

Adoption Leave

An EPM Guide

A Guide to Adoption Leave

When an employee informs you of their adoption, the initial response is likely to be of congratulations. While adoption leave does not invite the same level of help and support from the employer, there are still some responsibilities which you need to be aware of. Here's our key guidance on adoption-related terminology, aimed at providing a quick reminder of the main points when it comes to adoption.

Adopter: A child's adopter is either the person who has been matched with the child for adoption or, where two people have been matched jointly, the person who has elected (at the time they are notified that they have been matched) to be the child's adopter for statutory adoption leave and pay purposes.

Partner: spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

Expected Placement date: date the child is expected to be placed into employee's care with a view to adoption, usually issued at the time of a written **Notification of being matched for adoption**

Intended Start Date: Intended date of start of Adoption leave. Needs to be provided together with the Expected placement date, no more than 7 days after the adoption agency notifies the employee that they have been matched with a child.

Adoption Leave

A period that an individual takes off from work for the adoption of a child.

Statutory Adoption Leave is 52 weeks and is comprised of:

- Ordinary Adoption Leave (OAL) - first 26 weeks.
- Additional Adoption Leave (AAL) - last 26 weeks.

An employee does not have to take 52 weeks, but they must take 2 weeks' leave after the child is placed with them.

The earliest Adoption leave can start is:

- up to 14 days before the date the child starts living with you (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (if you've used a surrogate to have a child)

Your employee's employment rights are protected while they are on Statutory Adoption Leave. This includes their right to pay rises, to accrue holiday, and to return to work. They may also be eligible to get Shared Parental Leave and Pay.

Statutory Adoption Pay (SAP)

A legal minimum payment that employers pay to employees who are on maternity leave.

SAP is paid for up to 39 weeks:

- For the first 6 weeks, eligible employees receive 90% of their average weekly earnings
- For the next 33 weeks, eligible employees receive £184.03* or 90% of their average weekly earnings (whichever is lower).

SAP is paid in the same way as your employee's wages (for example monthly or weekly). Tax and

National Insurance will be deducted.

- To be eligible for SAP, your employee will need to:
- Earn at least £123 a week* on average.

Have worked for you for 26 weeks by the week you were matched with a child.

(*correct at April 2024)

If employees are not eligible, there is no

Contractual Adoption Pay

There are no provisions for contractual adoption pay under Burgundy or Green Books, however, more generous locally agreed arrangements may be in place, so check your School or Trust for specific contractual entitlements.

Keeping In Touch (KIT) days

KIT days allow employees on adoption leave to work up to 10 days during their leave period.

These days are intended to enable employees to stay connected (if they wish) with their workplace and ease the transition back to work. Employees can choose whether to work KIT days. They will need to agree with you, as the employer, how many days to work (up to a maximum of 10 days), and what type of work will be undertaken on those days.

Even if an employee only works for part of a day, this is counted as an entire KIT day. Pay for KIT days should be agreed upon with the employer in advance.

Taking KIT days does not end maternity or adoption leave provided that no more than 10 days are taken.

Who is responsible and for what?

Employee Responsibilities	Your employee must notify you within 7 days of the notification of placement of: - how much leave they want to take - start date of their leave - the date of placement The employee also needs to provide proof of adoption to qualify for SAP, containing the following: - your name and address and that of the agency - the match date - for example the matching certificate - the date of placement - for example a letter from the agency - the relevant UK authority's 'official notification' confirming you're allowed to adopt (overseas adoptions only) - the date the child arrived in the UK - for example a plane ticket (overseas adoptions only)
Employer Responsibilities	Once notified of the above, you must respond to the employee within 28 days and confirm - leave start and end dates - how much Statutory Adoption Pay they will get and when it will start and stop You should also make the employee aware of the 10 KIT days that are available to them, but which will need to be agreed with you.

Further questions?

Your EPM People Adviser is available should you have specific questions or require further advice so please get in touch with them.