate SAP	<b>Weeks 40-52</b> No pay
Employees with over 26 weeks’ service at the “qualifying week” and more than 1 years’ service at the “qualifying week” <b>Option 2 (or option 1 above)</b>	<b>Weeks 1-6</b> OAP that is 90% of the employee’s average gross weekly earnings	<b>Weeks 7-26</b> OAP that is 30% Pay plus SAP* that is the <b>lower</b> of either 90% of the employee’s average gross weekly earnings or standard rate SAP (30% pay plus SAP must not exceed full pay)	<b>Weeks 27-39</b> SAP* that is the <b>lower</b> of either 90% of the employee’s average gross weekly earnings or standard rate SAP	<b>Weeks 40-52</b> No Pay

## Appendix 3 – Academy Trust Teachers Adoption Pay

Teachers Adoption Pay					
Teachers with under 26 weeks' service at the "qualifying week" and under 1 years' service at the "qualifying week"	<b>Weeks 1-39</b> No SAP or OAP				
Teachers with more than 26 weeks' service at the "qualifying week", but less than 1 years' service at the "qualifying week"	<b>Weeks 1-39</b> SAP only (subject to earnings see page 9)			<b>Weeks 40-52</b> No Pay	
Teachers with less than 26 weeks' service at the "qualifying week" but more than 1 years' service at the "qualifying week"	<b>Weeks 1-4</b> Full Pay – offset by the amount of SAP payable	<b>Weeks 5-6</b> OAP that is 90% of the employees average gross weekly earnings, offset by any SAP payable	<b>Weeks 7-18</b> 50% OAP plus SAP that is the <b>lower</b> of either 90% of the employee's average gross weekly earnings or standard rate SAP		<b>Weeks 19-52</b> No Pay
Teachers with more than 26 weeks' service at the "qualifying week" and more than 1 years' service at the "qualifying week"	<b>Weeks 1-4</b> Full pay - offset by the amount of SAP payable	<b>Weeks 5-6</b> OAP that is 90% of the employee's average gross weekly earnings, offset by any DAP payable	<b>Weeks 7-18</b> 50% OAP plus SAP that is the <b>lower</b> of either 90% of the employee's average gross weekly earnings or standard rate SAP	<b>Weeks 19-39</b> SAP that is the <b>lower</b> of either 90% of the employees average gross weekly earnings or standard rate SAP only	<b>Weeks 40-52</b> No Pay

## Appendix 4 - Version History

Version Control (most recent first):

Details of Most Recent Comprehensive Impact Assessment	Date completed	
	Issues (if any)	