

The Auriga Academy Trust

Adoption Leave Policy for Teachers

Contents:

1. Scope	3
2. Policy Purpose	3
3. Eligibility Criteria	3
4. Proof of Adoption	3
5. Adoption Leave - Entitlement	4
5.1 Ordinary Adoption Leave (OAL):	4
5.2 Additional Adoption Leave (AAL):	4
5.3 Starting Adoption Leave:	4
5.4 If Adoption Leave is disrupted:	4
5.5 Keeping in Touch (KIT) Days	4
5.6 Reasonable Contact during Adoption Leave	5
5.7 Accrual of Statutory Annual Leave during Adoption Leave	5
6. Notice Requirements	5
6.1 Notice of intention to take Adoption Leave:	5
6.2 Notice of date on which Adoption Leave is to commence:	5
6.3 Notice of variation to the commencement date:	6
6.4 Acknowledgement by the school:	6
7. Adoption Pay	6
7.1 Statutory Adoption Pay (SAP)	6
7.2 Adoption Allowance (AA)	6
7.3 Occupational Adoption Pay (OAP):	7
7.5 Entitlement to Adoption Pay - Summary	7
7.5 Proof and Declarations	8
8. Right to take Time Off to Attend Adoption Appointments	8
9. Return to Work	9
9.1 Returning to work after OAL:	9
9.2 Returning to work after AAL:	9
9.3 Restructuring/Redundancy exercise during period of Adoption Leave:	9
9.4 Return to work – Notice Requirements:	9
9.5 Return to Work Interview	9
9.6 Flexible working upon a return to work:	9
10. Rights During Adoption Leave	9

11.	Teachers' Pension Scheme	9
12.	Arrangements unique to Surrogacy, Overseas Adoption and Fostering for Adoption	10
12.1	Surrogacy	10
12.2	Overseas Adoptions	10
12.3	Fostering for Adoption	10
13.	Responsibilities: Employee and Headteacher / Line Manager	10
14.	Protection from Detriment or Dismissal	11
	Appendix A: Adoption Leave & Pay Chart – Teachers.....	12
	Appendix B: Responsibilities of Employees and Headteacher / Line Manager	13
	Appendix C: Step-by-Step Notification Process and Procedures.....	14
	Appendix D: Adoption Leave Request Form.....	15
	Appendix E: Notification of Change in Adoption Leave Start Date	17
	Appendix F: Keeping in Touch (KIT) Days Record Form	18
	Appendix G: Keeping in Touch (KIT) Days Payment Form.....	19
	Appendix H: Notification of Early Return to Work	20
	Appendix I: Request for Time Off to Attend Adoption Appointment Form – Primary Adopter	21
	Appendix J: Request for Time Off to Attend Adoption Appointment Form – Secondary Adopter.....	21
	Appendix K: Example Scenarios for Accrued Annual Leave	22

1. Scope

This policy applies to all teachers employed by the Trust who intend to adopt a child and take adoption leave with pay.

The recognised trade unions have been consulted.

2. Policy Purpose

This policy sets out Adoption Leave and Pay entitlements and the relevant procedure for employees who have been matched by an approved Adoption Agency in the UK ("Adoption Agency") with a child for the purposes of adoption. It also covers overseas adoptions and adoptions following surrogacy and fostering arrangements (see Section 12 of this Policy).

Where a couple jointly adopt a child, the right is for one parent to receive Adoption Leave and Pay ("the Primary Adopter"). The other adoptive parent ("the Secondary Adopter") is likely to have the right to Paternity Leave. The provisions of this policy are mainly intended for employees who are the "Primary Adopter". References in this policy to the "Secondary Adopter" are in the context of Paternity Leave and attending adoption appointments.

3. Eligibility Criteria

Employees are eligible for Adoption Leave and Pay provided they have been matched with a child by an Adoption Agency for the purposes of adoption and provided they meet the following eligibility criteria:

Employees must:

- Be the child's adopter
- Have agreement from the Adoption Agency that the child will be placed ("the Placement") with them and the date of placement
- Have complied with the relevant notice requirements with supporting evidence where applicable
- Not be in receipt of Paternity Leave.

Employees do not qualify for Adoption Leave and Pay if they:

- Arrange a private adoption
- Become a special guardian or kinship carer
- Adopt a stepchild
- Adopt a family member.

There is no entitlement to further leave and pay if more than one child is placed with the adoptive parent/s at the same time (multiple adoptions). However, where a further child is placed for adoption during or shortly after an adoption leave period and the employee is still employed, they will be entitled (subject to the eligibility criteria being met) to a second period of statutory adoption leave.

4. Proof of Adoption

Proof of adoption may be requested by the Trust / school in which case the employee will need to provide Trust HR with evidence from the Adoption Agency (letter or matching certificate) which confirms the following details:

- Name and address of employee requesting adoption leave
- Name and address of the Adoption Agency
- The date the employee was notified that they have been matched with the child

- The date on which the child is expected to be placed for adoption or where the child has already been placed for adoption, the date of the placement.

5. Adoption Leave - Entitlement

Employees who have been matched with a child by an Adoption Agency and have agreed to take the child are entitled to take up to a maximum of 52 weeks' adoption leave regardless of number of hours worked and length of service.

5.1 Ordinary Adoption Leave (OAL):

Employees are entitled to 26 weeks' OAL.

5.2 Additional Adoption Leave (AAL):

Employees are entitled to 26 weeks' AAL. This will start immediately after OAL i.e. there cannot be a gap between OAL and AAL.

5.3 Starting Adoption Leave:

Adoption leave can commence on either of the following two dates:

- The date the child is placed with the employee for adoption (the placement) i.e. when the child starts to live with the employee permanently or the day after if the employee is at work on that date or
- A date which is no more than 14 days before the expected date of the placement.

5.4 If Adoption Leave is disrupted:

If there is a disruption during the period of adoption leave, the employee can choose to remain on adoption leave for up to 8 weeks after the week in which the disruption occurred, provided they have not exhausted their statutory entitlement to adoption leave and pay.

Circumstances in which a disruption may occur when the employee has already commenced adoption leave are:

- i. Where the employee is subsequently notified by the Adoption Agency that the placement will not be made; or
- ii. If the child is returned to the Adoption Agency after placement; or
- iii. If the child dies*.

In the event of a disruption, the employee is required to give notice of their return to work, in compliance with the notice requirements in Section 9 of this policy.

**Where the disruption occurs because of the death of a child, the employee may, if the child had started to live with them, be entitled to Statutory Parental Bereavement Leave.*

5.5 Keeping in Touch (KIT) Days

Except during the first 2 weeks of compulsory adoption leave, employees may, by agreement with the school, work for up to 10 days during their adoption leave without losing adoption benefits (KIT days).

The KIT days do not have to be consecutive and may be used for an activity, which would normally be classed as 'work' under the contract of employment, for which employees would be paid. This can include training events and attending meetings etc.

Any work and the type of work undertaken during the leave period must be by mutual agreement with the Trust / school; there is no obligation on the Trust / school to offer work or for the employee to accept it.

Part-days worked will count as whole days and employees will be paid their normal daily rate of pay for days worked offset by any SAP that may be due to them.

The template forms at **Appendix F and G** can be used to record KIT days and to submit for payment respectively.

5.6 Reasonable Contact during Adoption Leave

The employee's manager is allowed to make reasonable contact with the employee during their adoption leave to discuss such matters as their return-to-work arrangements. This is also useful in order to keep the employee informed of other matters such as job vacancies, significant developments in the workplace and training opportunities. This does not constitute 'work' and will not therefore count towards the 10 KIT days.

Employees should agree beforehand how they wish to be kept updated.

5.7 Accrual of Statutory Annual Leave during Adoption Leave

- Although teachers do not have a contractual entitlement to paid annual leave nor a specified annual leave year, they do have a statutory entitlement to 28 days' (5.6 weeks) annual leave under the Working Time Regulations 1998 as amended
- A teacher who takes adoption leave must be able to take the 28 days' statutory annual leave at a time outside of their adoption leave period
- Any part of the teacher's adoption leave period (i.e., OAL or AAL) cannot be treated as annual leave
- The annual leave year, for the purposes of establishing annual leave entitlement for teachers on adoption leave, will be 1st September to 31st August to coincide with the academic school year
- The entitlement to 28 days' statutory annual leave is not an additional entitlement on top of the current school closure arrangements. This annual leave entitlement must be offset by any period of school closure that has taken place in the leave year in question both before and after the adoption leave period
- Where the return from adoption leave is so close to the end of the leave year that there is not enough time to take all the annual leave entitlement for that year, or overlaps into the next leave year, the balance of the leave can be carried over to the following leave year
- It is not possible to carry over the annual leave into the next leave year if there is time to take the leave in the current leave year i.e. in school closures
- As an employee has 28 days' statutory annual leave, the accrual of leave is not affected by what stage of adoption leave an employee is at or whether they are receiving pay
- Teachers do not have a contractual entitlement to paid leave on public or bank holidays. The early May bank holiday is the only bank holiday that falls during term time. For the purposes of annual leave, the early May bank holiday will be classed as a school closure which counts against the statutory annual leave entitlement of 28 days
- Under the Working Time Regulations, it is not possible for a payment in lieu of annual leave that has not been taken except on termination of employment, e.g. if the teacher decides not to return to work following the adoption leave period

Please see **Appendix K** for examples of scenarios in respect of accrued annual leave.

6. Notice Requirements

6.1 Notice of intention to take Adoption Leave:

Employees are required to give written notice of their intention to take adoption leave within 7 days of having been notified of a match with a child for the purposes of adoption. The notice must state the expected date of placement and the date the adoption leave will begin.

6.2 Notice of date on which Adoption Leave is to commence:

Employees are required to give 28 days' written notice of the date they wish to start the adoption leave (see Adoption Leave Request Form at **Appendix D**). Where it is not practicable to comply with the notice requirements, notice should be given as soon as possible, and adoption leave will start on the date the child is placed for adoption.

6.3 Notice of variation to the commencement date:

Once notice has been given and the employee later wishes to change the intended start date, they are required to give at least 28 days' written notice before the amended start date (see Adoption Leave Request Form at **Appendix E**). Where it is not practicable to comply with the notice requirements, notice should be given as soon as possible.

If the employee fails to give the required notifications within the specified time limits, they may lose their right to Adoption Pay and to start Adoption Leave on the intended start date.

6.4 Acknowledgement by the school:

Within 28 days of the employee's written notification, Trust HR will write to the employee setting out their Adoption Leave and Pay entitlement and their expected date of return based on the adoption leave start date notified by the employee and a reminder of the implications on pay in the event the employee does not return to work after the adoption leave period.

The Step by Step Notification Process and procedure is outlined in **Appendix C**.

7. Adoption Pay

7.1 Statutory Adoption Pay (SAP)

SAP Eligibility:

To qualify for SAP, employees have to meet conditions based on their length of service and level of earnings as below:

- They must have at least 26 weeks' continuous service with their employer by the week they are matched with a child for adoption
- Their earnings must be equal to or above the lower limit for National Insurance Contributions – refer to [GOV.UK](https://www.gov.uk) for the prevailing Lower Earnings Limit (LEL).

SAP Rates:

SAP will be paid at:

- 90% of employee's average weekly earnings (higher rate) or
- [Prevailing Statutory Adoption Pay rate](#) (lower rate), (whichever is lower).

SAP is payable for 39 weeks. For the first 6 weeks it is paid at 90% of the average weekly earnings. The following 33 weeks will be paid at 90% of the average weekly earnings or at [the prevailing SAP rate](#) per week (whichever is lower).

SAP is paid by the employer in the same way, time and frequency as normal salary and it is subject to deductions for Income Tax and National Insurance Contributions.

7.2 Adoption Allowance (AA)

If the employee does not qualify for SAP, they may be able to claim AA from their local Job Centre Plus office, provided they satisfy the National Insurance Contributions conditions based on their previous employment or self-employment.

AA payments are made weekly for a maximum period of 39 weeks and are paid out at the same rate as SAP.

If the employee has been assessed as not being entitled to SAP, they will be sent a SAP1 Form from the school's payroll provider.

7.3 Occupational Adoption Pay (OAP):

OAP Eligibility:

OAP is conditional on the employee:

- Having not less than 52 weeks' continuous service/locally recognised service by the week they are matched with a child for adoption, and
- Returning to work for 13 weeks (or an equivalent extended period if returning on reduced hours) at the end of their adoption leave.

OAP Entitlement:

OAP is paid at equivalent to 50% of the employee's salary for a period of 12 weeks.

Employees can choose to receive this payment as follows:

- Spread over a period of 12 weeks following the first 6 weeks at SAP or AA (and concurrent with the lower rate SAP)
- Spread over the 33 weeks following the first 6 weeks at SAP or AA (and concurrent with the lower rate SAP)
- When they return to work, at the end of their adoption leave when it will be paid to them as one lump sum.

In the event the employee does not return to work for the specified equivalent period after the end of their adoption leave, and OAP has been paid to them during their adoption leave, they will be required to repay the OAP element of the adoption pay including the corresponding National Insurance Contributions.

7.5 Entitlement to Adoption Pay - Summary

Entitlement to adoption pay and the corresponding qualifying criteria is set out below and in the Adoption Leave & Pay Chart at **Appendix A**.

Teachers with 52 weeks' continuous service/locally recognised service by the week they are matched with a child, and meet the qualifying criteria for SAP as stated above, will receive adoption pay as follows:

- 4 weeks at full pay (offset against payments made by way of SAP)
- 2 weeks at 90% of salary (offset against payments made by way of SAP)
- 12 weeks at 50% of salary (OAP) plus lower rate SAP
- 21 weeks at lower rate SAP.

The remaining period of adoption leave i.e. 13 weeks will be on an unpaid basis.

Teachers with 52 weeks' continuous service/locally recognised service by the week they are matched with a child but who do not meet the qualifying criteria for SAP as stated above, will receive adoption pay as follows:

- 4 weeks at full pay (offset against payments made by way of AA)
- 2 weeks at 90% of pay (offset against payments made by way of AA)
- 12 weeks at 50% of salary (OAP) plus AA if eligible
- There is no entitlement to SAP
- There may be an entitlement to AA for the remaining 21 weeks.

NB: Eligibility for AA will be assessed and paid by your local Job Centre Plus Office.

Teachers with less than 52 weeks' continuous service/locally recognised service by the week they are matched with a child, but who meet the qualifying criteria for SAP as stated above, will receive adoption pay as follows:

- 6 weeks at 90% of salary i.e. higher rate SAP
- 33 weeks at lower rate SAP
- There is no entitlement to OMP.

The remaining period of adoption leave i.e. 13 weeks will be on an unpaid basis.

Teachers with less than 52 weeks' continuous service/locally recognised service by the week they are matched with a child and who do not meet the qualifying criteria for SAP as stated above:

- No entitlement to SAP
- No entitlement to OAP
- May be eligible for AA.

NB: Eligibility for AA will be assessed and paid by the local Job Centre Plus Office.

7.5 Proof and Declarations

Employees are required to provide to Trust HR evidence of their entitlement to SAP in the form of:

- i. A letter/matching certificate from the Adoption Agency (see Section 4 of this Policy) and
- ii. A declaration that they have elected to receive SAP and not Statutory Paternity Pay

This information and declaration should be provided by the employee at least 28 days before the date on which SAP is to commence or, if that is not reasonably practicable, as soon as possible thereafter.

8. Right to take Time Off to Attend Adoption Appointments

The primary adopter is entitled to take paid time off for up to 5 adoption placement appointments after they have been matched with a child.

If there is a secondary adopter, they will be entitled to take **paid** time off for up to 2 adoption placement appointments.

There is no qualifying period of service required before an employee can apply to take time off for these appointments.

Employees wishing to take time off to attend these appointments should:

- Give reasonable notice of the appointment
- Submit their request in writing to the Headteacher
- Confirm that the purpose of the time off is to attend adoption appointments
- Produce evidence of the appointment if requested to do so.

Request for time off for an adoption appointment should be made using EveryHR under My Portal > My Leave > + Request General Absence > Reason for Absence = Adoption Appointment.

9. Return to Work

9.1 Returning to work after OAL:

Employees are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent unless this is not reasonably practicable due to a restructuring/redundancy situation.

9.2 Returning to work after AAL:

Employee are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent. However, where a restructuring/redundancy situation has occurred or there is some other reason why it is not reasonably practicable for the employee to return to the same job, they are entitled to return to another job that is both suitable and appropriate for them to do in the circumstances. This must be on terms and conditions that are no less favourable that would have applied had they not been absent.

9.3 Restructuring/Redundancy exercise during period of Adoption Leave:

Please refer to the Trust Redundancy Policy for further details of rights of employees who are on adoption leave during a restructuring/redundancy exercise.

9.4 Return to work – Notice Requirements:

If the employee intends to return to work at the end of the full adoption leave period (i.e. after 52 weeks), they will not be required to give any further notification of their return to work.

If the employee wishes to return to work from adoption leave earlier than the date originally agreed, they must give the school at least 21 days' notice of the revised date of return to work. The Notification of Early Return to Work Form at **Appendix H** can be used. Failure to give the appropriate notice may result in the return being delayed.

If the employee does not intend to return after their adoption leave, they are required to give the school notice of resignation in accordance with the terms and conditions of their contract of employment.

Where the employee does not return to work (or returns to work for a period which is less than 13 weeks), any OAP which has been paid to them during their adoption leave, will have to be repaid including the corresponding National Insurance Contributions.

9.5 Return to Work Interview

The employee's manager is required to undertake a return-to-work interview with the employee upon their return to work.

9.6 Flexible working upon a return to work:

If the employee wants to request returning to work on a different work pattern prior to their return, they can make a request using the Trust's **Flexible Working Policy**.

10. Rights During Adoption Leave

Adoption leave is regarded as continuous service and does not constitute a break in service. All contractual terms and conditions (except for normal remuneration) should continue throughout a period of adoption leave including the accrual of annual leave. During this period, the employee will continue to be bound by the terms of their contract of employment including the implied term of trust and confidence and any terms as to notice of termination by them.

11. Teachers' Pension Scheme

If the employee is a member of the Teachers' Pension Scheme, any paid part of their adoption leave will count as pensionable service. This means that deductions will be made from all adoption pay they

receive from the employer. The employee can elect to pay contributions for the unpaid period of adoption leave when they return to work.

12. Arrangements unique to Surrogacy, Overseas Adoption and Fostering for Adoption

12.1 Surrogacy

Employees may be entitled to Adoption Leave and Pay if a child has been placed with them through a surrogacy arrangement.

The intended parent will need to apply for a Parental Order within 6 months after the child's birth.

The Trust may ask for a written statement (statutory declaration) to confirm that the employee has applied or will apply for the Parental Order in the 6 months after the child's birth and that they expect to be granted the Order. This declaration needs to be signed in the presence of a legal professional.

For SAP, employees are required to have worked continuously for their employer for at least 26 weeks by the 15th week before the baby is due. They must inform their employer of the due date and when they intend to start their leave at least 15 weeks before the expected week of birth. Adoption leave can start on the day the child is born or the day after. All other qualifying conditions for Adoption Leave and Pay are the same as for adoptive parents.

12.2 Overseas Adoptions

Employees must tell their employer:

- The date of their 'official notification' confirming they are allowed to adopt
- The estimated date the child arrives in the UK – within 28 days of receiving the notification
- The actual date the child arrives in the UK – within 28 days of this date
- How much leave they require and the start date – giving 28 days' notice to the employer.

Adoption leave can start when the child arrives in the UK or within 28 days of that date.

For SAP, employees are required to have worked continuously for their employer for at least 26 weeks by the time they receive the official notification. All other qualifying conditions for Adoption Leave and Pay are the same as for adoptive parents.

12.3 Fostering for Adoption

Employees may, as a foster parent, be entitled to Adoption Leave and Pay if, as an approved prospective adopter, they look after a child as part of a "fostering to adopt" arrangement and they have been notified of a child's placement.

Proof may be required in the form of a written notification of a fostering for adoption placement.

Adoption leave can start when the child begins to live with the employee.

All other qualifying conditions for Adoption Leave and Pay are the same as for adoptive parents.

13. Responsibilities: Employee and Headteacher / Line Manager

Please see **Appendix B** for specific responsibilities of the employee and those of the Headteacher/Line Manager.

14. Protection from Detriment or Dismissal

An employee has the right not to be subjected to detrimental treatment or be dismissed because they are exercising their rights under this policy in taking or seeking to take adoption leave.

Appendix A: Adoption Leave & Pay Chart – Teachers

At least 52 weeks' continuous service/locally recognised service by the week employee is matched with a child for the purposes of adoption	At least 26 weeks' continuous service/locally recognised service by the week employee is matched with a child for the purposes of adoption	Entitlement to Adoption Pay	Entitlement to Adoption Leave
Yes	Yes	<ul style="list-style-type: none"> • 4 weeks at full pay • 2 weeks at 90% of salary • 12 weeks at 50% of salary (OAP) plus SAP • 21 weeks at lower rate of SAP. 	26 weeks' OAL 26 weeks' AAL
Yes	No	<ul style="list-style-type: none"> • 4 weeks at full pay • 2 weeks at 90% of salary • 12 weeks at 50% of salary (OAP) plus MA if eligible • May be eligible for AA for remaining 21 weeks • No entitlement to SAP. 	26 weeks' OAL 26 weeks' AAL
No	Yes	<ul style="list-style-type: none"> • 6 weeks at 90% of salary • 33 weeks at the lower rate of SAP • No entitlement to OAP. 	26 weeks' OAL 26 weeks' AAL
No	No	<ul style="list-style-type: none"> • No entitlement to SAP • No entitlement to OAP • May be eligible for AA. 	26 weeks' OAL 26 weeks' AAL
<p>SAP Rate: 6 weeks at the higher rate (90% of your salary) 33 weeks at the prevailing Statutory Adoption Pay rate (lower rate) or 90% of your salary whichever is the lower</p> <p>Eligibility to AA will be assessed and paid by your local Job Centre Plus Office.</p>			

Key:

- SAP: Statutory Adoption Pay
- AA: Adoption Allowance
- OAP: Occupational Adoption Pay
- OAL: Ordinary Adoption Leave
- AAL: Additional Adoption Leave

Appendix B: Responsibilities of Employees and Headteacher / Line Manager

EMPLOYEES	HEADTEACHER / LINE MANAGER
<p>Employees have specific responsibilities they need to fulfil in order to be entitled to the appropriate adoption benefits:</p> <ul style="list-style-type: none"> • To inform the Headteacher of their intention to adopt as early on in the process as possible. • Where possible, to give as much notice as possible of adoption appointments. Requests should be made through Every HR. • To give formal notification to the school of their intention to take adoption leave within 7 days of having been notified of match with a child for the purposes of adoption. • To provide 28 days' notice of the date they wish adoption leave to start. • To provide 28 days' notice if they wish to change the adoption leave start date from an earlier notified date. • To provide confirmation of adoption in the form of a Matching Certificate from the Adoption Agency. • To provide 21 days' notice of their intention to return to work from adoption leave if this is earlier than the original notified date. • To provide notice in accordance with the terms of their contract of employment, if they do not intend to return to work after the period of adoption leave. 	<p>It is the responsibility of the Headteacher / Line Manager / Trust HR:</p> <ul style="list-style-type: none"> • Trust HR to confirm adoption leave and pay entitlement in writing to the employee within 28 days of receiving written notification of intention to adopt. • Trust HR to notify the Payroll Provider accordingly within the same timescales to ensure timely accurate payment. • Trust HR to notify the employee in writing of their expected return date based on the start date notified by them. • Trust HR to notify the employee of any pay implications in the event that they choose not to return to work. • Headteacher / Line Manager to keep in touch with the employee on a reasonably regular basis during the course of their leave so that they remain informed about developments at work. • Headteacher / Line Manager to agree and arrange with the employee any necessary KIT days during the course of their leave. The school will also liaise with Trust HR to ensure appropriate salary payments are made for KIT days. • To allow the employee to return to the same job on the same terms and conditions (subject to what is stated in Section 9 of this Policy). • Headteacher / Line Manager to carry out a return-to-work interview with the employee.

Appendix C: Step-by-Step Notification Process and Procedures

STEP 1: Employee advises manager of intention to adopt, as early as possible in the process.

STEP 2: Employee formally gives notice of the intention to take adoption leave, within 7 days of having been matched with a child for the purposes of adoption.

STEP 3: Employee formally gives notice of the date they wish adoption leave to start, 28 days before start date of adoption leave. *Adoption leave cannot start any earlier than 14 days before the date of placement.*

- Employees can use the Adoption Leave Request Form at **Appendix D** and send it to Trust HR (HR@aurigaacademytrust.org.uk).
- Attach a copy of Matching Certificate from the Adoption Agency as confirmation of Adoption Leave.

STEP 4: Trust HR writes to employee, within 28 days of receipt of written notification

Trust HR will confirm to the employee in writing their entitlement to adoption pay and leave and their expected date of return.

STEP 5: If the employee wishes to change the start date of their adoption leave from a date notified earlier, minimum 28 days' notice required before start date of revised date.

If the employee wishes to change their adoption leave start date, from a date they have notified earlier, they must notify [the Headteacher and Trust HR](#) in writing. They can use the form at **Appendix E**.

STEP 6: Notification of Early return from Adoption Leave, 21 days' notice prior to the revised return date.

If the employee wishes to return to work earlier than the agreed date, they must notify [the Headteacher and Trust HR](#) in writing 21 days before the revised return date. Failure to give appropriate notice may result in the return being delayed. They can use the form at **Appendix H**.

STEP 7: Return to Work

On return date, the employee's manager is required to carry out a return-to-work interview with them.

Appendix D: Adoption Leave Request Form

EMPLOYEE DETAILS:

Name:	
School and Job Title:	
Telephone Number:	
Email:	

ADOPTION DETAILS:

Date Matched with Child:	<i>(dd/mm/yyyy)</i>
Expected Date of Placement:	<i>(dd/mm/yyyy)</i>
I would like to start my adoption leave on:	<i>(dd/mm/yyyy)</i>
My adoption Leave will end on:	<i>(dd/mm/yyyy)</i>
Matching Certificate from Adoption Agency attached:	YES / NO* <i>*(if NO, please forward separately as soon as available)</i>

OCCUPATIONAL ADOPTION PAY:

Occupational Adoption Pay (OAP) represents payment equivalent to 12 weeks at 50% of salary. It is paid subject to your returning to work for a minimum of 13 weeks, or an equivalent extended period if returning on reduced hours, after your Adoption leave.

If you qualify for Occupational Adoption Pay, please select one of the following options:

- I intend to return to work after my adoption leave, and I would like OMP to be paid monthly, as half pay for 12 weeks following the 6 weeks at SAP/AA
- I intend to return to work after my adoption leave, and I would like OMP to be spread over the 33 weeks following the 6 weeks at SAP/AA
- I intend to return to work but cannot commit at this stage, and I would prefer for OAP to be paid to me as a lump sum on my return to work
- I **DO NOT INTEND** to return to work following my Adoption leave and am therefore not entitled to OAP.

Declarations:

- 1) I understand in the event that I do not return to work and have elected to have OMP paid to me during my Adoption leave, I will be required to repay this element of the Adoption pay and corresponding National Insurance Contributions.
- 2) *I confirm that I am not/will not be in receipt of Statutory Paternity Pay.*

Signed:

Date:

Please return the request form to Headteacher AND forward a copy to Trust HR (HR@aurigaacademytrust.org.uk).

Appendix E: Notification of Change in Adoption Leave Start Date

EMPLOYEE DETAILS:

Name:	
School and Job Title:	
Telephone Number:	
Email:	

START DATE of ADOPTION LEAVE:

I wish to change the start date of my adoption Leave.

The leave was due to start on:	<i>(dd/mm/yyyy)</i>
The revised start date of my adoption leave will be:	<i>(dd/mm/yyyy)</i>

Signed:

Date:

Please return the request form to Headteacher AND forward a copy to Trust HR (HR@aurigaacademytrust.org.uk). Notification of change to the start date of your adoption leave must be received at least 28 days before the intended start date of your adoption leave. Failure to give meet the notice period may result in loss of your right to adoption pay and to start adoption leave on the intended date.

Appendix F: Keeping in Touch (KIT) Days Record Form

EMPLOYEE DETAILS:

Name:	
School and Job Title:	
Telephone Number:	
Email:	

KIT DETAILS:

This form should be used to record Keeping in Touch (KIT) days worked by an employee on Adoption Leave. You may not exceed 10 KIT days during Adoption Leave.

Start Date	End Date	Balance	Employee's Signature	Manager's Signature

Appendix G: Keeping in Touch (KIT) Days Payment Form

EMPLOYEE DETAILS:

Name:	
School and Job Title:	
Telephone Number:	
Email:	

DETAILS of KIT DAYS for PAYMENT:

Start Date	End Date	Total		
TOTAL TO BE PAID				
			Employee's Signature	Manager's Signature

Please send the completed signed form to Trust HR (HR@aurigaacademytrust.org.uk) in the month in which any KIT Days are worked so that payment can be made to the employee. Payment will be made at the employee's normal daily rate of pay prior to starting Adoption leave.

Appendix H: Notification of Early Return to Work

EMPLOYEE DETAILS:

Name:	
School and Job Title:	
Telephone Number:	
Email:	

RETURN to WORK:

This is to notify you that I will be returning to work from adoption leave earlier than the previously notified date of:	<i>(dd/mm/yyyy)</i>
The revised date of my return to work from adoption leave will be:	<i>(dd/mm/yyyy)</i>

Signed:

Date:

Please return the request form to Headteacher AND forward a copy to Trust HR (HR@aurigaacademytrust.org.uk). You must give at least 21 days' notice if you are returning to work earlier than the previously agreed return date. Failure to give the required period of notice may result in your return to work being delayed.

Appendix I: Request for Time Off to Attend Adoption Appointment Form – Primary Adopter

Request for time off should be made using EveryHR under My Portal > My Leave > + Request General Absence > Reason for Absence = Adoption Appointment.

Appendix J: Request for Time Off to Attend Adoption Appointment Form – Secondary Adopter

Request for time off should be made using EveryHR under My Portal > My Leave > + Request General Absence > Reason for Absence = Adoption Appointment.

Appendix K: Example Scenarios for Accrued Annual Leave

Scenario 1: The teacher is taking OAL only and starts Adoption leave on 01 October.

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
		OAL	OAL	OAL	OAL	OAL	OAL					
School Closures		1 week		2wks Christmas		1 week		2 weeks** Easter		1 week	2 weeks	4 weeks

** March or April

The teacher will benefit from up to 9 weeks of school closure following her return from adoption leave to offset the statutory annual leave entitlement of 28 days (5.6 weeks). Therefore, there is no additional entitlement to annual leave.

Scenario 2: The teacher is taking OAL only and starts Adoption leave on 01 March.

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
							OAL	OAL	OAL	OAL	OAL	OAL
School Closures		1 week		2 weeks Christmas		1 week		2 weeks** Easter		1 week	2 weeks	4 weeks

** March or April

The teacher will already have had the benefit of 4 weeks of school closure prior to going on adoption leave. There will be an additional entitlement of 8 days which will be carried over to the next leave year as the teacher is returning on 01 September. This will be taken following the first 28 days of annual leave entitlement in school closure periods for that leave year.

Scenario 3: The teacher is taking OAL and AAL and starts Adoption leave on 01 October.

Leave Year 1

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
		OAL	OAL	OAL	OAL	OAL	OAL	AAL	AAL	AAL	AAL	AAL
School Closures		1 week		2 weeks Christmas		1 week		2 weeks** Easter	1 week		2 weeks	4 weeks

Leave Year 2

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
	AAL											
School Closures		1 week		2 weeks Christmas		1 week		2 weeks** Easter	1 week		2 weeks	4 weeks

**March or April

Leave Year 1 – The teacher has had no annual leave but has an entitlement to 28 days (5.6 weeks) which will be carried over to the next leave year on her return from adoption leave in October.

Leave Year 2 – The teacher will benefit from 13 weeks of school closure to offset her annual leave entitlement for both Year 2 (28 days, 5.6 weeks) and following this the annual leave entitlement due to her for Year 1 (28 days, 5.6 weeks) i.e. 11.2 weeks in total. There will be no additional entitlement to annual leave.

Scenario 4: The teacher takes OAL only and starts Adoption leave 01 January but decides to resign and does not return at the end of the adoption leave period.

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
					OAL	OAL	OAL	OAL	OAL	OAL		
School Closures		1 week		2 weeks Christmas		1 week		2 weeks** Easter		1 week	2 weeks	4 weeks

**March/April

The teacher has not worked a full leave year and will be entitled to a pro-rated statutory annual leave entitlement i.e. 10 months (Sept to Jun). Pro-rata entitlement for 10 months = $28/12 \times 10 = 23$ days. The teacher will benefit from 3 weeks (15 days) of school closure prior to going on adoption leave and will therefore have an outstanding annual leave entitlement of 8 days. Therefore 8 days' pay in lieu will be due on termination.