



The Athelstan Trust

Adoption Leave and Pay Policy

Adoption leave and pay policy

Introduction

- 1 **Purpose:** This policy is intended to provide guidance on your statutory entitlement to adoption leave and pay.

Notification requirements

- 1 **Notification:** You must inform the Academy within seven days of receiving notification from the statutory adoption agency of being matched with a child (**Agency Notification**) that you intend to take adoption leave. The Academy may require you to produce evidence of a child being placed with you.
- 2 **Local Authority Placement and Surrogacy:** If you have a child placed with you under a local authority "fostering for adoption" or "concurrent planning" arrangement, or you are entering into a surrogacy arrangement under which you will be applying for a parental order, you may also be entitled to adoption leave and pay.
- 3 **Information from the Academy:** Following receipt of your notification, the Academy will write to you within 28 days indicating the date on which your entitlement to adoption leave will end.

Adoption leave

- 4 **Entitlement:** Provided you comply with the notification procedures above, you will be entitled to 26 weeks Ordinary Adoption Leave (**OAL**) and 26 weeks Additional Adoption Leave (**AAL**). AAL begins the day after your OAL ends.
- 5 **Commencement of leave:** You will be entitled to begin your OAL up to 14 days before the date on which the child is expected to be placed with you. You may not start your OAL after the date on which the child is placed with you.
- 6 **Variation:** You may vary the date on which you begin your OAL provided that you notify the Academy in writing at least 28 days before the new date you wish to begin your OAL.

Additional adoption leave (AAL)

- 7 **Entitlement:** If you are entitled to OAL you will also be entitled to an additional period of 26 weeks AAL beginning the day after your OAL ends. The Academy will inform you of the date on which your AAL period will end should you decide to take AAL within 28 days of you notifying the Academy of your intention to take OAL.

Keeping in touch

- 8 **Informal discussion:** Before your adoption leave starts we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave. If you would like to remain on circulation lists for internal news, job vacancies, training and work-related social events, please advise your Head of Department or line manager.



The Athelstan Trust

Adoption Leave and Pay Policy

- 9 **Keeping in touch days:** You may work (including attending training) for up to ten days during your adoption leave without bringing your adoption leave or Statutory Adoption Pay to an end. The arrangements, including pay, can be set by agreement between you and the Academy.
- 10 **Before you return:** Shortly before you are due to return to work, the Academy may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may include updating you on any changes that may have occurred, discussing any necessary training and any changes to working arrangements.

Return to work

- 11 **Notification:** The Academy will inform you of the date on which your AAL period will end (should you decide to take AAL) within 28 days of you notifying the Academy of your intention to take OAL. If you wish to return to work before the end of your AAL, you must notify the Academy in writing at least eight weeks before you expect to return to work. A failure to notify the Academy could mean that your return to work is postponed.
- 12 **Return from OAL:** You will be employed in the same position upon your return to work from OAL that you occupied before your leave period began. You will be entitled to return on the same terms and conditions of employment as if you had not been absent.
- 13 **Return from AAL:** You will normally be entitled to return to the same position upon your return to work from AAL that you occupied before your leave period began. If this is not reasonably practicable, you will be redeployed to a job which is suitable for you and appropriate for you to do in the circumstances. You will be entitled to return on terms and conditions no less favourable than you would have been entitled had you not been absent and with your seniority, pension rights and similar rights as they would have been if the period of employment prior to your AAL period was continuous with the period of employment following it.
- 14 **Disrupted placement:** Where you have already commenced your leave and the child is subsequently not placed with you or the placement ends, your entitlement to adoption leave shall end either eight weeks after the week in which you received notification that the child is not to be placed with you the placement ends or at the end of your AAL whichever is sooner.

Statutory adoption pay (SAP)

- 15 **Entitlement:** You will be entitled to SAP provided that you have been continuously employed by the Trust for 26 weeks as at the week you receive the Agency Notification (even if your employment is terminated for any reason after this date) and provided that you make National Insurance contributions. You will not be entitled to SAP if you have chosen to receive Statutory Paternity Pay or your spouse has chosen to receive SAP.
- 16 **Commencement:** Your entitlement to SAP will begin when you commence your OAL.
- 17 **Duration:** You will receive SAP for the first 39 weeks of your adoption leave period. The remainder of your AAL will be unpaid.
- 18 **Rate:** SAP is paid at the prescribed rate set by the government for the relevant tax year.
- 19 **Losing your entitlement:** You will lose your entitlement to SAP if you commence working for another employer during your adoption leave, whether on a part-time or full-time basis. You will not be



The Athelstan Trust

Adoption Leave and Pay Policy

entitled to SAP if you are entitled to Statutory Sick Pay or the child placed for adoption with you reaches 18 years of age.

Adopting more than one child

- 20 **Entitlement:** Where you adopt more than one child as part of the same arrangement, your entitlement to leave and SAP under this policy shall remain unchanged.

Deciding not to return

- 21 **Notification:** If you do not intend to return to work, or are unsure, it is helpful if you raise this as early as possible. If you decide not to return you should give notice of resignation in accordance with your employment contract. The amount of adoption leave left to run must be at least equal to your contractual notice period, otherwise you may be required to work for the remainder of the notice period. Once you have given notice, you cannot change your mind without our agreement. This does not affect your right to receive SAP.

Returning to work part-time

- 22 **Requests:** The Academy will deal with any requests by employees to change their working patterns (such as working part-time) after adoption leave on case-by-case basis. There is no absolute right to insist on working part-time, but we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the organisation. It is helpful if requests are made as early as possible. The procedure for dealing with such requests is set out in our flexible working policy.

Shared Parental Leave

- 23 **Shared parental leave (SPL):** Subject to eligibility requirements, you may be entitled to SPL and pay. If you opt into the SPL scheme, you will forgo any remaining rights or entitlements under this adoption leave and pay policy. Please see the Trust's SPL policy for further details.