



Adoption and Surrogacy Leave Policy

Our vision is to enable all to flourish.

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Responsible group:	Executive Leadership Team
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1.0 Statement of Intent

- 1.1 The Trust is an organisation with a Christian foundation. The ethos, values and relationships of the Trust, and its associated academies, are central to upholding the values of the foundation. The Trust is committed to supporting employees before, during and after they return from adoption leave.

2.0 Introduction

- 2.1 This policy provides guidance on claiming adoption pay, obligations during adoption leave and statutory and contractual adoption entitlements.
- 2.2 This policy applies to all employees in the Diocese of Gloucester Academies Trust ('The Trust'), including employees working in schools and the central team.
- 2.3 This leave is a period of leave that employees are entitled to when adopting a child (including fostering for adoption and surrogacy). It can be made up of paid and unpaid leave.
- 2.4 If adopting as a couple, only one parent will be entitled to adoption leave and potentially pay, while the other person may be able to take paternity leave or shared parental leave.
- 2.5 Terms such as partner, spouse and couple are used in this policy, and are applicable regardless of gender identity or sexual orientation.

3.0 Eligibility criteria for adoption

- 3.1 For UK adoption, employees must have been matched with a child to be placed with them by a UK adoption agency.
- 3.2 For overseas adoption, employees must have received official notification from the relevant UK authority of their eligibility to adopt a child from abroad.
- 3.3 Official notification is written notification issued by or on behalf of the relevant domestic authority (usually the Department of Health). A certificate will be issued to confirm that the employee is eligible to adopt a child from overseas and have been approved as being a suitable adoptive parent.

4.0 Informing the line manager of plans to adopt

- 4.1 The Trust understands that initially employees may not want to tell their line manager/Headteacher they would like to adopt. However, employees must inform their line manager/Headteacher in writing within 7 days or as soon as possible after the day they receive notification from the adoption agency that they have been matched with a child. The school/Trust will notify their payroll providers accordingly. Employees must include the following in their notification to their line manager/Headteacher:

- 4.1.1 the date the child is expected to be placed,

4.1.2 the date chosen to start adoption leave and pay.

5.0 Applying for adoption leave

5.1 If an employee is eligible for adoption leave, they must give 28 days written notice to their line manager/Headteacher of when they intend to start adoption leave. Employees can choose to start their leave either:

5.1.1 on the date the child is placed with them, or

5.1.2 on a specified date during the 14 days before the date the child is expected to be placed with them.

5.2 For overseas adoption:

5.2.1 when the child arrives in the UK or within 28 days of that date

5.3 For surrogacy:

5.3.1 the day the child is born or the day after.

5.4 The notification to the manager must include:

5.4.1 the employee's name,

5.4.2 the employee's number,

5.4.3 the expected date the child will be placed,

5.4.4 the date the employee intends to start adoption leave,

5.4.5 whether the employee wishes to be paid contractual adoption pay (CAP).
An employee may choose to have this withheld if they are unsure when or if they will return to work.

6.0 Surrogacy

6.1 If an employee is using a surrogate to have a baby, they must write to their line manager/Headteacher with the due date and when they want to start their leave and pay, at least 15 weeks before the expected week of birth.

7.0 Documentation required

7.1 In order to receive Statutory Adoption Pay (SAP) and/or adoption leave, employees must provide a document, i.e., either an adoption/fostering to adopt matching certificate and/or a letter from the adoption agency which shows the following:

7.1.1 the name and address of the adoption agency,

7.1.2 the employee's name and address,

- 7.1.3 the date the child is expected to be placed for adoption, or where the child has already been placed, the date of placement, and,
- 7.1.4 the date the employee was informed that the child would be placed with them.

7.2 If adopting from overseas, employees must provide:

7.2.1 a copy of the official notification, and

7.2.2 evidence of the child's date of entry into the UK, such as a plane ticket or copies of entry clearance documents.

7.3 For surrogacy the employee must provide a written statement (statutory declaration) to confirm they have applied or will apply for a parental order in the 6 months after the child's birth. This must be signed in the presence of a legal professional.

8.0 Changing the adoption leave start date

8.1 The employee must give their line manager/Headteacher 28 day's written notice of the new date.

8.2 The line manager/Headteacher will write to the employee to inform them of when the adoption leave will end.

9.0 Time off for appointments

9.1 Employees who plan to take adoption leave can take a reasonable amount of paid time off work for the purpose of the preparation and assessment process, meetings with the adoption agency and introductory visits before the placement of the child.

9.2 Employees must request time off from their line manager/Headteacher and give evidence of appointments or meetings.

9.3 An employee is entitled to 26 weeks ordinary adoption leave and 26 weeks additional adoption leave.

10.0 Adoption pay and deductions

10.1 Adoption pay will depend on the employee's length of service. The pay entitlements are included at the end of the policy.

10.2 Adoption pay is subject to income tax and national insurance in the same way as normal pay. Employees who are members of the Local Government Pension Scheme will pay pension contributions on the adoption pay they receive.

10.3 During unpaid adoption leave employees can choose whether or not to pay pension contributions. Where they don't pay contributions, the period is not counted as service and therefore not included in future pension benefit calculations.

- 10.4 Employees can choose to make up these payments when they return. If they wish to do this they must contact their pension administrator within 30 days of returning to work.
- 10.5 For further advice and guidance, employees should contact their pension scheme directly.
- 10.5 It goes into the employee's bank account in the normal way at the end of each month. In the first month of adoption leave employees will receive a letter from the school/Trust confirming:
- 10.5.1 the date adoption pay starts,
 - 10.5.2 rates of adoption pay they will receive,
 - 10.5.3 details of the period over which they will receive adoption pay.
- 10.6 If an employee is entitled to CAP they have options as to the time over which this is paid. These options can be found at the end of this policy.
- 10.7 If an employee is entitled to SAP they must send their line manager/Headteacher a signed letter to confirm they have chosen to receive SAP and not statutory paternity pay (adoption).

11.0 Disruption of the adoption/surrogacy process

- 11.1 If, after the employee has started their adoption leave, the expected placement does not occur, or, once the child has been placed, it dies or is returned to the adoption agency, adoption leave will end 8 weeks after the end of the week in which:
- 11.1.1 the employee is notified that the placement will not be made;
 - 11.1.2 the child dies; or
 - 11.1.3 the child is returned to the adoption agency.
- 11.2 For overseas adoption, if during adoption leave, the child dies or stops living with the employee, adoption leave will end 8 weeks after the end of the week in which:
- 10.2.1 the child dies; or
 - 10.2.2 the child ceases to live with the employee.
- 11.3 The employee must give 28 day's notice of their early return to work.

12.0 Adopting multiple children

- 12.1 Where more than one child is placed as part of the same placement (e.g. twins or siblings of different ages) the employee will be entitled to only one period of adoption leave. However, if another child is placed soon after (i.e. a new placement), provided that the employee qualifies, they will be entitled to another period of adoption leave.

13.0 Both partners working for the same school or within the central team

- 13.1 Only one employee will be entitled to adoption leave. When the employee receives notification of matching, one person must choose to be the child's adopter. The other person may be able to take paternity leave or shared parental leave as per the Trust Paternity Leave and/or Shared Parental Leave Policy.

14.0 Keeping in touch whilst on adoption leave

- 14.1 Employee's should agree with their line manager/Headteacher before they go on adoption leave as to how contact will be maintained during the leave. This will allow the line manager to update those on leave about any important changes in the team or development opportunities.

15.0 KIT ('keeping in touch') days

- 15.1 'Keeping in touch' or KIT days are days an employee works while on adoption leave without losing adoption pay or bringing leave to an end. They allow an employee to attend training or work the occasional day to 'keep in touch' with what is happening in the workplace.
- 15.2 There is no obligation for employees to work KIT days or for line managers/Headteachers to offer them. Employees can agree with their line manager/Headteacher to work up to a maximum of 10 days. A whole day KIT leave is deducted, regardless of whether part or all of a day is worked.
- 15.3 KIT days cannot be used to extend ordinary or additional adoption leave.
- 15.4 If adoption pay is greater or the same as the pay the employee would normally receive nothing extra is paid. If it is less, the employee will be paid the difference.
- 15.5 If the individual is part-time and works different hours on different days, payroll will calculate the average weekly hours over five days to determine an average day/hours pay.
- 15.6 If the employee and their line manager/Headteacher agree that attendance at a training course is necessary, then this should be agreed as a KIT day.

16.0 Annual leave and adoption leave

- 16.1 Entitlement is the same as it would be had the employee remained at work and the holiday will normally be taken during school closure periods before or after the period of adoption leave.
- 16.2 If an employee is unsure whether they are going to return to work they should discuss with their line manager/Headteacher whether to only take a proportion of leave. Any excess holiday taken will have to be repaid.

17.0 Returning to work and resignation

- 17.1 The line manager/Headteacher will write to the employee confirming their return to work date. If an employee wishes to return before this, they must give their line manager/Headteacher 21 days written notice of the date they will be returning.
- 17.2 An employee has the right to return to the job they were employed in before their adoption leave. Where this is not practical because of redundancy, restructuring or other exceptional circumstances, suitable alternative employment must be offered where it exists, on terms and conditions which are no less favourable. The employee must not be put at a disadvantage because they have been on adoption leave.
- 17.3 An employee must return to work for at least 3 months in order to keep CAP payments.
- 17.4 If an employee wishes to work different days or hours on their return they will need to make a flexible working request. For further information please refer to the Trust's Flexible Working Policy.
- 17.5 Where it is agreed an employee returns to work on a different basis or parental leave or a career break is taken immediately after adoption leave, an employee will still need to work for at least 3 months to keep CAP payments.
- 17.6 If the employee decides to not return to work they must resign in writing giving the appropriate notice to their line manager/Headteacher. A copy must be sent to the Trust's payroll provider via the Trust's central finance team.
- 17.7 If an employee does not return to work for 3 months they will not be entitled to CAP. If the employee has already received this, they will have to pay back the CAP.

18.0 Adoption pay entitlements – statutory and contractual

- 18.1 Contractual adoption pay (CAP) - what the employer pays.
 - 18.1.1 CAP is calculated on actual weekly pay that would have been due under the contract of employment, had the employee not been absent on adoption leave.

18.2 Statutory adoption pay (SAP) - what the state pays. The following factors may affect entitlement to SAP:

18.2.1 No evidence from the adoption agency regarding the match

18.2.2 Level of earnings must be above the National Insurance earnings limit.

Length of service	Pay entitlement
<ul style="list-style-type: none"> ▪ Less than 26 weeks DGAT service ▪ Less than one year DGAT service at the end of the notification week i.e. the week in which the employee is informed by the adoption agency that they have been matched with a child. 	<ul style="list-style-type: none"> ▪ No SAP ▪ No CAP ▪ Possible entitlement to adoption allowance (<i>Contact Department of Work and Pensions for advice</i>)
<ul style="list-style-type: none"> ▪ More than 26 weeks DGAT service ▪ Less than one year DGAT service at the end of notification week 	<ul style="list-style-type: none"> ▪ Entitled to SAP (<i>if sufficient earnings</i>) ▪ No CAP
<ul style="list-style-type: none"> ▪ Less than 26 weeks DGAT service ▪ More than one year DGAT service at the end of notification week 	<ul style="list-style-type: none"> ▪ No SAP ▪ Entitled to CAP ▪ Possible entitlement to adoption allowance
<ul style="list-style-type: none"> • More than 26 weeks DGAT service • More than one year DGAT service at the end of notification week 	<ul style="list-style-type: none"> • Entitled to SAP (<i>if sufficient earnings. If not, may be entitled to adoption allowance</i>) • Entitled to CAP

18.3 If an employee is entitled to SAP and CAP it is paid as follows:

Length of service	Pay entitlement
Weeks 1 – 6	<p>6 weeks at 90% of full weekly pay (CAP)</p> <p><i>This is offset against any entitlement to SAP (or adoption allowance, if the employee does not qualify for SAP).</i></p>
Weeks 7-18	<p>12 weeks' half pay (CAP) if the employee qualifies plus SAP or adoption allowance.</p> <p>If the employee is unsure as to whether they wish to return to work after the adoption leave period, they may ask for this half pay in one lump sum once they have returned to work.</p> <p><i>The amount received must not exceed normal full pay.</i></p>
Weeks 19-39	<p>21 weeks SAP (or adoption allowance if they do not qualify for SAP).</p>
Weeks 40-52	<p>Zero pay.</p>