



Adoption Leave

Responsible Committee	CLPT People Committee
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This document has been created to support the mission, values and beliefs of the Creative Learning Partnership Trust:

Our mission.

Creating
transformational
educative opportunities;
promoting **social justice**;



Our values.

Integrity

Courage to do the right thing, taking time to care.

Speaking and acting truthfully, fairly and upholding universal, moral principles.



Collaboration.

Working together, enabling each other.

Working with others to achieve strategic direction and to develop mutual trust and respect.



Dedication.

Committed to supporting and improving.

Showing commitment to and responsibility for strategies and goals.



Kindness.

Thinking of others and acting with compassion.

Demonstrating intentional actions to show care, respect and empathy to others.



Innovation.

Using expertise and research to transform.

Taking a proactive approach to problem solving, showing creativity, forward thinking and adaptability.



Understanding.

Openness, listening and valuing one another.

Actively listening to others to gauge the perspectives and needs of others within relevant context.



C

CREATIVE.

Creativity is at the heart of how we achieve exceptional educational outcomes. It drives innovation and empowers us to transform new and original ideas into reality, enriching the learning experience for every child.

L

LEARNING.

Learning is at the core of all we do. We are relentless in our commitment to ensuring that every child within our care achieves outcomes that truly reflect their potential and aspirations.

P

PARTNERSHIP.

Collaboration and **partnership** are key to continuous improvement. By working together, we create an inclusive, supportive, and responsive organisation that listens and learns from all voices.

T

TRUST.

Trust is the foundation of our culture. It permeates every aspect of our schools and organisation, creating confidence, integrity, and building strong relationships across our entire community.

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This information can be made available in a range of formats and languages including Braille and large print.

If this would be useful, please contact the Headteacher.

ABBREVIATIONS

Additional Adoption Leave	AAL
Average Weekly Earnings	AWE
Keeping in Touch Days	KIT
Ordinary Adoption Leave	OAL
Occupational Adoption Pay	OAP
Statutory Adoption Pay	SAP
Statutory Adoption Leave	SAL

1. Scope of Policy

The policy applies to all employees but does not form part of the contract of employment or any other contract to provide services and can be amended from time to time in consultation with the recognised trade unions.

The policy does not apply once you have left our employment or agency workers, consultants, self-employed contractors or volunteers.

This policy has been implemented following consultation with our recognised Trade unions.

Decisions will be made in line with our scheme of delegation.

2. What is Adoption Leave?

Adoption leave is a type of leave from work that allows employees to take time off when they adopt a child to help bond with their new child and adjust to their new family life.

All eligible employees have a statutory right to take Adoption leave regardless of service. There may also be some entitlement to adoption pay.

3. Who is eligible to take Adoption leave?

You, as an employee, can take adoption leave if you meet all the following conditions:

- you are adopting a child through a UK adoption agency, or you are a local authority foster parent who has been approved as a prospective adopter.
- the adoption agency or local authority has given you written notice that it has matched you with a child for adoption, or that it will be placing a child with you under a fostering for adoption arrangement and tells you the date the child is expected to be placed into your care.
- you have notified the agency that you agree to the child being placed with you on the expected placement date.

Alternatively:

- you are an intended parent through a surrogacy arrangement (where you and/or your partner are genetically related to the child) and you expect to be granted parental responsibility for the child under a parental order, which you must apply for within six months of the child's birth, and the child must live with you.

Only one person in a couple can take adoption leave. The other partner may be entitled to other types of family leave such as Parent Support leave (aka Paternity Leave), Shared Parental Leave and pay and Ordinary Parental leave and Pay where qualifying criteria is met.

You do not qualify for adoption leave or pay if you:

- arrange a private adoption.
- adopt a stepchild.
- you have a child through a surrogacy arrangement but are not eligible for a parental order (e.g. where neither you nor your partner has supplied the genetic material for the child).
- become a special guardian (see other family leave provisions such as ordinary parental leave) or kinship carer (see fostering friendly leave).

4. How much statutory adoption leave is available?

SAL is a maximum entitlement of up to 52 weeks adoption leave made up of:

- OAL - the first 26-week period of adoption leave entitlement.
- AAL – the remaining 26-week period of adoption leave entitlement.

As a primary adopter you must take at least 2 weeks off after the child has been placed with you. After this it is up to you how many of the remaining 50 weeks you take.

You get the same amount of adoption leave and pay even if you have more than one child placed in the same placement or with surrogacy, more than one child is born.

5. When can adoption leave start?

Adoption leave can start on any day of the week from:

- the date of the child's placement (whether this is earlier or later than expected); or
- a fixed date which can be up to 14 days before the expected week of placement although in the case of an overseas adoption, you can start it from the date the child enters Great Britain or from a date up to 28 days after that date; or
- in the case of surrogacy from the date the child is born, unless you are at work, in which case it will start the following day. You cannot change this start date.

If the child you are adopting requires neonatal care, you may be eligible to take neonatal leave in addition to adoption leave. See Neonatal leave and pay Policy.

6. What and when do I need to tell my Headteacher I am adopting?

Although there are minimum periods set out below for you to notify your Headteacher, it will be helpful for you to let your Headteacher know earlier about your adoption or surrogacy journey. This will help your Headteacher support you and plan for your leave.

For adoption and surrogacy:

Within 7 days, or as soon as reasonably practicable, of being notified that you have been matched with a child, or, with surrogacy, at least 15 weeks before the expected week of childbirth, you need to provide your Headteacher with written notice of the following:

- the date you intend to take adoption leave, and

- the date the child is expected to be placed with you, or, with surrogacy, the expected week of childbirth.

Once you receive the matching certificate, you may be asked to provide us with a copy, or in a surrogacy case, be required to complete a declaration confirming your entitlement to adoption leave. You must tell us the date of birth when the child is born.

If you are adopting from overseas, the rules are as follows:

You must tell your Headteacher in writing of:

- your intention to take adoption leave;
- the date you received official notification (approved by a relevant UK authority);
- the date the child is expected to enter Great Britain.

This written notice should be given within 28 days of receiving the official notification.

You must also give 28 days' prior written notice of your intended start date for adoption leave.

Additionally, you must notify us of the actual date the child arrives in Great Britain. This must be done within 28 days of that date.

We may ask for a copy of the official notification and evidence of the date the child arrived in Great Britain.

In all the above cases, within 28 days of your notification, we will confirm to you in writing the date you would be due to return to work, assuming you are taking your full entitlement to adoption leave.

To help you plan your adoption leave the government have a helpful calculator you can use. [Plan your adoption leave - GOV.UK \(www.gov.uk\)](https://www.gov.uk/plan-your-adoption-leave)

7. Changing the start date of adoption leave

You can amend the date that you want to start the adoption leave provided you give your Headteacher 28 days' notice of the new date you wish your leave to start (unless this is not reasonably practicable). In cases of overseas adoption, notice must be given at least 28 days before the date originally notified as the expected placement date.

8. Adoption Pay

8.1 Statutory Adoption Pay

You may be entitled to 39 weeks Statutory Adoption Pay (SAP), which is payable from the first day of adoption leave as follows:

- The first 6 weeks at 90% of your AWE before tax over the Relevant Period (see point b below), and
- The remaining 33 weeks at the standard rate or 90% of your AWE (whichever is lower) See the [latest rates](#) set by the government

SAP stops being payable if you return to work sooner or if the placement is disrupted. To be eligible to receive SAP during Adoption Leave you must:

- a) you have been continuously employed by the Trust for at least 26 weeks ending with the week the agency notified you that you had been matched with the child, the week you received official notification in an overseas adoption case, or the 15th week before the expected week of childbirth in a surrogacy case (“Qualifying Week”) and are still employed by us during that week;
- b) your AWE during the eight weeks ending with the Qualifying Week (“Relevant Period”) are not less than the lower earnings limit set by the government; and
- c) You must also give 28 days’ prior written notice of your intended start date for adoption pay. Note: the separate 28-day notices for Adoption Leave and Pay may be provided at the same time. Unless otherwise requested, adoption pay will commence from the start of the adoption leave period.

8.2. Occupational Adoption Pay (OAP)

Occupational Adoption Pay is an enhancement to SAP and **is dependent on meeting the criteria set out in** the national terms and conditions on which you are employed.

8.3 Employees other than those on Teachers terms and conditions

Less than one year’s continuous service by date matched or at the 11 th week before EWC	At least one year’s continuous service by date matched or at the 11 th week before EWC
9/10 ^{ths} of a week’s pay for the first six weeks	9/10ths of a week’s pay for the first six weeks’

absence (offset by SAP) plus	absence (offset by SAP), plus either:
33 weeks' SAP. (SAP is paid at a fixed, flat rate, which is reviewed annually or 90% of average weekly earnings whichever is the lesser).	A) 12 weeks' half pay (plus SAP) followed by 21 weeks SAP (without deductions except to the extent to which the combined pay and SAP exceeds full pay). or B) 33 weeks' SAP if you do not intend to return to work. (SAP is paid at a fixed, flat rate, which is reviewed annually or 90% of average weekly earnings whichever is the lesser)
Any Additional Adoption Leave to which you may be entitled is unpaid.	Any Additional Adoption Leave to which you may be entitled is unpaid.

8.4 Employees on Teachers terms and conditions

Less than one year's continuous service by date matched or at 11th week before EWC	At least one year's continuous service by date matched or at 11th week before EWC
9/10 ^{ths} of a week's pay for the first six weeks absence (SAP) plus	Full pay for the first four weeks' absence (offset by SAP) plus
33 weeks' SAP. (SAP is paid at a fixed, flat rate, which is reviewed annually or 90% of average weekly earnings whichever is the lesser).	9/10 of a week's pay for the next two weeks' absence (this will be offset against any entitlement to SAP during this period) plus either
Once the above is exhausted any Additional Adoption Leave to which you may be entitled is unpaid.	A)12 weeks' half pay plus SAP followed by 21 weeks SAP (without deductions except to the extent to which the combined pay and SAP exceeds full pay). or B) 33 weeks' SAP if you do not intend to return to work.

N/A	Once the above is exhausted, any additional Adoption Leave to which you may be entitled is unpaid.
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8.5 Can I spread my Occupational Adoption Pay over a different period to help me manage my personal budget?

Yes. If you are eligible to receive the half pay element of occupational adoption pay you can opt to have the total aggregate payment that would be due to you between weeks 7 and 18 paid to them over 24 weeks, instead of the usual 12 weeks. This equates to approximately 25% of your average weekly earnings. Alternatively, you can defer payment until you have returned to work. Note:

Both of these options are dependent on the ‘claw back’ rules below.

Note: This does not affect any payment of SAP as it is a set amount over a set period.

8.6 What are the ‘claw back’ rules?

To be able to keep the Occupational Adoption Pay you must return to work for

- three months after your adoption leave (for employees other than teachers); **or:**
- 13 weeks after your Adoption Leave (for teaching staff). This may include periods of school closure.

If you don’t return for the above periods, you must repay such proportion of the pay (but not the SAP amount) as determined by the Trust, i.e. 12 weeks half pay for all employees.

8.7 What if you are not eligible for SAP?

If are not eligible for SAP, but meet the eligibility requirements for OAP, you will receive the OAP as outlined below.

Employees other than on Teachers terms and conditions:

- 6 weeks at 9/10ths of full pay
- 12 weeks at half pay

Teachers' terms and conditions:

- 4 weeks at full pay
- 2 weeks at 9/10ths of full pay
- 12 weeks at half pay

Section 6 claw back rules on return to work will also apply for these payments.

9. What if my employment ends during adoption leave?

If your employment ends for any reason during or after the 15th week before the placement, your adoption leave will end but you retain your full entitlement to SAP. However, you will lose your entitlement to OAP as this is only payable whilst in our employment.

If you start working for another employer during the SAP period, after the baby is born, you must inform your Headteacher within 7 days of this and you will lose your entitlement to SAP.

10. What if the adoption placement ends?

If the child's placement ends during the adoption leave period, you will be able to continue the adoption leave for up to 8 weeks after the end of the placement. If a further placement is later arranged, you will need to apply for another period of adoption leave.

11. Time off for Adoption appointments

An adoption appointment is an appointment arranged by an adoption agency (or at the agency's request) for you to have contact with a child who is to be placed with you for adoption, or for any other purpose related to the adoption. You may take time off to attend an adoption appointment once the agency has notified you that a child is to be placed with you for adoption but before the child is actually placed with you.

If you are adopting on your own or have elected to be the primary adopter, you may take paid time off to attend an adoption appointment on up to five occasions.

If you are the secondary adopter, you may take unpaid time off to attend an adoption appointment on up to two occasions only.

You must not take more than six and a half hours off for each appointment, including travel and waiting time.

Please give us as much notice of the appointment as possible. You must provide your Headteacher with a signed statement or an email confirming:

- The date and time of the appointment.
- That the appointment has been arranged or requested by the adoption agency.
- Whether you are adopting a child alone or jointly with another person.
- If you are adopting with another person, whether you are electing to take paid or unpaid time off.

12. What are Keeping in Touch (KIT) days?

Keeping in touch (KIT) days are intended to facilitate a smooth return to work for you when returning from adoption leave. You can agree to work or attend training for up to 10 days during your period of adoption leave without loss of benefits or bringing your adoption leave to an end.

However, KIT days are optional. We have no expectation that you will undertake work and similarly you have no right to demand this. Any agreed work must be with prior mutual agreement.

Part days worked will count as one KIT Day. You will be paid your full contractual hourly pay for any KIT Day hours worked and this must not exceed a standard working day. Headteachers can agree with you when the payment of when KIT days will take place which can either be in the next available payroll month or when SMP has run out.

You will receive your Statutory Adoption Pay for the week, but any Statutory Adoption Pay paid will be offset against any payments made for the KIT day.

The adoption leave period will not be extended by the number of keeping in touch days worked.

After 10 KIT days have been worked the current rules will continue and you will lose a week's Statutory Adoption for any week in which they work. Payments for KIT days can either be made at the end of the adoption leave or during the period of adoption leave.

13. Further Advice

If you need any further information about any aspect of this policy, please initially speak to your Headteacher.

Adoption Leave Pro-forma

Congratulations on your new addition to your family. Please complete this form to advise us of your adoption leave details.

Once completed, please e-mail this form and your Matching Certificate to your Headteacher/manager. You will receive a letter via e-mail confirming your adoption entitlement. Your Matching Certificate can be sent as a picture or scanned copy.

Personal Information	
First Name(s):	
Surname:	
Payroll Reference Number: <small>(you can find this on your payslip)</small>	
Current Job Title:	
Personal e-mail address: <small>(for purpose of sending out Adoption information & contact during Adoption leave)</small>	
Home Address including postcode:	
Name of Manager:	
Manager's work e-mail address:	
Adoption Information	
First day of Adoption Leave (DD/MM/YY):	
Expected Date of Childbirth (DD/MM/YY):	

Adoption Pay

The CLPT Adoption Policy sets out the eligibility criteria for adoption pay depending on your relevant terms and conditions, length of service and whether your average weekly pay is above the statutory lower earnings limit. Please indicate below which Adoption option/arrangement that you have chosen/applies to you - our payroll team will review your preference against eligibility and will confirm your entitlement via a letter.

Please select the relevant dropdown:-	Choose an item.
* Declaration for Options 1 or 2 - By selecting my adoption pay preference as Option 1 or Option 2, I understand that if I do not return to duty for at least 3 months immediately following Adoption Leave, I will refund CLPT the payments made in respect of Occupational Adoption Pay (OMP). (This does not affect Statutory Adoption Pay entitlements).	
I attach my Matching Certificate (please choose from dropdown):	Choose an item.
Signed:	Date:

****RESTRICTED****

Employee Information

Please note:

1. If your adoption start date changes, please contact your manager who will advise us to change your adoption leave start date
2. If there are any changes to your weekly contracted hours prior to the start of your adoption leave, this will affect your adoption entitlement. Any changes to hours are actioned by your Headteacher.
3. Please advise your Headteacher/manager of your return-to-work date from adoption leave or if you are not returning via your resignation letter. If you are returning your manager will complete the last day of Adoption Leave section plus any KIT days to be paid. Your adoption absence will be ended and you will return to full pay from the following day. If you have resigned, your manager will enter a leave date.
4. If you are a member of the Local Government Pension Scheme, you can elect to cover your lost pension contributions by taking out a Shared Cost Additional Pension Contribution. Please read the information on the local government webpage and note the 30 day deadline from your adoption leave end date for relating to employer costs if applying - [Staffordshire Pension Fund - Absences \(staffspf.org.uk\)](http://staffspf.org.uk).