



# STEP Academy Trust

## TEACHERS' ADOPTION/PATERNITY LEAVE

Date of Policy: December 2015

Review: December 2018

### CONTENTS

#### TEACHERS' ADOPTION LEAVE

Introduction

Eligibility

Timing of adoption leave

Notification

Matching certificate

Adoption leave

Adoption Pay

Statutory Adoption Pay (SAP)

Occupational Adoption Pay (OAP)

Overseas and Statutory Adoption Pay

Contractual benefits

Time off for pre-placement meeting

Return to work after Adoption Leave

Altering an early return date

Protection from detriment and dismissal

Working during adoption leave

Contact during the adoption leave period

Working for another employer during the Statutory Adoption Pay period

#### PATERNITY LEAVE AND PAY (ADOPTION)

Eligibility

Entitlement to ordinary Paternity Leave (Adoption within the UK)

Entitlement to ordinary Paternity Leave (Adoption Overseas)

Notification

Length of Paternity Leave

Timing of Ordinary Paternity Leave

Statutory Paternity Pay

Additional paternity leave

Shared parental leave

Self Certificate

Contractual benefits

Return to work after paternity leave

Protection from detriment and dismissal

## APPENDICES

Appendix 1 – Summary of Teachers' Adoption Scheme

Appendix 2 – Teachers' Request for Adoption Leave Form

Appendix 3 - Request for Paternity Leave/Pay (Adoption) Self Certificate

Appendix 4 - Model Letter for Teachers

Appendix 5 - Statutory Benefits Rates

### Introduction

This guidance sets out the rights of employees to adoption leave and pay for all Croydon teachers employed at STEP Academy Trust.

This guidance has been updated to reflect the changes in the Children and Families Act 2014, the Paternity and Adoption Leave (amendment) Regulations 2014 and the Statutory Paternity Pay and Statutory Adoption Pay (general) (amendment) regulations 2014. These amendments apply to those with a child expected to be placed with them for adoption **on or after 5 April 2015**.

An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave, provided that he/she has at least 26 weeks' continuous service calculated as at the week in which notification of matching is given by the adoption agency.

The employee's entitlement is to take up to 26 weeks' **ordinary adoption leave** followed immediately by up to 26 weeks' **additional adoption leave**.

The Children and Families Act 2015 introduces Shared Parental Leave. Employees who are matched for adoption with a child on or after 5 April 2015 may be able to convert a period of adoption leave or pay into a period of shared parental leave or pay that can be taken by either parent on a flexible basis (please refer to chapter 21a in the Croydon HR handbook).

*All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to their following the correct notification procedures as set out below. For the purpose of this document the term adopter refers to the employee.*

### Eligibility

To qualify for adoption leave, an employee must:

- be the child's adopter;
- have notified the adoption agency that he/she agrees that the child should be placed with him/her and on the date of the placement;
- be newly matched with a child for adoption by an approved adoption agency or surrogacy arrangement (surrogate parents with need a parental order);
- be employed in the week in which they are notified of being matched with a child for adoption;
- adopt the child from within the UK (see paragraph for overseas adoption);
- adoption leave and pay to parents in a surrogacy situation and approved prospective adopters who look after children as part of a "fostering to adopt" arrangement;
- to adoption pay to local authority foster parents who are prospective adopters and who have been notified of a child's placement in accordance with s.22C of the Children Act 1989.

### Timing of adoption leave

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier. To make administration as easy as possible, the employee should discuss the timing of his/her adoption leave with his/her Headteacher/Line Manager as early as possible.

### **Notification**

To be entitled to take adoption leave and receive adoption pay, the employee is required to give the Academy written notification of his/her intention to take adoption leave **no later than seven days after the date on which notification of the match with the child was provided by the adoption agency**. Notice, which must be in writing if the Academy requests it, must specify the date the child is expected to be placed with the employee for adoption and the date the employee intends his/her adoption leave to start.

The adopter may postpone his/her adoption leave start date, provided that he/she advises the Academy in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

Whilst the above timescales ensure compliance with the law, in the interests of longer term planning and cover arrangements, employees are asked to discuss their arrangements with their Headteacher/Line Manager at the earliest opportunity.

Within 28 days of receiving the adopter's notice of intention to take adoption leave, your HR Provider/Academy will write to the adopter confirming the latest date on which the employee must return to work after adoption leave.

### **Matching certificate**

Adopters will have to provide documentary evidence – a ‘matching certificate’ – from their adoption agency as evidence of their entitlement to adoption pay and leave. Adopters should ask their adoption agency for a matching certificate, which gives basic information on matching and expected placement dates.

Notice and evidence required from the Adopter for statutory adoption pay (SAP) purposes:

The Adopter must provide evidence of entitlement to statutory adoption pay consisting of:

- his or her name and address;
- the date on which he or she expects the payment of statutory adoption pay to begin;
- the name and address of the adoption agency;
- 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;
- the date on which he or she was informed by the adoption agency that the child would be placed with him or her for adoption;
- a declaration that he or she has elected to receive statutory adoption pay and not statutory paternity pay (adoption).

This information and declaration **must be provided at least 28 days before the date on which it is expected that the liability to pay statutory adoption pay will begin** or, if that is not reasonably practicable, as soon as it is reasonably practicable. It is noted that sometimes there is very little time between when the adoption agency informs the adopter that he or she has been matched with a child and the date of placement.

Where the adopter chooses to begin the statutory adoption pay period on the day on which the child is placed for adoption (or the following day where he or she is at work on that day), the adopter must provide further notice as soon as is reasonably practicable of the date the child is placed for adoption.

#### **Key steps for Headteacher/Line Managers:**

- Check that the employee has given the required notice and satisfied the evidential requirements for adoption leave [and pay];
- Respond to the employee confirming his or her statutory adoption leave [and pay] arrangements;
- Consider how the employee's work will be covered while he or she is on adoption leave;
- Notify your HR and Payroll provider of your employee's intention to take adoption leave.

#### **Adoption leave**

An employee who is entitled to adoption leave can take up to 26 weeks' **ordinary adoption leave**, followed by a further 26 weeks of **additional adoption leave**. - a total of up to 52 weeks' leave starting either on the day the child is placed for adoption, or up to 14 days earlier.

**Adoption leave** becomes a 'day one' right for employees adopting a child on or after 5 April 2015. Leave can start on any day of the week. Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If the child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to 8 weeks after the end of the placement.

#### **Adoption Pay**

##### **Statutory Adoption Pay (SAP)**

During ordinary adoption leave most employees will be entitled to Statutory Adoption Pay (SAP). The adoption pay period is for up to 39 weeks SAP.

From April 2015 the first six weeks will be paid at 90% of the employee's normal salary. The period of statutory adoption pay remains the same regardless of how many children are placed for adoption as part of the same arrangement. The remaining 33 weeks will be paid the current SAP rate (see appendix 3).

To receive SAP, the adopters' average weekly earnings must be at least as much as the lower earnings limit for National Insurance contributions, which applies at the end of their qualifying week **1**. The rate of SAP is a weekly State benefit (see appendix 3 for current rate), the conditions and amount of which are determined statutorily by the Department for Works and Pensions.

Adopters not qualifying for SAP may qualify for other benefits and are encouraged to contact their Payroll provider and/or the local Social Security/Jobcentre plus Office to find out more.

**1** The qualifying week is the week beginning with the Sunday that the adopter receives notification of being matched with the child and ends on the following Saturday

### **Occupational Adoption Pay (OAP)**

An adopter who has been continuously employed with the Academy/Council for a minimum of 12 months by the expected date of the child's or children's placement will be paid their normal pay inclusive of SAP for the first 4 weeks followed by 2 weeks at 90%. Adopters will be entitled to Occupational Adoption Pay (OAP) comprising of 12 weeks at half of normal pay plus SAP, followed by 21 weeks of SAP.

Half pay will be provided only if the adopter returns to work for the Academy for a minimum period of 13 weeks after the end of adoption leave (or part-time equivalent). If they do not return, they will be required to refund the half pay they have received. If doubt exists around whether the adopter will return to work, they may ask for the half pay to be paid in the form of a lump sum when they return to work in the same way as those returning from maternity leave. The definition of a week's pay is the same as applied under the maternity leave provisions.

### **SAP:**

6 weeks 90% of normal pay, including SAP  
33 weeks SAP at lower rate.

### **SAP & OAP: (Payment for those with 1 year or more continuous service):**

4 weeks at full pay, including SAP  
2 weeks at 90% of normal pay, including SAP  
12 weeks (half pay and SAP provided total does not exceed full pay (for employees who wish to return to work and have declared their intention to return)).  
21 weeks at SAP at lower rate.

### **Overseas adoptions and statutory adoption pay**

Adoption pay and leave is available to an eligible employee who adopts a child from overseas. An overseas adoption occurs where a child enters Great Britain from outside the UK in connection with or for the purposes of adoption, which does not involve the placement of the child for adoption under the law of any part of the UK.

The Department of Health must issue a certificate to the overseas authority concerned with the adoption confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

### **Contractual benefits**

Adopters are entitled to the benefit of their normal terms and conditions of employment (other than wages or salary) throughout their 26-week **ordinary adoption leave** period on the same basis as for maternity leave. However, most adopters will be entitled to SAP during this period. During **additional adoption leave**, the employment contract continues and benefits and obligations remain in force e.g. compensation in the event of redundancy, notice periods and accrual of annual leave.

### **Time off for pre-placement meetings**

Employees adopting a child have the right to reasonable time off work to attend adoption appointments. The adopter may be asked to produce evidence of appointments.

### **Return to work after Adoption Leave**

The adopter has an automatic right to return to work after his or her adoption leave. The job to which they are entitled to return will depend on whether they have taken **ordinary adoption leave** or **additional adoption leave**.

### **Altering an early return date**

If the adoption is disrupted because the child dies or is returned to the adoption agency, or the adoption pay period has begun prior to the date the child is to be placed for adoption, but the placement does not take place, the adoption pay period terminates eight weeks after the end of the week in which the child dies or is returned to the adoption agency, or the adopter is notified that the placement will not take place. A week for these purposes is a period of seven days beginning with a Sunday.

If the adopter wishes to return before the full period of adoption leave has elapsed, he/she must give at least eight weeks' notice in writing to the Academy of the date on which he/she intends to return.

The adopter may choose to return to work early so that his or her partner can take between two and 26 weeks' additional paternity leave. If he or she returns to work before he or she has taken the full entitlement to 39 weeks' statutory adoption pay, the partner may be entitled to additional statutory paternity pay for the remainder of the 39-week period during which the main adopter would have received statutory adoption pay, had he or she not returned to work.

Adopters returning to work early from adoption leave must inform their Headteacher/manager immediately to arrange a return to work date.

### **Protection from detriment and dismissal**

Adopters will be protected from suffering detriment or unfair dismissal for reasons related to taking or seeking to take adoption leave. Adopters who think they have been treated unfairly will be able to complain to an Employment Tribunal.

### **Working during adoption leave**

An adopter can work for up to 10 days during adoption leave without bringing the adoption leave to an end or losing SAP entitlement. Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the work place.

Keep In Touch (KIT) days do not need to be worked as consecutive days and may be worked at any time during the adoption leave. In counting the number of KIT days worked, part of a day will count as a whole day.

KIT days are worked by mutual agreement between the manager and the adopter. Managers cannot insist that an adopter works during adoption leave and an adopter cannot insist on being given work to do.

An adopter will receive normal pay for the hours worked on KIT days minus any entitlement to SAP and half-pay. The total duration of the adoption leave period remains at 52 weeks regardless of whether or not KIT days are worked.

### **Contact during the adoption leave period**

The Academy and the adopter are permitted to make reasonable contact during adoption leave. This contact can be used to help with planning the return to work and advising adopters about developments at work. This contact does not constitute 'work' as referred to above.

**Working for another employer during the statutory adoption pay period**

Statutory adoption pay can be received from each employer for which an employee satisfies all the terms and conditions.

If an adopter works for another employer during the adoption pay period, then payment is made as normal if he or she was employed by the other employer during the week in which he or she was notified by the adoption agency of being matched with the child.

**Where statutory adoption pay is being paid to an employee who, during the statutory adoption pay period, works for another employer that is not an employer for which he or she worked in a week in which notification of the match occurred there is no liability to pay statutory adoption pay in respect of the remaining part of the statutory adoption pay period. The adopter is required to notify the employer that he or she is working for another employer.**

## **PATERNITY LEAVE AND PAY (ADOPTION)**

### **Eligibility**

#### **Entitlement to ordinary paternity leave (adoption within the UK)**

The Children and Families Act 2014 extends the right to take ordinary paternity leave and pay to parents in a surrogacy situation and approved prospective adopters who look after children as part of a "fostering to adopt" arrangement.

The Paternity, Adoption and Shared Parental Leave (Parental Order Cases) Regulations 2014 (SI 2014/3096), which came into force on 1 December 2014, effect the extension of ordinary paternity leave to parents for whom a court has made a parental order in accordance with s.54 of the Human Fertilisation and Embryology Act 2008 (i.e. surrogate parents) and intended parents in a surrogacy situation, in respect of children whose expected week of birth begins on or after 5 April 2015. The Paternity and Adoption Leave (Amendment) (No.2) Regulations 2014 (SI 2014/3206) extend the right to ordinary paternity leave to partners of local authority foster parents who are prospective adopters and who have been notified of a child's placement in accordance with s.22C of the Children Act 1989. The Regulations, which come into force on 5 April 2015, effect the extension in relation to children matched with an adopter who is notified of the match on or after this date.

For adoption situation, an employee partner is entitled to one week's or two consecutive weeks' ordinary paternity leave for the purpose of caring for the adopted child or supporting the child's adopter if he or she:

- has been continuously employed for a period of not less than 26 weeks by the end of the week in which the child's adopter is formally notified by an approved adoption agency that he or she has been matched with a child for adoption;
- is married to, the civil partner of, or the partner of the child's adopter, and has or expects to have the main responsibility (apart from any responsibility of the adopter) for the child's upbringing; and
- has formally notified his or her Academy of the date on which he or she intends to take ordinary paternity leave and, where applicable, has produced evidence supporting the ordinary paternity leave claim. (Employees will need to provide a self-certificate as evidence that they meet these eligibility conditions - see below).

NB: An employee is not entitled to take ordinary paternity leave in respect of a child if he or she has taken any shared parental leave in respect of him or her.

Only one period of ordinary paternity leave is available, even if more than one child is born as the result of the same pregnancy or if more than one child is placed with an individual or couple for adoption under the same arrangement.

#### **Entitlement to ordinary paternity leave (adoption from Overseas)**

Under the Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003 (SI 2003/921), an employee is entitled to one week's or two consecutive weeks' ordinary paternity leave for the purpose of caring for a child adopted from overseas or supporting the child's adopter if he or she:

- has been continuously employed for a period of not less than 26 weeks ending with the week in which the child's adopter received "official notification" from the relevant domestic authority, or commencing with the week in which his or her employment with the employer began (to accommodate the possibility that the official notification may have been received a year or more before the child enters the UK and the employee may have changed employer in this time);
- is the spouse, civil partner or partner of the child's adopter, and has or expects to have the main responsibility (apart from any responsibility of the adopter) for the child's upbringing; and
- has formally notified his or her employer of the date on which he or she intends to take ordinary paternity leave and, where applicable, has produced evidence supporting the paternity leave claim.

**"Adoption from overseas"** means the adoption of a child who enters Great Britain from outside the UK in connection with or for the purposes of adoption that does not involve the placement of the child for adoption under the law of any part of the UK.

**"Official notification"** means written notification, issued by or on behalf of the relevant domestic authority, that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to that authority, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

The **"relevant domestic authority"** in the case of an adopter to whom the Intercountry Adoption (Hague Convention) Regulations 2003 (SI 2003/118) apply and who is habitually resident in Wales is the National Assembly of Wales. In the case of an adopter to whom the Intercountry Adoption (Hague Convention) (Scotland) Regulations 2003 (SSI 2003/19) apply and who is habitually resident in Scotland it is the Scottish Ministers, and in any other case the Secretary of State for Health.

### **Notification**

Employees wishing to exercise their right to ordinary paternity leave must inform their Headteacher/manager in writing of their intention **no more than 7 days after the date on which the adopter is notified by an approved adoption agency** that he or she has been matched with a child for adoption in the UK (or if it is not reasonably practical to give notice within that 7 day period, as soon as is reasonably practicable).

In doing so, the employee must specify:

- when the child is expected to be placed with them (or if placement has already occurred, the date of the placement), and
- when they want their paternity leave and pay to commence;
- whether they wish to take either one or two weeks leave;
- Where this is not possible, employees are required to give the above information within 7 days of being notified by their adoption agency that they have been matched with a child for adoption.

Adopters may change their mind about the date on which they want their leave and pay to start by giving their Headteacher/Line Manager at least 28 days' notice (unless this is not reasonably practicable).

Please note where the adoption is from overseas the employee wishing to exercise their right to ordinary paternity leave must inform their Headteacher/Line Manager in writing of their intention **within 28 days of the adopter receiving the official notification.**

### **Length of paternity leave**

Ordinary paternity leave must be taken in a single block of one or two weeks within eight weeks of the adoption of the child. Ordinary paternity leave can start either from the date the child is placed for adoption or from a chosen number of days or weeks after that date.

### **Timing of ordinary paternity leave**

The timing of a period of ordinary paternity leave must be such as to enable an employee to take his or her full entitlement to leave (one week's leave or two consecutive weeks' leave, as the case may be) either:

- within 56 days beginning with the date of the child's birth or placement with its adoptive parent,
- or in the case of a child adopted from overseas, within the period of 56 days beginning with the date the child entered Great Britain. There is no provision in the Regulations for employees to take their ordinary paternity leave in instalments.

### **Statutory Paternity Pay**

During their paternity leave, most employees will be entitled to Statutory Paternity Pay (SPP). SPP will be paid for either one or two consecutive weeks as the employee has chosen. The rate of SPP will be the same as the standard rate of Statutory Maternity Pay. This is a flat-rate which is revised each year (see appendix 3 for current rate). If average weekly earnings are lower than the set rate, SPP will be paid at 90% of average weekly earnings.

Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes (see appendix 3 for current rate) will not qualify for SPP.

### **Additional paternity leave**

**The right to take up to 26 weeks' additional paternity leave is set to be abolished** and is available only to fathers and partners of mothers of children due **on or before 4 April 2015**, or adoptive parents of children who are placed for adoption (or in the case of overseas adoptions whose child enters Great Britain) on or before 4 April 2015 provided that they satisfy the relevant eligibility criteria.

The earliest that additional paternity leave may commence is 20 weeks after the adopted child's placement and it must end no later than 12 months after the date of placement. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks.

### **Shared parental leave**

From 1 December 2014, an employee is not entitled to take ordinary paternity leave in respect of a child if he or she has taken any shared parental leave in respect of him or she.

Shared parental leave is available in relation to adoptions on or after 5 April 2015. Shared parental leave enables the adoptive parent to commit to ending their adoption leave and pay at a future

date, and to share the untaken balance of leave and pay as shared parental leave with their partner. (Please refer to Shared Parental Leave Policy).

### **Self-certificate**

Employees will have to give their employers a completed self-certificate as evidence of their entitlement to SPP. A model self-certificate is attached in Appendix 3.

Line managers can also request a completed self-certificate as evidence of entitlement to paternity leave. The self-certificate must include a declaration that the employee meets certain eligibility conditions and provide the information specified above as part of the notice requirements. By providing a completed self-certificate, employees will be able to satisfy both the notice and evidence conditions for paternity leave and pay. Employers will not be expected to carry out any further checks.

### **Contractual benefits**

Employees are entitled to the benefit of their normal terms and conditions of employment (other than wages or salary) throughout their paternity leave.

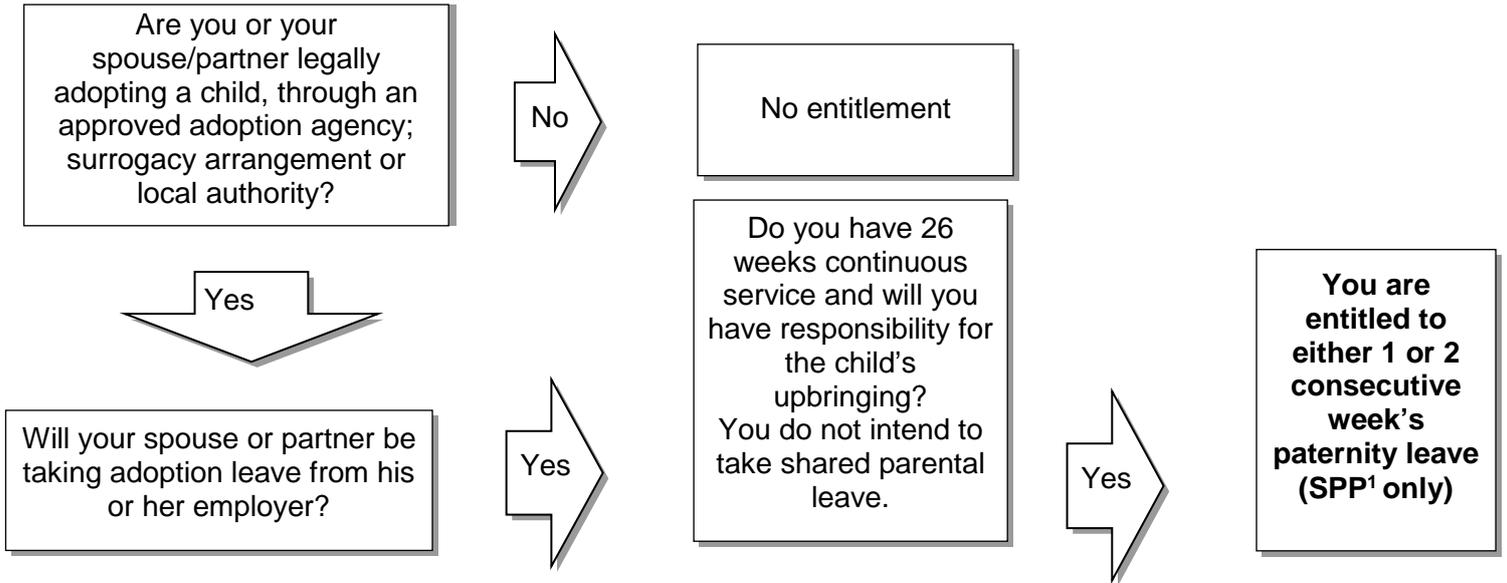
### **Return to work after paternity leave**

Employees will be entitled to return to the same job following paternity leave on the same terms and conditions of employment as if he/she had not been absent.

### **Protection from detriment and dismissal**

Employees will be protected from suffering unfair treatment or dismissal for taking, or seeking to take, paternity leave. Employees who believe they have been treated unfairly will be able to complain to an Employment Tribunal.

## APPENDIX 1 – SUMMARY OF TEACHERS’ ADOPTION SCHEME



**Adoption Leave Scheme applies:**  
 The amount of adoption pay and leave depends on your length of continuous service at the end of the week in which you are told that you have been matched with a child - \*see below.

No length of service requirement

6 weeks at 90% of normal pay (incl. SAP<sup>2</sup>)  
 33 weeks pay SAP<sup>2</sup>  
  
 Up to 52 weeks adoption leave

<sup>1</sup> **SPP** = Statutory Paternity Pay  
<sup>2</sup> **SAP** = Statutory Adoption Pay  
<sup>3</sup> *To be eligible for half-pay, the adopter must return to work after his/her adoption leave for at least 13 weeks (or part-time equivalent). Unless agreed otherwise, the half-pay will be paid for 12 weeks starting from the 7<sup>th</sup> week of adoption leave*

One year or more service

4 weeks full pay (incl. SAP)  
 2 weeks at 90% of normal pay (incl. SAP<sup>2</sup>)  
*followed by*  
 12 weeks half-pay<sup>3</sup> plus SAP  
*followed by*  
 21 weeks SAP<sup>2</sup>  
  
 Up to 52 weeks adoption leave

**\*Notification for Adoption Leave and Pay**  
 Within **7 days** of being notified that s/he has been matched with a child **and** up to **14 days** before adoption leave starts, the employee must confirm in writing:

- when the child is expected to be placed with them, and
- when they want their adoption leave and pay to commence. Adoption leave can start from the date of placement or up to 14 days beforehand.

## Appendix 2

**TEACHERS REQUEST FOR ADOPTION LEAVE FORM**

Please complete and return to the Headteacher no later than 7 days after the notification of the adoptive match was given to you by the adoption agency and at least 28 days before you wish any payment of statutory adoption pay to begin (or as soon as possible where this is not reasonably practicable)

NAME: .....

EMP. NO: .....

ACADEMY .....

Date of commencement of employment with STEP Academy Trust/Academy:

The Date the adoption agency have matched you with the child(ren):

The Date the child is expected to be placed with you:

Date Adoption Leave is expected to commence:

I will be returning to work after my adoption leave:

I will not be returning to work after my adoption leave:

Declaration

You must tick this box if you are adopting a child with your partner.

I declare that I am adopting the child with my partner and I want to receive Statutory Adoption Pay and adoption leave, not Statutory Paternity Pay (SPP) and Paternity leave.

I will be the Principle Carer for a child(ren) being legally adopted through an adoption agency/surrogacy arrangement/fostering to adopt arrangement.

I will inform my Headteacher/Line Manager immediately if there is any change to the above or any change in the circumstances relating to the adoption/permanent fostering.

I enclosed a matching certificate /will forward \* the matching certificate /relevant documents relating to the adoption/ surrogacy arrangement/fostering to adopt arrangement and agree to the conditions of the adoption leave scheme.

*\*Please delete as appropriate*

Signed.....

Date.....

Headteacher/Line Manager .....

Date.....

### Appendix 3

#### Request for Paternity Leave/Pay (Adoption) Model self-certificate

Name:  Employee Number (found on your payslip):

Academy:

The adoption agency told the person adopting the child that they had been matched with the child on (enter date):

The child is expected to be placed on (enter date):

I would like to start my paternity leave & SPP to start on (enter date):

I want to be away from work for (tick 1 box)                      1                         2 weeks  

#### Declaration

You must tick this box if you are adopting a child with your partner.

I declare that I am adopting the child with my partner and I want to receive Statutory Paternity Pay (SPP) and paternity leave, not Statutory Adoption Pay and adoption leave.

You must be able to tick all three boxes to get Statutory Paternity Pay and leave.

I declare that:

✓

I am:

- married to the person adopting the child, or
- living with the person adopting in the child an enduring family relationship, but am not an immediate relative, and

I will have responsibility for the child's upbringing

I will take time off work to support the person adopting the child or to care for the child

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 4

### Model letter to acknowledge notification of adoption leave for teachers

Dear [ ]

Thank you for advising us that you intend to take statutory adoption leave commencing on [date/the date your child is placed with you for adoption].

We confirm that you are eligible to take adoption leave as requested. If you wish at a later date to change the commencement date of your adoption leave, you must notify your Headteacher/Line Manager no later than 28 days before your intended revised start date or 28 days before [original proposed start date], whichever is sooner, or if that is not reasonably practicable, as soon as it is reasonably practicable for you to do so.

[As you have chosen to start your adoption pay on the date the child is placed with you for adoption, please note that you should inform me of the placement date as soon as possible.]

Your statutory adoption leave entitlement consists of 26 weeks' ordinary adoption leave followed immediately by 26 weeks' additional adoption leave. During ordinary adoption leave and additional adoption leave, all terms and conditions of your contract, except normal pay, will continue.

[Insert only one option from below]

You will be paid SAP at the rate set by the Government for the relevant tax year for up to 39 weeks. [Before April 2015]

[OR

You will be paid SAP at a rate equivalent to 90% of your average weekly earnings, for the first six weeks and SAP at the standard rate for 33 weeks. [From April 2015 & for adopters who will not be returning to work]

[OR

You have more than one years' continuous service and have confirmed you are returning to work, you are therefore eligible for SAP and Occupational Adoption Pay (OAP). You will be paid 4 weeks full pay including SAP;

2 weeks at 90% of normal pay including SAP; 21 weeks SAP at the standard rate and you will receive 12 weeks half pay and SAP provided total does not exceed full pay as you have declared your intention to return.

If you decide not to return to work, your decision will not affect your entitlement to SAP but will affect OAP if this has already been paid to you.

[OR

You do not qualify for statutory adoption pay because your earnings are less than the lower earnings limit. The SAP1 form (enclosed) explains why you do not qualify for SAP. You should contact your adoption agency to find out if you can get any other help.

Given the date you have chosen to start your adoption leave, your additional adoption leave will end on [ ] and you will have to return to work on the first working day after this date. If you decide to return to work before the end of your additional adoption leave, you must give eight weeks' notice of the date on which you wish to return. If you do not give this notice, or give insufficient notice, we will have the right to postpone your return date for a number of days equivalent to the unexpired portion of the eight weeks' notice period, or until the end of your additional adoption leave period if that occurs earlier.

If you are jointly adopting the child, if you propose to return to work by giving proper notification, your spouse, civil partner or partner may be eligible to take additional paternity leave once you have returned to work. Further details can be obtained from [name].

You are eligible to work for the Academy for up to 10 days (known as "keeping-in-touch" days) during your adoption leave without bringing your adoption leave to an end [and without loss of a week's statutory adoption pay]. For these purposes, "work" can also include training or any other activity undertaken to assist you in keeping in touch with the workplace, such as attending conferences, appraisals or team meetings.

During your period of adoption leave, the Academy may contact you about the possibility of working keeping-in-touch days. You may also write to us to request to work keeping-in-touch days. However, you are under no obligation to agree to attend work and we are under no obligation to offer you keeping-in-touch days.

In any event, the Academy reserves the right to maintain reasonable contact with you from time to time during your adoption leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work in your absence.

If you are a member of Teachers Pension Scheme, contributions will continue to be deducted during the paid part of your adoption leave. Contributions will be based on the actual pay you receive, including SAP and any half-pay. During unpaid adoption leave, you will not be deducted any contributions.

Should you wish to pay contributions relating to unpaid adoption leave, you should contact Teachers Pensions.

Finally, we would remind you that, if you decide that you do not wish to return to work at the end of your adoption leave, you must still give us proper notice of termination of your employment in accordance with your contract of employment.

If you have any questions about any aspect of your adoption leave [or pay] entitlement, please do not hesitate to speak to [name].

Yours sincerely

## **Appendix 5**

### **Statutory Benefits Rates**

See HR website for details.

These rates are subject to revision by the Department for Work and Pensions each April.