



OLD BUCKENHAM HALL

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Adoption Leave Policy



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Policy for Adoption Leave

Old Buckenham Hall implements the adoption leave rights set out in legislation. This section sets out the School policy on adoption for employees adopting a child where the expected date of placement for adoption is on or after April 1, 2007.

It is our policy to encourage open discussion between the employee and their line manager to ensure that questions and problems relating to Adoption Leave can be aired and resolved as quickly as possible. The adoption regulations are complex and so employees should clarify the relevant procedures with the Business Manager (HR) to ensure you follow them correctly.

In order to qualify for the right to take adoption leave, you must be adopting a child through an approved adoption agency and you must have worked for the School for a continuous period of 26 weeks calculated as at the week in which you are notified by the adoption agency of having been matched with the child for adoption.

If you are jointly adopting a child with your spouse or partner or civil partner, only one of you will be entitled to take adoption leave. You can choose which adopter will take adoption leave. The other adoptive parent will normally be entitled to take paternity leave, provided they meet the relevant eligibility criteria (see Paternity Leave Policy).

The right to adoption leave is not available to foster parents who adopt a child they are fostering, nor to step-parents who adopt their partner's child.

Notification of adoption leave

If you wish to take adoption leave, you must inform your line manager in writing of your request no later than seven days after the date on which notification of the match with the child is provided to you by the adoption agency. You must provide:

- written details of the date on which you were notified of having been matched with the child
- the date the child is expected to be placed with you for adoption
- when you want your adoption leave to start.

As evidence of your entitlement to adoption leave, you will also be required to provide a copy of the relevant matching certificate and/or adoption papers from the adoption agency.

You are permitted to bring forward your adoption leave start date, provided you advise the School in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your adoption leave start date, provided you advise the School in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The School will formally respond in writing to your notification of your leave plans within 28 days, confirming the date on which your adoption leave will end if you take your full 52-week entitlement to adoption leave.

Adoption leave can start on the day the child is placed with you for adoption or on a date that is up to 14 days before the expected date of placement.

Adoption leave

Assuming you are eligible, you are able to take up to a maximum of 52 weeks' adoption leave. This comprises 26 weeks' ordinary adoption leave and up to 26 weeks' additional adoption leave. This is regardless of the number of hours you work. Additional adoption leave begins on the day after ordinary adoption leave ends.

Ordinary adoption leave

During the period of ordinary adoption leave, your contract of employment continues in force and you are entitled to receive all your contractual benefits, except for salary. In particular, any benefits in kind will continue, annual leave entitlement will continue to accrue and pension contributions will continue to be made. Salary will be replaced by Statutory Adoption Pay (SAP) if you are eligible to receive it.

You should endeavour to take any outstanding annual leave that may be due to you before the commencement of your ordinary adoption leave. You are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during adoption leave, you should take the full year's entitlement before starting your adoption leave.

Additional adoption leave

During the period additional adoption leave, your contract of employment remains in force but only some terms of the contract will continue to apply. Normal contractual benefits will be suspended and the only terms which apply during additional adoption leave are:

- * you are entitled to benefit from the School's implied obligation of trust and confidence
- * you are entitled to receive your contractual notice period if your employment is terminated
- * you are entitled to receive a redundancy payment in the event of redundancy
- * the terms and conditions in your contract of employment relating to disciplinary and grievance procedures will continue to apply
- * you are bound by your implied obligation to the School of good faith
- * you must give the School the notice provided for in your contract if you wish to terminate your employment
- * you are bound by the terms in your contract relating to disclosure of confidential information and the restrictions on participation in any other business.

During additional adoption leave, entitlement to statutory annual leave under the **Working Time Regulations 1998** will continue to accrue, but all further contractual annual leave entitlement (including entitlement to paid bank holidays) will cease. Contractual annual leave accrual will recommence when you return to work after additional adoption leave.

Statutory adoption pay

SAP is payable for up to 39 weeks during adoption leave provided your average weekly earnings are not less than the lower earnings limit for National Insurance contributions. The weekly rate of SAP is paid at a rate set by the Government for the relevant tax year, or 90% of your average weekly earnings if this is lower than the Government's set weekly rate.

SAP is paid into your bank account in the same way as salary is normally paid.

SAP is treated as earnings and is therefore subject to income tax and National Insurance deductions. SAP is payable whether or not you intend to return to work after your adoption leave.

It is important for adoption pay purposes that you notify your line manager if, during the adoption pay period, you are taken into legal custody or start to work for another employer.

Contact during adoption leave

Shortly before your adoption leave starts, the School will discuss the arrangements for you to keep in touch during your leave, should you wish to do so. The School reserves the right in any event 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 during your absence.

Keeping in touch days

You may agree to work for the School for up to a maximum of ten days during either your ordinary or additional adoption leave without that work bringing the period of your adoption leave to an end and without loss of a week's SAP. These are known as 'keeping in touch' days. Any work carried out on a day shall constitute a day's work for these purposes.

The School has no right to require you to carry out any work, and you have no right to undertake any work, during your adoption leave. Any work undertaken, including the amount of salary paid for any work done on keeping in touch days, is entirely a matter for agreement between the School and you. Any keeping in touch days worked do not extend the period of your adoption leave. Once the keeping in touch days have been used up, you will lose a week's SAP for any week in which you agree to work for the School.

Returning to work

You will have been formally advised in writing by the School of the date on which your adoption leave will end and the date on which you are expected to return to work if you take your full 52-week entitlement to adoption leave. You are expected to return on your due return date unless you notify the School otherwise. If you are unable to attend work at the end of your adoption

leave due to sickness or injury, the School's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

Whilst you are under no obligation to do so, it would assist the School if you could confirm as soon as convenient during your adoption leave that you will be returning to work as expected.

If you wish to return to work earlier than your expected return date, you must give the School, in writing, at least eight weeks' notice of your proposed date of early return. If you fail to do so, the School may postpone your return to such a date as will give the School eight weeks' notice, provided that this is not later than your expected return date.

If you decide not to return to work at all after adoption leave, you must give notice of resignation in accordance with the terms of your contract of employment. If the notice period would expire after your adoption leave has ended, the School may require you to return to work for the remainder of your notice period.

Your rights on return to work

On resuming work after ordinary adoption leave, you are entitled to return to the same job as you occupied before commencing adoption leave on the same terms and conditions as if you had not been absent. On resuming work after additional adoption leave, again you are entitled to return to the same job as you occupied before commencing adoption leave on the same terms and conditions as if you had not been absent. If, however, there is some reason why it is not reasonably practicable for the Company to take you back in your original job, you will be offered suitable alternative work of equivalent status and responsibility and on terms and conditions that are no less favourable than would have applied if you had not been absent.

Adoptions from overseas

If you adopt a child from overseas, you may still be entitled to statutory adoption leave and pay. Special rules apply in these circumstances.

Monitoring and review

This Policy will be monitored by the Governors, Headmaster and/or Business Manager. It will be reviewed by the Business Manager annually or when changes in legislation arise.

Anne-marie Shropshire
Business Manager

Reviewed ~~Nov 2011~~
Reviewed Oct 13
