Support Staff Adoption Leave & Pay Policy

Date Approved	November 2024
Date of Next Review	November 2026

Policy scope and purpose	**3**
glossary	**4**
Adoption leave - Eligibility	**6**
Pre Adoption appointments	**6**
Adoption leave entitlement	**6**
Rights during Adoption Leave	**6**
Qualifying conditions and applying for Adoption leave	**7**
The start of Adoption leave	**8**
Changing the Adoption Leave start date	**8**
Maintaining contact during Adoption Leave	**8**
Keeping in Touch (KIT) Days	**9**
Annual Leave and Bank Holidays during Adoption Leave	**9**
Pension during Adoption Leave	**10**
Pay and Pay Progression during Adoption Leave	**10**
Adoption Pay	**11**
Adoption Pay entitlements	**11**
Continuous Service for Adoption Pay entitlements	**11**
Qualifying conditions for Statutory Adoption Pay (SAP)	**13**
Qualifying conditions for Occupational Adoption Pay (OAP)	**13**
Payment of SAP and OAP	**13**
Exclusions from SAP/OAP	**14**
Leaving employment during Adoption Leave	**14**
Returning to work following Adoption Leave	**15**
Fostering for Adoption	**16**
Frequently Asked Questions	**17**
Other sources of information	**18**
Application for leave and pay form UK adoption	**19**
Application for leave and pay form Overseas adoption	**20**

Policy scope and purpose

Scope and purpose	This document sets out the adoption leave and pay entitlements employees on IET Support Staff Pay terms and conditions of employment including employees on fixed term contracts. This policy intends to: • Fully inform employees of their adoption leave and pay entitlements. • Provide guidance on adoption leave and pay processes. • Support managers by providing them with details of IET's obligations to employees. Employees should note that the right to Adoption Leave and the right to Adoption Pay are separate, each having its own qualification criteria as set out in the sections of this policy.
Legislative requirements	The Paternity and Adoption Leave Regulations 2002. The Maternity and Parental Leave Regulations, which came into force on 15 December 1999, together with the provisions of the Employment Rights Act 1996, as amended by the Employment Relations Act 1999, the Employment Act 2002 and the Work and Families Act 2006, set out the framework for maternity rights.
Who uses this policy	This policy applies to all employees on IET Support Staff terms and conditions of employment .
Related policies	Maternity Leave and Pay Paternity Leave and Pay Shared Parental Leave and Pay Unpaid Parental Leave Surrogacy Other Leave Annual Leave Policy and Guidance

Glossary

General	
Continuous service: CS	For statutory adoption leave and pay entitlements CS is the length of time you have unbroken service with the trust, county council or other multi academy trusts under the modification order body. Refer to Part 2 of your Statement of Particulars of Employment for further information and see the section Continuous Service for Adoption Pay Entitlements on page 11 of this policy.
LEL: Lower Earnings Limit	The weekly earnings level set annually by the HM Revenue & Customs, above which you make Class 1 National Insurance contributions. You need to earn this amount before tax to qualify for statutory adoption pay.
AWE: Average Weekly Earnings	Calculated on the total payments made during an 8 - week qualifying period, except where there is no established pattern of work in which case a 52-week period will be used or the number of weeks in which the employee has been in employment if less than 52.
Adoption	
SAL: Statutory Adoption Leave	The 52-week adoption leave period to which all eligible employees are entitled regardless of length of service or hours worked.
OAL: Ordinary Adoption Leave	The first 26-week adoption leave period.
AAL: Additional Adoption Leave	The 26-week adoption leave period that immediately follows Ordinary Adoption Leave.
SAP: Statutory Adoption Pay	Payable to eligible employees who take adoption leave because they have adopted a child.
Higher rate SAP	90% of average weekly earnings (before tax).
Lower rate SAP	The statutory SAP rate or 90% of average weekly earnings (before tax) – whichever is lower.

OAP: Occupational Adoption Pay	An enhanced level of adoption pay provided by the Trust to eligible employees.
APP: Adoption Pay Period	The period during which SAP is payable to an eligible employee.
QW: Qualifying Week for SAP	Either • The end of the week in which an employee is notified of the adoptive match (UK adoption) or • When the employee starts getting adoption pay (overseas adoptions).
Main Adopter	A person who has been matched with a child for adoption, or, if a couple have been matched jointly, the member of that couple who has chosen to take adoption leave and /or Statutory Adoption Pay.
Partner	The term 'partner' is used in the definition of eligibility. A partner is married to or lives with the main adopter of the baby in an enduring family relationship, whether of different sex or the same sex, but it is not an immediate relative. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the main adopter and the child.
Matched	A person/couple are matched with a child for adoption when an adoption agency decides that that person/couple would be a suitable adoptive parent for the child.
Notification of Matching	A person/couple is notified of having been matched with a child on the date on which they receive notification of the agency's decision under regulation 11 (2) of the Adoption Agencies Regulations 1983.
Official Notification (for overseas adoptions)	Written notification, issued by or on behalf of the "relevant domestic authority", that it is prepared to issue, or has already issued and sent, a certificate to the overseas authority concerned with the child's adoption, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent. The relevant domestic authority is defined as the Secretary of State.
Matching Certificate	A certificate provided by an Adoption Agency that confirms that someone has been matched with a child for adoption and may be used as evidence for the purposes of Statutory Adoption Leave and Pay.

Placement	The Placement of a child for adoption occurs when the child goes to live with the adopter permanently with a view to being formally adopted in the future.
KIT days: Keeping in Touch days	The days that can be worked during adoption leave without bringing the leave to an end.

Adoption Leave and Pay Policy

Adoption Leave

Eligibility
The right to adoption leave applies to employees who adopt a child through an approved adoption agency. This includes employees who adopt a child from overseas provided they have received "official notification" in respect of that child.

Intended parents in a surrogacy arrangement who meet the qualifying requirements and are newly matched with the child through an approved adoption agency, or who qualify for a Parental Order, are eligible for the same entitlements as others who adopt. The Trust has a separate Surrogacy Policy

The couple chooses which partner takes adoption leave. The other partner (as the "co-adopter") may be entitled to Paternity Leave. The Trust has a separate Paternity Leave Policy

Employees are not eligible for statutory adoption leave or pay if they:

- become a special guardian or kinship carer.
- adopt a stepchild.
- adopt a family member.
- adopt privately, e.g., without permission from a UK authority or adoption agency.

Pre-adoption appointments
Employees who are eligible for adoption leave are also eligible for paid time off work to attend up to 5 adoption appointments after they have been matched with a child.

Adoption Leave entitlement
Regardless of length of service or hours worked, all employees who are adopting can take up to 52 weeks Statutory Adoption Leave (SAL) subject to qualifying conditions. This is made up of 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption Leave (AAL).

Rights during Adoption Leave
Employees are entitled to receive all the normal terms and conditions of their contract of employment apart from normal pay. Pay during adoption leave will be subject to the rules that relate to adoption leave and pay as detailed in this Policy document.

An employee is protected from being subjected to detriment (by any act or deliberate failure to act by their employer) and protected from dismissal because they:

- Took adoption leave **or**

- Sought to take adoption leave.

Detriment can cover a wide range of unfair treatment, such as denial of promotion, facilities, or training opportunities which the employer would otherwise have offered or made available.

Qualifying conditions and applying for Adoption Leave

For all adoptions employees will need to:

- Advise their line manager and HoS that they intend to take adoption leave as soon as they are aware of the adoption. They do not have to do this by law, but providing early notification will allow their manager & HoS time to plan for their intended leave period.

For UK adoptions employees will need to:

- Give notice to HoS/hr@ietmat.co.uk using the Trusts Adoption leave form (*Appendix B*) confirming that they intend to take leave and the intended start date. This should be done no later than 7 days after the date the adopter is notified of having been matched with a child, or if this is not possible as soon as it is reasonably practicable.

- Provide a Matching Certificate, available from the Adoption Agency stating the date they were notified of the matching and the expected date that the child will be placed with them. This should be emailed to hr@ietmat.co.uk

For Overseas adoptions employee will need to:

- Provide the relevant UK authority's 'official notification' confirming they are allowed to adopt.

- Complete form SC6 if they are adopting from overseas with a partner. This confirms that they are not taking paternity leave or pay. https://www.gov.uk/government/publications/statutory-adoption-pay-and-leave-adopting-a-child-from-abroad-sc6

Give notice to HoS/hr@ietmat.co.uk using the Trusts Adoption leave form (*Appendix C*) providing:

- The date of their 'official notification' and estimated date the child will arrive in the UK – within 28 days of receiving the 'official notification'

- The actual date the child arrives in the UK – within 28 days of this date

- the date they would like their adoption leave to start and how much adoption leave they intend to take – giving 28 days' notice.

Only one period of leave is available, irrespective of whether more than one child is placed for adoption as part of the same arrangement.

Notifications may be given at separate times if there is agreement between the employer and employee.

Failure to give the required notifications within the specified time limits may result in the loss of right to start adoption leave on the intended start date.

The HoS will need to:

- Approve the statutory leave form

- Agree with the employee during a pre-adoption leave discussion, arrangements for keeping in touch during the adoption leave period and what information the employee would like to receive. (See section Maintaining contact during Adoption Leave below for further details). Already anticipated Keeping in Touch (KIT) days (of which in total there should be no more than 10) could also be scheduled at this point, with any further KIT days being agreed during the adoption leave

period as they become relevant. (See section Keeping in Touch Days below for further details).

Once the formal notification and statutory leave form has been approved, HR will write to the employee confirming the adoption leave start and end dates. The employee should receive this letter within 28 days of HR or the school receiving their notification.

The Start of Adoption Leave
Adoption leave can start:

a) On the date the child starts living with the employee or up to 14 days before the expected placement date (UK adoptions)
b) When an employee has been matched with a child to be placed with them by a UK adoption agency
c) When the child arrives in the UK or within 28 days of this date (overseas adoptions)
d) The day the child is born or the day after (parents in surrogacy arrangements).

Changing the Adoption Leave start date
If the date of placement changes, the employee may change the date adoption leave starts accordingly, provided they give the HoS and the HR Team, at least 28 days' notice in writing (unless this is not reasonably practicable).

Once the notification of a revision to the start date of adoption leave has been received, the HR Team will write to the employee confirming the change. The employee should receive this letter within 28 days of HoS or the HR Team receiving the employee's written notification of the change.

Maintaining contact during Adoption Leave
Whilst on adoption leave, the employee's privacy should be respected. However, the Work & Families Act 2006 gives the employer the express right to make reasonable contact with an employee on adoption leave to keep the employee informed of developments in the workplace and discuss the employee's plans to return to work at the appropriate time.

As a minimum an employee on adoption leave will be informed of any organisational change that may affect them and of any vacancies in the team that may be of interest to them.

Any contact above this needs to be agreed during the pre-adoption leave discussion between the line manager and the employee. (See Qualifying conditions and applying for Adoption Leave above).

The line manager and employee should agree what information the employee would like to receive, when first contact will be made and how frequent contact will be thereafter. The method of contact needs to be agreed also e.g., phone, email, letter, or face to face.

If the employee is unsure of what contact they want, the line manager should agree with them when and how first contact will be made and agreement for further contact reached when first contact is made.

Already anticipated Keeping in Touch (KIT) days could also be scheduled at this point, with any further KIT days being agreed during the adoption leave period, as they become relevant. A maximum of 10 KIT days can be scheduled. (See Section on KIT days below for further information).

Keeping in Touch (KIT) Days
KIT days are designed to provide an opportunity for employees to keep their skills and knowledge current whilst on adoption leave. KIT days can only be made available to employees who have indicated that they intend to return to work immediately after their adoption leave or where there is a statutory requirement, e.g., statutory training.

An employee may participate in up to 10 KIT days (or part days) without losing entitlement to adoption leave or pay. If they work more than 10 KIT days, their adoption leave and pay automatically ends by law.

Remuneration is based on contractual pay. Any Statutory Adoption Pay or Occupational Adoption Pay received will count towards that remuneration, and the total must not exceed full pay. There is no obligation on the employer to offer KIT days or on the employee to take them up if offered, but they are a useful way for an employee to remain up to date with their team whilst they are away on adoption leave.

Even if the employee only works for part of a day (for example a half day), this counts as 1 full KIT-day. The employee will be paid for a full day, irrespective of how many hours they work. Team lunches or any time when the employee's child is in attendance will not constitute a KIT Day.

For part-time employees, the hours paid will be based on their normal working pattern. For example, if an employee works 8 hours per day, over 3 days, the employee will receive 8 hours pay for one KIT-day.

Where an employee's working pattern is not available and/or the number of hours worked are not known, payment will default to the average daily hours, across 5 days.

Using the above example, 24 hours per week, across 5 days would equate to a payment of 4.8 hours per KIT-day.

The HoS/Line Manager must notify the HR Team of each KIT-day that the employee attends work and arrange for payment to be made in the next available pay run.

Employees can choose to receive payment for a KIT-day the month after it has been worked, or to receive payment for all KIT-days on their return to work following Adoption leave. The employee's line manager is responsible for instructing Employee Services to make payments for KIT-days.

Annual Leave and Bank Holidays during Adoption Leave

Employees who are on full year contracts are encouraged to take any outstanding accrued annual leave before adoption leave starts.

Employees continue to accrue all their paid annual leave (including bank holidays where applicable) whilst on adoption leave, whether paid or unpaid. For full year contracts, annual leave can be taken before the leave starts, or after it comes to an end, subject to normal HoS approval. Annual leave cannot be taken at the same time as adoption leave. Employees who have a non-standard working pattern (e.g., term time only, annualised hours or on a bank (zero hours basis) should refer to their contract of employment for details about how their annual leave and bank holidays are calculated.

Wherever applicable and possible, annual leave accrued during adoption leave should be taken as paid leave before the employee returns to work.

If an employee wishes to use up their accrued leave by returning to the payroll earlier than their intended return date, i.e., substituting a period of unpaid adoption leave with a period of paid annual leave, they must give 8 weeks' notice as it will be treated as if returning to work early from adoption leave.

Carrying over accrued annual leave to the next leave year

If an employee is unable to take their annual leave entitlement during the year in which it accrues, they can carry over up to 28 days leave (their statutory annual leave entitlement including bank

holidays – pro rata for those working part time or part year) to the next leave year, to be used within 12 months of the end of the year in which it accrued. For most employees an adjustment to annual leave will be applied, but for employees working on a part year annualised hours basis, this will require a pay adjustment. (See the next section below).

Accrued leave for term time only or annualised hours employees

If an employee works on a term time or annualised hours basis, where their annual salary includes payment for annual leave and bank holidays, the HR Team will need to ensure that any outstanding leave accrued and not taken on their return to work that payroll is informed so that pay is adjusted accordingly. The number of days that can be carried forward to a new leave year is limited to 28 days (pro rata for those working part time or part year).

Pensions during Adoption Leave

LGPS Pension Scheme

During any period of paid adoption leave an LGPS member's pension is worked out to make sure that their pension is not affected by the reduction in pay. This means that they will continue to build up a pension in the section of the LGPS they are in, as if they were working normally and receiving pay. For an example of how assumed pensionable pay is calculated see the LGPS website. Employees on adoption leave will pay their basic pension contributions on the adoption pay they receive.

However, any period of unpaid additional adoption leave (normally from weeks 39 - 52) will not count for pension purposes unless the employee elects to pay Additional Pension Contributions (APCs) to purchase the amount of pension lost during that period of unpaid absence. If an employee is interested in buying the pension lost, they must contact My Helpdesk Pensions within 30 days of returning to work.

For further information see the LGPS website https://www.lgpsmember.org/ or contact My Helpdesk Pensions at crtpensions@surreycc.gov.uk 0300 200 1031 option 3 if advice is needed.

Pay and Pay Progression during Adoption Leave

If the annual pay award and progression falls during the period of an employee's adoption leave, they will be notified of their reviewed salary at the same time as other employees and will receive their reviewed salary upon their return to work. Similarly, any backdated increases will be considered when calculating Statutory and Occupational Adoption Pay.

Adoption Pay

Adoption Pay entitlements

Employees will receive up to 39 weeks' adoption Statutory Adoption Pay (SAP) depending on meeting the relevant qualifying conditions. In addition, employees may be eligible for Occupational Adoption Pay (OAP).

The adoption pay that employees receive will depend on their length of continuous service and earnings as shown in the table on the next page.

Unlike maternity there is no equivalent of Statutory Maternity Allowance for employees who do not earn enough to get SAP. Single parents with a young child might be able to claim Universal Credit during their adoption leave.

Continuous Service for Adoption Pay entitlements

An employee's continuous service date for SAP entitlements is the length of time they have unbroken service with the Trust, but it also covers movement between employment by the County Council and employment by the governing body of a community foundation or a voluntary aided school maintained by the County Council or a Multi Academy Trust under the modification order body, where there is no break in service. Continuity of service is normally broken if there has been a break in service of a period of one complete week, running from Sunday to Saturday between two contracts of employment, unless certain exceptions apply.

An employee's continuous service date for OAP entitlements includes previous service with employers listed in the Redundancy payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 (Modification Order). Employees who joined Surrey County Council from another local authority or from a government body listed on the Modification Order, will have previous service with that employer included for the purpose of their entitlement to OAP.

The employee's statement of particulars of employment or amendment to contract letter confirms the relevant continuous service start dates for the above. Part 2 of their Statement of Particulars of Employment confirms the basis on which continuous service includes previous service with "Modification Order" employers.

Adoption Pay	
Less than 26 weeks' continuous service by the week the employee has been matched with the child (UK adoptions), or from when adoption pay starts (overseas adoptions.	No entitlement to Statutory Adoption Pay (SAP). Occupational Adoption Pay (OMP) 50% of average weekly earnings, for 4 weeks (from week 7 of adoption leave).

At least 26 weeks' but less than one year's continuous service by the week the employee has been matched with the child (UK adoptions), or from when adoption pay starts (overseas adoptions).	Statutory Adoption Pay (SAP) For employees whose average gross weekly earnings are at least equal to the Lower Earnings Limit: Higher rate SAP for 6 weeks. Lower rate SAP for up to 33 weeks. Occupational Adoption Pay (OAP) 50% of average weekly earnings, in addition to lower rate SMP, for 4 weeks from week 7 of adoption leave provided the combined payments do not exceed full pay.
At least 1 year's continuous service by the week the employee has been matched with the child (UK adoptions), or from when adoption pay starts (overseas adoptions).	Statutory Adoption Pay (SAP) For employees earning above the Lower Earnings Limit: Higher rate SMP for 6 weeks. Lower rate SMP for up to 33 weeks. Occupational Adoption Pay (OAP) For employees earning below the Lower Earnings Limit with no entitlement to SAP: 90% of average weekly earnings for 6 weeks. For all employees: 50% of average weekly earnings, in addition to lower rate SAP, for 20 weeks (from week 7 of adoption leave) provided the combined payments do not exceed full pay

Qualifying conditions for Statutory Adoption Pay (SAP)

To qualify for SAP, the employee must:

- Have at least 26 weeks' continuous service prior to the Qualifying week (QW), that is the week in which they were matched with a child (UK adoptions), or the week in which they started getting adoption pay (overseas adoptions).
- Have average weekly earnings over the eight weeks prior to the Qualifying Week (QW) of not less than the lower earnings limit for the payment of national insurance contributions.
- Give at least 28 days' written notice of the date they want SAP payments to start

- Supply HR and HoS with documentary proof of adoption (if not already done so) which must show:
    - the name and address of the adoption agency,
    - their name and address, and either:
    - the 'matching certificate' from the adoption agency with the date of placement – letter from adoption agency (UK adoptions), or
    - the relevant UK authority's 'official notification' and the date the child arrived in the UK – for example plane tickets (overseas adoptions).

Qualifying conditions for Occupational Adoption Pay (OAP)

To retain the 4 weeks' half-pay (employees with less than one year's continuous service) or 20 weeks' half pay (employees with more than one year's continuous service), an employee must:

- Have given the required written notification of their intention to return to work.
- Return to work for a minimum of 13 continuous weeks at their pre-adoption leave contracted ours. If the employee reduces their contracted hours on returning to work, they will have to work longer than 13 weeks to retain the half pay element of their OAP. How much longer will depend on the reduction in hours and its pro rata equivalent to 13 weeks' service. See the Section ' varying hours of work on return from adoption leave' for more information.
- An employee, who does not return, or who does not verify their subsequent employment with another local authority, may be liable to repay any OAP received.
- An employee can choose to receive their 4 - or 20 - weeks' half pay after they return to work.

Payment of SAP and OAP

Average weekly earnings for SAP purposes are normally calculated by reference to an 8-week period, known as the Relevant Period, that comes before the Matching Week (That is the week in which the adoption agency advised that the employee had been matched with a child).

SAP is payable at 90% of the employee's average weekly earnings for the first 6 weeks (the Higher Rate) and at either the statutory SAP rate or 90% of the employee's Average Weekly Earnings (whichever is lower – the Lower Rate) for the remaining 33 weeks.

SAP starts on the day Ordinary Adoption Leave begins or

SAP is payable at a daily rate of 1/7th of the weekly SAP amount, whether the higher or lower rate. The weekly rate of SAP is set by the Government.

SAP is not repayable. OAP will be repayable if the employee does not return to work following adoption leave (see section Qualifying Conditions for OAP above)

SAP and OAP are subject to Income Tax, National Insurance contributions and, in certain circumstances, pension contributions

Both SAP and OAP are calculated weekly but paid monthly. Monthly payments will vary depending upon the level of SAP/OAP the employee is entitled to as the adoption leave progresses.

Exclusions from SAP/OAP

An employee will not be entitled to SAP and/or OAP, or will cease to be entitled to SAP and/or OAP, if they:

- attend work on more than ten occasions for keeping in touch days
- do any work, other than keeping in touch days, for any employer
- are taken into legal custody, or

• the placement of the child is disrupted.

Leaving Employment during Adoption Leave

1. If an employee is considering resignation, their line manager should invite them to a meeting to discuss the potential flexible working options that might be considered to facilitate a return to work and to advise the employee of their rights under parental leave arrangements or the flexible working policy.

2. If the employee does not wish to return to work after Ordinary or Additional Adoption Leave, they must give notice in accordance with the notice provisions specified in their Statement of Particulars of Employment, although the normal notice provisions may be waived by their line manager.

3. If the employee leaves employment for any reason before the placement they will still be entitled to SAP. However, if they start work for a different employer (one they weren't employed by in the week they were notified of having been matched with the child) they won't be able to receive SAP for any week they do any work for their new employer. They need to check with their potential new employer.

4. In the circumstance described (c) above, where the employee continues to receive SAP, the employment is regarded as continuing until the expiry of the notice period and SAP will be paid as a lump sum, subject to income tax and NI. The employee will not receive OAP.

5. If the employee leaves SCC employment when they are on OAL, their last day of service will be the end of their notice period following resignation and SAP will be paid as a lump sum.

6. If the employee leaves employment when they are on AAL their last day of service will be the end of their notice period following resignation. The date should be no earlier than the date of receipt of the resignation.

7. In cases of dismissal, please contact hr@ietmat.co.uk for notice period and pay entitlements.

8. Employees who resign during adoption leave or who do not return to work at the end of their adoption leave period may, in some cases, be entitled to pay in lieu of their accrued annual leave entitlement. If the employee qualifies for OAP, the pay in lieu of leave will help off-set any OAP that has to be repaid following a failure to return to work. See the section Qualifying conditions for Occupational Adoption Pay above for further information.

Returning to work following Adoption Leave

Unless otherwise notified, the date on which the employee returns to work will be the first working day after the end of their 52 weeks' adoption leave period.

Employees who intend to return to work immediately after their adoption leave period do not have to give notice of their return.

If an employee wishes to return to work before the notified date or before the end of their full adoption leave, they need to give 8 weeks' notice of the date of their intended return. If the employee fails to give 8 weeks' notice, their return can be deferred to ensure 8 weeks' notice is

provided.

Employees who take only 26 weeks of adoption leave have the right to return to their job, on terms and conditions no less favourable to those they had at the commencement of their adoption leave, and to any improvements implemented in their absence unless this is not reasonably practicable.

If the employee takes the full 52 weeks of adoption leave, they will have the right to their job or a similar job (if it is not possible to give them their old job).

Similar means the job has the same or better terms and conditions. If the employee unreasonably refuses to take the similar job the council/school can take this as their resignation.

Continuity of Service following Adoption Leave
On return to work the employee will have full continuity of service for purposes of redundancy and other service-related benefits, provided they return to work on the specified date.

Returning to work late following Adoption Leave
An employee who does not return to work on the specified date, either the date originally agreed or subsequently amended date, must contact their manager as soon as possible to explain the reasons why. An employee cannot extend adoption leave beyond the statutory entitlement.

- If the employee is ill at the date of return to work, they should inform their line manager in the normal way. This would be dealt with in accordance with the provisions for absence management

- If the employee cannot return to work for other reasons, depending on the circumstances the employee may be able to take unpaid parental leave or use annual leave or special leave in agreement with their line manager/HoS

- If there is an interruption of work (whether due to industrial action or some other reason) and it is unreasonable to expect the employee to return on the notified day, the employee may instead return when work resumes, or as soon as reasonably practicable thereafter
- If the employee fails to return after the maximum period of adoption leave, and fails to notify their absence, disciplinary procedures may be invoked. In these circumstances, the employee's line manager should make every effort to contact the employee to establish the reason(s) and offer support, if appropriate.

Varying hours of work on return from Adoption Leave
If an employee wishes to vary their hours of work on their return from adoption leave, they should discuss this with their line manager/HoS. They have a right to request a flexible working arrangement and for that request to be fully considered.

If the employee reduces their contracted hours on returning to work, they will have to work longer than 13 weeks to retain the half pay element of their OAP. How much longer will depend on the reduction in hours and its pro rata equivalent to 13 weeks' service and is determined by applying the following formula (using the example of someone who worked 36 hours per week before they went on adoption leave and works 18 hours per week on their return):

• Hours worked before going on leave (36) ÷ Hours per week on return (18) = 2 • 13 weeks x the answer above (13 x 2) = 26

• Employee must return for 26 weeks, working 18 hours per week to retain their full OMP entitlement.

Fostering for Adoption

Statutory adoption (or paternity) leave (and pay if eligible) can begin when a fostering for adoption

placement is made. If an adopter chooses not to take adoption leave (or to take paternity leave) at this point, they may take leave at the point when the child is matched with them for adoption (which may be some months later). Adopters are eligible for only one set of adoption/paternity leave per placement.

Taking adoption leave at the later date (on matching) may affect statutory adoption pay. This is based on the final 8 weeks' salary before taking leave, so a fostering for adoption carer who takes unpaid leave while fostering will be eligible for statutory adoption leave but not statutory adoption pay.

Appendix A

Frequently Asked Questions

Does adoption leave change your continuous service date? On return to work you will be given full continuous service for purposes of redundancy and other service-related benefits. This is provided you return to work on the specified date.

What happens if I become sick during adoption leave?
Statutory or occupational sick pay cannot be paid during the same period in which statutory or occupational pay is being received for adoption leave. If an employee has indicated that they are returning to work and then become ill, this will be treated as sickness absence in accordance with the Trust's Absence Management Policy.

Can I be made redundant during adoption leave?
It is unlawful for an employer to select an employee for redundancy in preference to other comparable employees during their adoption leave for any reason connected with their adoption entitlements.

Employees have the right to be offered any suitable alternative job (where one is available) if they are at risk of redundancy (even if other colleagues are more suitable for the role) whilst on adoption leave.

What happens if the placement is disrupted during leave? If you begin a period of adoption leave before the placement of the child and are then told the placement will not be made, or if during a period of adoption leave the child dies or returns to the Adoption Agency, your leave will normally finish 8 weeks after the end of the week in which the disruption took place.

What should I do if the date of the placement changes before the leave begins?
You must discuss the situation with HoS and inform hr@ietmat.co.uk to give the appropriate notice to change the date.

What happens if the placement is delayed but the adoption leave has already begun?
If you plan to start adoption leave before the actual date of the placement, you must be sure, as far as possible, that the placement will be going ahead on the date agreed before you start your leave. If the placement is delayed, for whatever reason, and you have already begun your adoption leave, you cannot stop the leave and start it again later.

Will my adoption pay be affected if I get fostering allowances and payments as a fostering for adoption carer?
No, your adoption pay is not affected by any fostering allowances and payments you may receive.

Can I go back on adoption leave once I have returned to work?
If you choose to return to work early from adoption leave once you have returned you cannot then go back on to adoption leave. If you require additional time off then annual leave, parental leave, or special leave could be considered.

What happens if I have a fixed term contract and decide to adopt?
If you have a fixed term contract and decide to adopt you will be treated in the same way as a permanent employee, even if your contract ends whilst you are on adoption leave.

The pay and leave entitlements and relevant qualifying conditions will be applied to you as they are to a permanent employee. If your contract comes to an end whilst you are on adoption leave your entitlements will be dealt with in the same way as if a permanent employee left.

If your fixed-term contract is not renewed this is treated as a dismissal. If you can demonstrate that the reason or principal reason for the non-renewal of your fixed term contract is related to your adoption leave, then the dismissal will be automatically unfair. The dismissal may also give rise to a claim of sex discrimination.

If your fixed term contract comes to a natural or premature end for reasons of redundancy whilst you are on adoption leave, you are entitled to be offered a suitable alternative vacancy, before your contract ends, where one is available. The work must be suitable and appropriate for you. It is unlawful for an employer to make an employee redundant during OAL/AAL without first complying with these requirements.

Other sources of information
Adoption leave and pay – rights for parents - Maternity Action
Adoption pay and leave: Overview - GOV.UK (www.gov.uk)

Appendix B

Application for Leave & Pay Form (UK Adoption)

Employee Name	

Start Date of continuous service *(see policy for qualifying conditions)*	

Name & address of adoption agency	

Placement date (*the expected or actual date the child will be placed with you*)	
Start date of adoption leave *(see policy for qualifying conditions)*	
How much adoption leave do you intend to take?	

I declare that as part of this adoption I will **not**:

- become a special guardian or kinship carer
- adopt a stepchild
- adopt a family member
- adopt privately e.g., without permission from a UK authority or adoption agency

Signed by employee	

** a matching certificate should be forwarded to hr@ietmat.co.uk as soon as possible.*

This form should be sent to the Head of School and copied into HR @ HR@ietmat.co.uk within 7 days of the date the child is matched with you.

Appendix C

Application for Leave & Pay Form (Overseas Adoption)

Employee Name	
Start Date of continuous service *(see policy for qualifying conditions)*	
Name & address of adoption agency	
Date of official notification	
Estimated date the child will arrive in the UK *(within 28 days of receiving official notification)*	
Actual date the child arrives in the UK *(within 28 days of this date)*	
Start date of adoption leave *(28 days notice)*	
How much adoption leave do you intend to take?	

I declare that as part of this adoption I will **not**:

- become a special guardian or kinship carer
- adopt a stepchild
- adopt a family member
- adopt privately e.g., without permission from a UK authority or adoption agency

Signed by employee	

Attached (tick or state if already provided)

UK authority official notification confirmation allowing you to adopt	
Completed SC6 form (*if adopting from overseas with a partner confirming not taking paternity leave or pay*)	

This form should be sent to the Head of School and copied into HR @ HR@ietmat.co.uk