ADOPTION PROVISIONS FOR SUPPORT STAFF

Version control	
Adoption Provisions (Support Staff) [2019-09-01]	Update to align with revised job titles and changed governance arrangements.
AAT Adoption Provisions (Support Staff) [2019-06-01]	Provisional review undertaken. No changes other than to logo.
AAT Adoption Provisions (Support Staff) [2016-09-01]	**This Policy has been subject to consultation with the recognised trade unions but has not been jointly agreed. Despite the absence of joint agreement about the Policy, The Trust has decided to implement the Policy with effect from 1 September 2016.** This version is based on version 2015-07-21" available from the Trust's Director of HR but with addition of details concerning dual approved prospective adopters.
AAT Adoption Provisions (Support Staff) consultation version [2015-07-21]	New document

Date of next review:	September 2021	**Owner:**	Director of HR and Compliance
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GLOSSARY OF TERMS

Adopter	The person(s) who are going to adopt a child. Where adoption is being undertaken by partners, one of the adopters may be eligible for provisions of adoption leave and pay and the other would be eligible to paternity leave and pay. They may also wish to consider the provisions of **Shared Parental Leave** to which they may be entitled (see separate Shared Parental Leave Policy).
AL	Adoption Leave. Adoption leave entitlement is for up to 52 weeks. For **adoption within the UK** this may begin at any time from 14 days before the expected date of placement (EDP) up until the actual placement date (APD). For **adoption outside the UK** (where the child is being adopted from outside the UK) this may begin at any time from the date the child enters the country or from a fixed date up to 28 days later. The first 26 weeks of adoption leave is referred to as **Ordinary Adoption Leave (OAL)**. Any further adoption leave taken after the end of the OAL period is referred to as **Additional Adoption Leave (AAL**). Contractual terms of employment, other than remuneration, remain unchanged during AL but certain rights apply differently in the OAL period compared with the AAL period. Details available from: https://www.gov.uk/employee-rights-when-on-leave
APD	Actual placement date. This is relevant for adoption within the UK and refers to the date of the child's placement with the adopter(s).
Aspirations	Aspirations Academies Trust.
Continuous sector service	Includes service with all local authorities (including local authority maintained schools) and other public bodies listed in the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999.
Designated HR officer	The academy's designated HR officer is the first point of contact for general queries concerning the Adoption Policy. Each Aspirations academy has a designated HR officer responsible for dealing with HR administration (either based in the academy itself or otherwise based within the AAT district in which the academy operates). If you are unsure who the appropriate designated HR officer is, you may check this with the Principal of your academy or with Aspirations HR Director
Dual Approved Prospective Adopters	With effect from 1 April 2015 new adoption arrangements were made in respect of dual approved prospective adopters (where children are placed with local authority foster parents in accordance with section 22C of the Children Act 1989 with the expectation that they will adopt the child.
DWP	Department for Work and Pensions (formerly the Benefits Agency).

KIT	'Keeping in Touch' days (see page 15).
LEL	Lower Earnings Limit. This is the first National Insurance earnings band, which does not attract National Insurance Contributions.
Matching notification (within UK)	This is the date on which the person wishing to adopt receives notification from the adoption agency that they have been matched with a child for adoption. In cases of *dual approved prospective adopters*, this will be a notification by a local authority of a placement in accordance with section 22C of the Children Act 1989).
Official notification (outside UK)	This is official notification issued by or on behalf of the relevant domestic authority (e.g. Secretary of State for Health) to the adoptive parent advising that it is prepared to issue a certificate of eligibility to the overseas authority concerned, or has issued and sent a certificate to the authority, confirming that the person has been assessed and approved as a suitable adoptive parent.
Week of notification	This is the week in which official notification is given by an appropriate agency that a child is to be placed with the adopting parent(s). The week of notification starts on the day of notification where this is a Sunday or otherwise on the Sunday that precedes the day of notification. In respect of overseas adoptions, the "official notification" is permission from a UK authority to allow adoption from abroad.
APP	Adoption Pay Period. This is the time during which you will receive adoption pay (statutory and/or contractual).
SAP	Statutory Adoption Pay.
SPP	Statutory Paternity Pay.
SSP	Statutory Sick Pay.

INTRODUCTION

The information in this guide applies to all Aspirations staff other than teaching staff[1] for whom there is a separate document.

This guide explains your entitlements to adoption leave and pay and explains what you must do to ensure you do not lose any of your rights.

The entitlements set out are in respect of adoptions made through an approved agency (whether a UK adoption or an overseas adoption). *There is also entitlement to adoption leave for* ***dual approved prospective adopters****.*

There is no entitlement to Adoption Leave or Pay if you:

- Arrange a private adoption
- Become a special guardian or kinship carer
- Adopt a family member or stepchild
- Have a child through surrogacy (though with effect from 5 April 2015 some surrogate parents will become eligible for adoption leave)

Note: If you are having more than one child placed with you as part of the same arrangement, you will be entitled to only one period of adoption leave and pay.

You should read this guide carefully and, in particular, ensure you comply with the notification requirements (see the section "What You Need To Do" on page 17).

The details are complex so do not hesitate to seek advice. The academy's designated HR officer is the first point of contact for general queries concerning the Adoption Policy. Each Aspirations academy has a designated HR officer responsible for dealing with HR administration (either based in the academy itself or otherwise based within the Aspirations district in which the academy operates). If you are unsure who the appropriate designated HR officer is, you may check this with the Principal[2] of your academy or with the Aspirations Director of HR and Compliance.

Couples adopting together / Married couples / Civil partners: If adopting with a partner, the couple must choose who receives the adoption leave and pay and who receives the paternity leave and pay.

Foster carers and stepparents: Adoption leave and pay and paternity leave and pay may be available to foster carers who go on to adopt a child if they satisfy the qualifying conditions (*and in circumstances of dual approved prospective adopters)*. However, if the adopter applies directly to the courts for an adoption order, they will not be eligible for adoption pay or leave. This is because adoption leave is intended to support the leave of a child placed by an

[1] The definition of teaching staff for the purpose of this document is those staff who are paid on one of the following pay scales: Leadership Pay Spine, Leading Practitioner Pay Spine, Teachers' Main Scale, Teachers' Upper Pay Scale, Unqualified Teachers' Scale

[2] These adoption provisions are written in the perspective of staff based in a single academy. Identical provisions will apply for other relevant Aspirations staff but notification would generally be to the Managing Director.

adoption agency during the initial stages of the placement. Stepparents will not usually qualify for adoption pay or paternity pay.

THE ADOPTION SCHEMES

Your rights to adoption leave and pay are determined with reference to statutory provisions and also from additional provisions determined by Aspirations (the Aspirations Occupational Adoption Scheme for Support Staff). In reviewing and determining its additional provisions, Aspirations will:

- consider any relevant agreement reached by the National Joint Council for Local Government Service

- consult with recognised trade unions as set out in the Aspirations Trade Union Recognition Agreement.

The statutory scheme includes **Statutory Adoption Pay (SAP)** which is funded by the Government but paid by Aspirations through normal salary arrangements.

You may be entitled to the provisions of one or both of the statutory scheme and the Aspirations scheme. However, in practice the entitlements overlap to some extent. In such cases you will be entitled to whichever set of provisions for which you qualify that are most beneficial to you. In order to receive these provisions, you must give the following documentation to the Principal or other named contact within the academy.

Documentation required when adopting within the UK:

- The *matching certificate* issued by the adoption agency (or the notification issued by the relevant local authority in respect of dual approved prospective adopters).

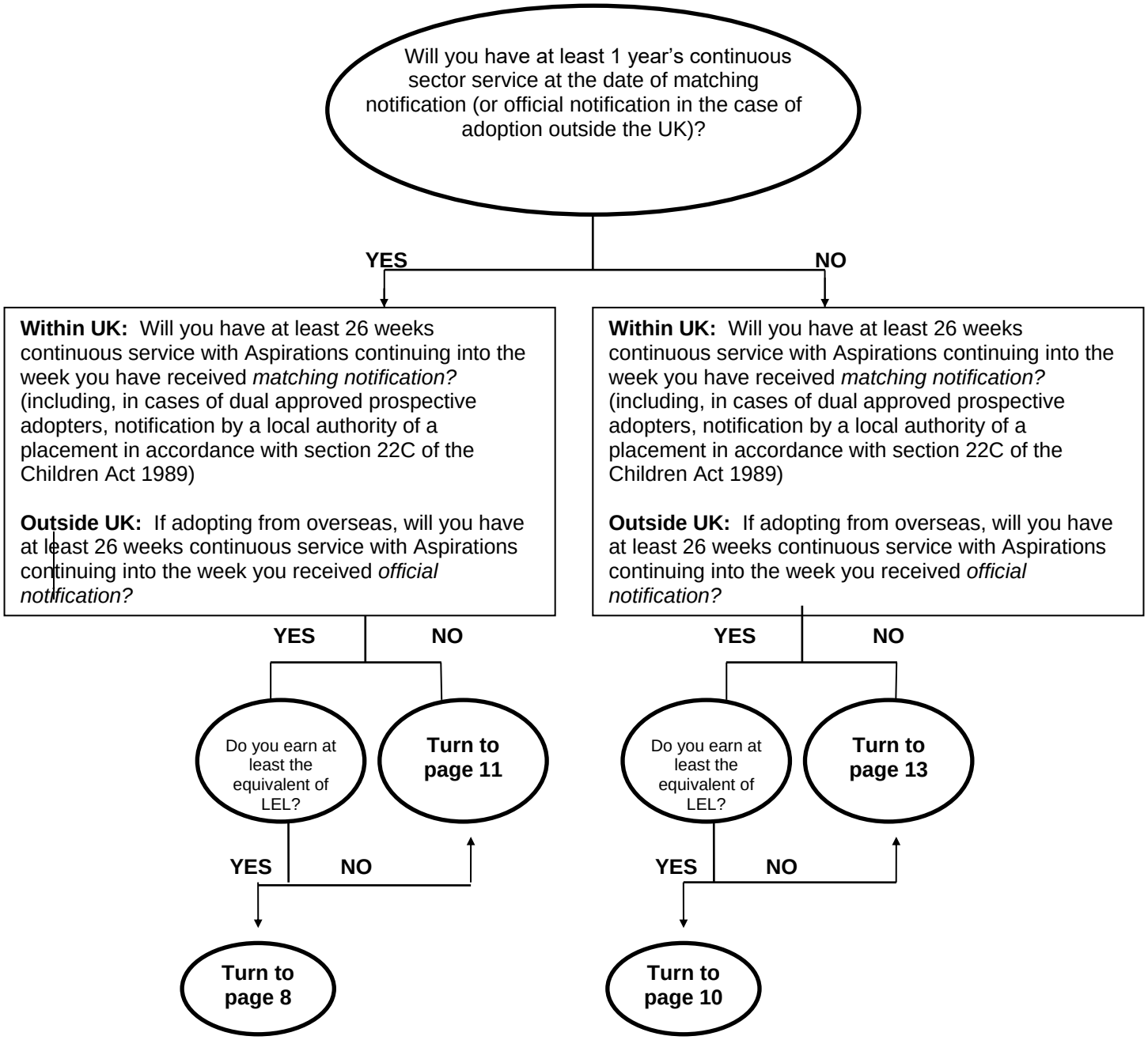
Documentation required when adopting outside the UK:

- The *official notification*. This is official notification issued by or on behalf of the relevant domestic authority (e.g. Secretary of State for Health) to the adoptive parent advising that it is prepared to issue a certificate of eligibility to the overseas authority concerned, or has issued and sent a certificate to the authority, confirming that the person has been assessed and approved as a suitable adoptive parent.
- Within 28 days of the child entering Great Britain you must give further evidence of the date of entry, such as a plane ticket or copies of entry clearance documents.

The provisions described in the following pages include both those that are statutory and those that are provided through the Aspirations Occupational Adoption Scheme for Support Staff.

In order to assess what you are entitled to you should follow the flowchart on the next page and then turn to the page indicated for further details.

FLOWCHART FOR ADOPTION ENTITLEMENTS



ADOPTION LEAVE AND PAY ENTITLEMENTS

(A) This section applies to employees who: -

Adoption within UK

- **have at least one year's continuous sector service at the date of matching notification *(including, in cases of dual approved prospective adopters, notification by a local authority of a placement in accordance with section 22C of the Children Act 1989)***
- **have worked for Aspirations for at least 26 weeks continuing into the week of matching notification**
- **earn the equivalent of the Lower Earnings Limit (LEL) or more**

Adoption outside UK

- **have at least one year's continuous sector service at the date of official notification**
- **have worked for the Aspirations for at least 26 weeks continuing into the week of official notification**
- **earn the equivalent of the Lower Earnings Limit (LEL) or more**

Adoption Leave

You will be entitled to a maximum of 52 weeks adoption leave.

Adoptions within UK: you can arrange for your adoption leave to commence at any time between the 14th day before the date of placement and the actual date of placement.

Adoptions outside UK: you can arrange for your adoption leave to commence when the child arrives in the UK or within 28 days of this date.

Your adoption leave may continue until the end of the 52nd week of adoption leave. (If you wish to return to work before this date you are subject to notification requirements - see the section "What You Need To Do"). [Note: depending on a number of factors, including the timing of your return to work, your return to work can coincide with a period when you take holiday entitlement. If this is the case, then you would be recognised as having returned to work from adoption leave but would not have resumed work duties due to taking holiday entitlement].

Adoption Pay

For the first 6 weeks of your maternity leave period you will receive 9/10th of weekly pay[3] in accordance with the occupational scheme. SAP to which you are entitled in this period will be included within the full pay, i.e. not paid in addition to the 9/10th payment. However, in the event that the entitlement through SAP is higher than the payment due under the occupational scheme, the higher payment shall be made.

During the next 33 weeks of your adoption leave period you will receive:

(a) SAP, (which is the lower of: (i) 90% of your average weekly earnings or (ii) an amount periodically reviewed by the Government which, at April 2019, stood at £148.68).

(b) In addition to (a), for the first 12 weeks of this 33 week period, under the occupational scheme you can receive up to half of your weekly pay provided that immediately following the end of your maternity leave you return to work with Aspirations for at least a 3 month period having made a written undertaking to do so prior to the commencement of your maternity leave (see note (ii) below).

Note:

(i) The total amount of adoption pay you receive each week cannot exceed your normal full weekly pay.

(ii) If you fail to return to work for Aspirations for at least a period of 3 months, Aspirations will require you to repay the 12 weeks of up to half pay or the amount in those 12 weeks that you have been paid in excess of your SMP entitlement. *You may opt to ask Aspirations to hold the 12 weeks contractual pay until you have returned to work.*

(iii) If you do not intend to return to work you may leave the employment of Aspirations any time after the week of matching notification / official notification without losing your entitlement to SAP, subject to normal notice of resignation.

Other Criteria You Must Satisfy In Order To Be Entitled to SAP

[3] Definitions of weekly pay:

(a) For the occupational scheme "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by Aspirations to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned. This definition is based on the NJC for Local Government Services circular 5/07 issued on 16 November 2007.

(b) For the purposes of SAP, weekly pay is the average pay over the "relevant period" (usually the 8 week period before the week of matching/official notification).

You must also comply with the notification requirements as set out in the section “What You Need To Do”.

(B) This section applies to employees who: -

Adoption within UK

- **have worked for Aspirations for at least 26 weeks continuing into the week of matching notification *(including, in cases of dual approved prospective adopters, notification by a local authority of a placement in accordance with section 22C of the Children Act 1989)* but less than one year's continuous sector service at the date of matching notification**
- **earn the equivalent of the Lower Earnings Limit (LEL) or more**

Adoption outside UK

- **have worked for Aspirations for at least 26 weeks continuing into the week of official notification but less than one year's continuous sector service at the date of official notification**
- **earn the equivalent of the Lower Earnings Limit (LEL) or more**

Adoption Leave

You will be entitled to a maximum of 52 weeks adoption leave.

Adoptions within UK: you can arrange for your adoption leave to commence at any time between the 14th day before the date of placement and the actual date of placement.
Adoptions outside UK: you can arrange for your adoption leave to commence when the child arrives in the UK or within 28 days of this date.

Your adoption leave may continue until the end of the 52nd week of adoption leave. (If you wish to return to work before this date you are subject to notification requirements - see the section "What You Need To Do"). [Note: depending on a number of factors, including the timing of your return to work, your return to work can coincide with a period when you take holiday entitlement. If this is the case, then you would be recognised as having returned to work from adoption leave but would not have resumed work duties due to taking holiday entitlement].

Adoption Pay
For the first 6 weeks of your adoption leave period you will receive the higher rate of SAP which is 90% of your average weekly earnings (see footnote 3b on page 9).

For the next 33 weeks of your adoption leave period you will receive SAP (which is the lower of: (i) 90% of your average weekly earnings (see footnote 3b on page 9) or (ii) an amount periodically reviewed by the Government which, at April 2019, stood at £148.68).

Note: If you do not intend to return to work you may leave the employment of Aspirations at any time after the week of matching/official notification without losing your entitlement to SAP, subject to normal notice of resignation.

Other Criteria You Must Satisfy In Order To Be Entitled to SAP: You must also comply with the notification requirements as set out on “What You Need To Do”.

(C) This section applies to employees who: -

Adoption within UK

- **have at least one year's continuous sector service by the date of matching notification *(including, in cases of dual approved prospective adopters, notification by a local authority of a placement in accordance with section 22C of the Children Act 1989)* but less than 26 weeks continuous service with Aspirations continuing into the week of matching notification**

OR

- **have at least one year's continuous sector service by the date of matching notification *(including, in cases of dual approved prospective adopters, notification by a local authority of a placement in accordance with section 22C of the Children Act 1989)* and have at least 26 weeks continuous service with Aspirations continuing into the week of matching notification but earn less than the Lower Earnings Limit (LEL)**

Adoption outside UK

- **have at least one year's continuous sector service by the date of official notification but less than 26 weeks continuous service with Aspirations continuing into the week of official notification**

OR

- **have at least one year's continuous sector service by the date of official notification and have at least 26 weeks continuous service with Aspirations continuing into the week of official notification but earn less than the Lower Earnings Limit (LEL)**

Adoption Leave

You will be entitled to a maximum of 52 weeks adoption leave.

Adoptions within UK: you can arrange for your adoption leave to commence at any time between the 14th day before the date of placement and the actual date of placement.

Adoptions outside UK: you can arrange for your adoption leave to commence when the child arrives in the UK or within 28 days of this date.

Your adoption leave may continue until the end of the 52nd week of adoption leave. (If you wish to return to work before this date you are subject to notification requirements - see the section "What You Need To Do"). [Note: depending on a number of factors, including the timing of your return to work, your return to work can coincide with a period when you take holiday entitlement. If this is the case, then you would be recognised as having returned to work from adoption leave but would not have resumed work duties due to taking holiday entitlement].

Adoption Pay

For the first 6 weeks of your adoption pay period the payment made in accordance with the occupational scheme will be based on 9/10th of weekly pay (see footnote 3a on page 9).

For the next 12 weeks of your adoption leave period, under the occupational scheme you can receive half of your weekly pay. This is subject to the condition that immediately following the end of your adoption leave you return to work with Aspirations for at least a 3 month period (see note below), having made a written undertaking to do so prior to the commencement of your adoption leave.

Note: If you fail to return to work for Aspirations for at least a period of 3 months, Aspirations will require you to repay the 12 weeks of up to half pay or the amount in those 12 weeks that you have been paid in excess of your SAP entitlement. *You may opt to ask Aspirations to hold the 12 weeks contractual pay until you have returned to work.*

(D) This section applies to employees who: -

Adoption within UK

- **have less than one year's continuous sector service by the date of matching notification *(including, in cases of dual approved prospective adopters, notification by a local authority of a placement in accordance with section 22C of the Children Act 1989)* and either:**

  (i) have less than 26 weeks continuous service with Aspirations continuing into the week of matching notification

  or

  (ii) have more than 26 weeks continuous service with Aspirations continuing into the week of matching notification but earn less than the LEL

Adoption outside UK

- **have less than one year's continuous sector service by the date of official notification and either:**

  (i) have less than 26 weeks continuous service with Aspirations continuing into the week of official notification

  or

  (ii) have more than 26 weeks continuous service with Aspirations continuing into the week of official notification but earn less than the LEL equivalent

Adoption Leave

You will be entitled to a maximum of 52 weeks adoption leave.

Adoptions within UK: you can arrange for your adoption leave to commence at any time between the 14th day before the date of placement and the actual date of placement.

Adoptions outside UK: you can arrange for your adoption leave to commence when the child arrives in the UK or within 28 days of this date.

Your adoption leave may continue until the end of the 52nd week of adoption leave. (If you wish to return to work before this date you are subject to notification requirements - see the section "What You Need To Do"). [Note: depending on a number of factors, including the timing of your return to work, your return to work can coincide with a period when you take holiday entitlement. If this is the case, then you would be recognised as having returned to work from adoption leave but would not have resumed work duties due to taking holiday entitlement].

Adoption Pay: You do not have an entitlement to statutory or contractual adoption pay. While there is no additional government provision, support may be provided by the local council in which you live.

PARTICULAR PROVISIONS FOR DUAL APPROVED PROSPECTIVE ADOPTERS

Where a placement by a local authority under section 22C of the Children Action 1989 does not proceed to a formal adoption, e.g. because the child or children are returned to their birth parents or will be cared for by a family member or friend, the dual approved prospective adopter's entitlement to adoption leave will end 8 weeks after the child is removed from their family or at the end of their adoption leave, whichever is earlier.

The dual approved prospective adopters entitlement to statutory adoption pay will also end at this 8 week point, or earlier if they have already taken 39 weeks of statutory adoption pay.

GENERAL PROVISIONS

Timing of Adoption Leave

If adopting within the UK, you may start your adoption leave any time between the 14th day before the child is expected to be placed with you and the date the child is actually placed with you.

For adoptions outside the UK, you can arrange for your adoption leave to commence when the child arrives in the UK or within 28 days of this date.

If you do not wish to return to work following your adoption leave you must give the notice required under your contract of employment.

Time off work

A lone adopter is entitled to paid time off work to attend up to 5 adoption appointments. In the case of adoptions by a couple (i.e. joint adoptions), one of the couple will be entitled to paid time off work to attend up to 5 adoption appointments. The other adopter will be entitled to unpaid time off work to attend up to 2 adoption appointments. The adopter who elects to take paid time off to attend adoption appointments will not be able to take paternity leave in relation to the adoption of that child.

You may be asked to produce evidence of your appointments by your manager.

The Right to Return to Work

Provided you have complied with the other requirements set out in this document you have the right at the end of your ordinary adoption leave period (26 weeks) to return to the job you were doing before the start of your adoption leave on terms and conditions not less favourable than if you had not taken adoption leave.

Only in exceptional circumstances (e.g. a redundancy situation or reorganisation) may suitable alternative employment be offered to you on terms and conditions not less favourable than those in your original job.

If you take Additional Adoption Leave (i.e. your adoption leave continues after the 26 week period of OAL), at the end of your adoption leave you may be offered suitable alternative employment on terms not less favourable than if you had not taken adoption leave.

Keeping in Touch (KIT) Days

Keeping in Touch (KIT) days have been introduced to allow you and your manager to agree for you to come back into work for a maximum of 10 days during your adoption leave period and retain adoption pay that is due to you for any week in which you do so. This may be, for example, to attend a particular training course, meeting etc.

Any work you do under your contract of employment on a day will count as a whole KIT day so, if you attend for a 1 hour training session for example, you will have used up one of your KIT days. If you use up all of your 10 KIT days, you will thereafter lose a week's SAP for any week in which you work.

(If a week during your adoption leave contains one or more KIT days but no other work, you will retain your adoption pay for that week. However, if a week contains the last of your KIT days and one or more other days of work you will lose your SAP for that whole week.)

Where a KIT day is used for certain activities, for example for you to attend a meeting or a training session, this will be unpaid, however you will retain any adoption pay due to you for that week. It may be agreed with your Principal/manager that you are paid your normal contractual pay for hours worked on a KIT day. In this case, any SAP due for that day will be offset against the contractual pay earned that day, so that you receive no more than your normal contractual pay for hours worked on a KIT day.

You will suffer no detriment because you took, considered taking or did not take KIT days.

KIT days must be agreed in advance between you and your manager. You cannot insist on your manager allowing you to come in to work nor can your manager insist that you attend work under KIT days.

In addition to KIT days, you and your manager are encouraged to stay in contact whilst you are on maternity leave, so your manager may make reasonable contact with you at home during this time to discuss such issues as your return to work, workplace developments, training and job opportunities etc. Before going on leave, you and your manager should discuss and agree these voluntary keeping in touch arrangements.

The above provision does not preclude you from coming into the workplace for the purpose of informal visits of a social nature. Informal contact during maternity leave is to be welcomed and such visits will not count toward your KIT day entitlement.

Queries about KIT days can be raised with the designated HR officer in the first instance.

ANNUAL LEAVE / HOLIDAY

The holiday year for Aspirations staff commences on 1st September. Your holiday entitlement is as set out in your contract of employment.

Your statutory annual holiday entitlement cannot be taken during periods of ordinary adoption leave or additional adoption leave. However, if due to taking adoption leave you are unable to use your statutory holiday entitlement in a particular holiday year, you would be allowed to "carry over" the untaken statutory holiday entitlement into the following holiday year. Payment in lieu of annual leave cannot be made in circumstances where an employee resumes their job at the end of the adoption leave.

If you believe that you will be unable to take your entitlement to statutory leave please raise this with the Principal so the matter can be considered and advice provided.

OTHER RELEVANT POLICIES

Aspirations has other policies that may be relevant for consideration during your adoption leave. These include the Parental Leave Policy, the Shared Parental Leave Policy and the Flexible Working Policy.

WHAT YOU NEED TO DO

To qualify for any statutory entitlements that are due to you, you must notify the Principal of the date or expected date of placement and the date when you wish the adoption leave to commence. This information must be provided within 7 days of you being notified of when a match with a child will take place or, if this is not practicable, as soon as practicable. The information should normally be provided through completion of the **"options form"** (see page 19).

You must also notify the Principal in writing, as soon as practicable if you wish to change the date that your adoption leave commences. You must give at least 28 days' notice of the revised date in order to qualify for any statutory entitlements you may have.

Unless you provide notice that you do not intend to return to work following your adoption leave (i.e. through resignation) or provide notification of an earlier return date, you shall be expected to return to work at the end of the AAL period. To amend the expected return date you would need to provide written notice to the Principal by 21 days in advance of the new date if this is earlier than the original expected return date or 21 days in advance of the original expected return date if the new date is afterwards.

SOME OF YOUR QUESTIONS ANSWERED

How will my Pension be affected?

If you are entitled to adoption pay you will automatically continue to pay pension contributions during your adoption pay period.

If you are not entitled to adoption pay or you remain on adoption leave after your pay stops, you may be able to choose to continue paying pension contributions during the period of unpaid adoption leave.

What happens if I am sick on the date that I have notified my principal I intend to return to work?

If you follow the appropriate notification requirements relating to sickness absence you will be considered as having returned from adoption leave but not to have resumed work duties due to sickness absence. The sick pay scheme will apply in the normal way.

Can I return to work on a part time basis?

Consideration can be given to a return to work on a part time basis but this will be subject to agreement by the Principal taking account of the academy's needs. You should refer to the Aspirations Flexible Working Policy.

What constitutes "a week's pay"?

For the occupational scheme, "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by Aspirations to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned. This definition is based on that set out in the NJC for Local Authority Services circular 5/07 issued 16 November 2007.

For the purposes of SAP, weekly pay is the average pay over the "relevant period" (usually the 8 week period before the Qualifying Week).

Adoption Leave and Pay Options Form (Support Staff)

This form should be used to provide formal notification to the Aspirations Academies Trust (Aspirations) of:

- the date of placement or expected date of placement as notified to you by the adoption agency *(including, in cases of dual approved prospective adopters, notification by a local authority of a placement in accordance with section 22C of the Children Act 1989)*
- the date on which you would like your adoption leave to start
- as appropriate, the date on which you intend to return from adoption leave.

It is important that you complete the form accurately so that you receive the correct entitlements.

Guidance to help with the completion of the form is contained in the Aspirations "Adoption Provisions for Support Staff" document. If you have any queries, these should be raised in the first instance with the Principal or alternative identified contact within your Academy.

The completed form should be returned to the Principal or identified contact at the Academy, normally within 7 days of you receiving notification from the adoption agency (and where this is not practicable, as soon as practicable). Within 28 days of receipt of the form the Academy will write to you confirming the details of your adoption leave and pay.

1. Personal details

Name:	Pay number:
Home address:	
Current post and academy:	

Start date with Aspirations[1]:
Start date of continuous sector service[2]:
Name and address of adoption agency:
Date of matching or official notification:
Date of placement or expected date of placement (or for overseas adoptions the estimated date of the child's arrival in the UK):

As applicable, you should provide the following documents either with this form, if they are available, or separately once they are available to you:

- For adoptions in the UK, the matching certificate and a letter from the adoption agency confirming the date of placement.
- For overseas adoptions, the relevant UK authority's official notification confirming you are allowed to adopt and evidence of the date the child arrived in the UK (e.g. plane ticket).

2. Adoption Leave

Adoption leave may be taken for up to 52 weeks commencing no earlier than two weeks before the placement date in respect of adoptions within the UK (for overseas adoptions the adoption leave must commence from the date of the child's arrival in the UK or within 28 days of that date).

Please complete:

I intend to take adoption leave with effect from[3]:
I intend to return from adoption leave on[4]:

Note: unless you provide notification to show otherwise, it shall be understood that your return date from adoption leave will coincide with the end of your entitlement to 52 weeks' adoption leave.

3. Statutory Adoption Pay

(employees with over 26 weeks' service with Aspirations continuing into the week of notification)

If you have 26 weeks of continuous employment service with Aspirations continuing into the "week of notification" and you are earning above the lower earnings limit for NI contributions, you will receive Statutory Adoption Pay (SAP), as follows:-

- First 6 weeks at 90% of your average weekly earnings
- A further 33 weeks at the standard rate of SAP or a rate equal to 90% of your average weekly earnings, whichever is lower.

Whether or not you are entitled to SAP, you may be entitled to Occupational Adoption Pay (see section 4).

4. Occupational Adoption Pay (employees with over 1 year's continuous sector service at the date of the matching notification [or official notification for adoptions outside the UK])

If you have one year's continuous sector service by the date of the matching notification, you are entitled to receive occupational adoption pay *provided you return to work following your leave for a minimum period of 3 months*.

Occupational adoption pay is paid as follows:

- For the first six weeks, pay is 9/10ths of full pay offset by any payment you are entitled to receive through Statutory Adoption Pay.
- From the seventh week there are 12 weeks paid at half pay. The half pay part of Occupational Adoption Pay is paid in addition to any payment you are entitled to receive through Statutory Adoption Pay (subject to the total payment not exceeding full pay)
- Occupational Adoption Pay finishes after the 18 week period described above, but you would continue to receive any payment due through Statutory Adoption Pay.

If you believe you qualify for Occupational Adoption Pay, please tick whichever of statement A, B or C applies. If you do not believe you are entitled to Occupational Adoption Pay, please tick statement D.

Statement A ☐

I completed more than one year's continuous sector service by the date of the matching notification (or official notification) and I will return to work with Aspirations following this. I understand that I am entitled to occupational adoption pay as long as I return to work with Aspirations for a minimum period of 3 months. I agree that if I subsequently decide not to return to work with Aspirations for the required period I will repay the 12 weeks' half pay.

Statement B ☐

I will have completed more than one year's continuous sector service by the date of the matching notification (or official notification). I do not know at this point if I will be returning to work with Aspirations following my adoption leave and I would like the 12 weeks' half pay to be deferred until my return, if I return.

Statement C ☐

I will have completed more than one year's continuous sector service by the date of the matching notification (or official notification). I do not intend to return to work following my adoption leave and understand that in these circumstances I am not entitled to the 12 weeks of half pay. ***Note: if you tick statement C, this shall not be taken as confirmation of resignation. If you wish to resign from your employment with Aspirations a separate letter of resignation would be required).***

Statement D ☐

I do not believe I am entitled to occupational adoption pay.

5. Declaration

I confirm that, to the best of my knowledge, the details I have entered on this options form are accurate.

Signed:…….….. Date:……

Endnotes:

[1] If your current employment with Aspirations commenced as a result of TUPE transfer, the start date with the employer from which you transferred will be the relevant date.

[2] Start date of continuous sector service: this is either the same date as the start date with Aspirations or, if applicable, is the start date of the period of your continuous employment with one or more local authorities in England (including local authority maintained schools) or other public body listed in the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification Order 1999), where the period of such service ended immediately before the commencement of your employment with Aspirations (i.e. with no intervening gap).

[3] If you subsequently wish to change the date on which your adoption leave will commence, you must give at least 28 days' notice of the revised date.

[4] The intended return date you enter on the form can subsequently be varied, subject to notification requirements. Further details are provided in the Aspirations Adoption Provisions for Support Staff document (see section "What you need to do" on page 16). If you have made a firm decision not to return to work with Aspirations after your adoption leave, you can enter "NA" in the relevant box and you would also need to submit a separate letter to confirm your resignation.