Grove Learning Trust

Adoption Policy

Date Ratified:

Spring 2025 – reviewed Spring 26

Version – Final 01

Vision

As one organisation, our vision for Grove Learning Trust is unapologetically bold. We are all about **creating remarkable futures.** For our children, our people, our places of work, we want the very best. We know that strong connections will enable us to achieve our vision, in a world where purposeful collaboration, based on mutual respect and trust, helps us to achieve more together.

Trust >> Connect >> Collaborate

Our policies underpin our vision and set out clearly our expectations of each other.

About this policy

1. The purpose of this policy is to set out the arrangements for adoption leave and pay for employees who are:

   (a) Adopting a child through a UK [or overseas] adoption agency.

   (b) Fostering a child with a view to possible adoption

   (c) Having a child through a surrogate mother

2. In some cases, you and your partner may be eligible to opt into the Shared Parental Leave scheme which gives you more flexibility to share the leave and pay available in the first year after the child is placed with you. However, one of you must take at least two weeks adoption leave first.

3. This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time.

Who does this policy apply to?

4. This policy applies to employees and agency workers only. It does not apply to consultants, self-employed contractors, volunteers, or interns.

5. If the person is an agency worker, the rights set out in this policy only apply once the worker has been in the same role with the Trust for at least twelve continuous

weeks which may include more than one assignment. For these purposes, the Trust will disregard any breaks due to holiday or other leave to which the worker is entitled or breaks due to industrial action and breaks of up to twenty-eight weeks in cases of sickness or jury service or breaks of up to six weeks for any other reason. The Trust will treat breaks due to pregnancy or childbirth up to twenty-six weeks after birth, and any statutory maternity, paternity, or adoption leave, as time worked.

Who is responsible for this policy?

6. The Grove Learning Trust has overall responsibility for the effective operation of this policy. The Board has delegated responsibility for overseeing its implementation to the HR Business Partner. Suggestions for changes to this policy should be reported to the HR Business Partner.

7. Any questions you may have about the day-to-day application of this policy should be referred to a Line Manager or the Human Resources Department in the first instance.

8. This policy is reviewed annually by the HR Business Partner.

Related Policies

9. This policy should be read where applicable in conjunction with the Trusts, Paternity Policy, Maternity Policy and Shared Parental Leave Policy.

Entitlement to adoption leave

10. In adoption cases or fostering for adoption cases, you are entitled to adoption leave if you meet all the following conditions:

    (a) 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.

    (b) 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 (**Expected Placement Date**).

    (c) You have notified the agency that you agree to the child being placed with you on the Expected Placement Date.

11. In a surrogacy case you are entitled to adoption leave if all the following conditions are met:

    (a) A surrogate mother gives birth to a child who is biologically your child, the child of your spouse or partner, or the child of both of you.

    (b) You expect to be given parental responsibility for the child under a parental order from the court. The child must live with you, and you must apply for the parental order within six months of the child's birth.

12. Only one parent can take adoption leave. If your partner takes adoption leave with their employer, you will not be entitled to adoption leave but you may be entitled to paternity leave (see our Paternity Leave Policy) and/or shared parental leave (see our Shared Parental Leave Policy).

13. The maximum adoption leave entitlement is 52 weeks, consisting of 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' Additional Adoption Leave (AAL).

Notification requirements: adoption cases

14. Not more than seven days after the agency or local authority notifies you in writing that it has matched you with a child (or where that is not reasonably practicable, as soon as reasonably practicable), you must give us notice in writing of the Expected Placement Date, and your intended start date for adoption leave (Intended Start Date).

15. We will then write to you within 28 days to inform you of the date you would be due to return to work (your Expected Return Date) assuming you take your full entitlement to adoption leave.

16. Once you receive the matching certificate issued by the adoption agency, you must provide us with a copy.

Notification requirements: surrogacy cases

17. In a surrogacy case, you must tell us in writing of your intention to take adoption leave and give the expected week of childbirth (EWC). You must give this information by the end of the 15th week before the EWC, or if that is not reasonably practicable, as soon as is reasonably practicable.

18. We will write to you within 28 days of receiving your notification, to confirm your Expected Return Date assuming you take your full entitlement to adoption leave.

19. When the child is born you must tell us the date.

Overseas Adoptions

20. If you are adopting a child from overseas, the requirements set out in this policy are varied as follows:

21. You must have received notification that the adoption has been approved by the relevant UK authority (Official Notification).

22. You must give us notice in writing of:

    (a) Your intention to take adoption leave

    (b) The date you received Official notification

    (c) The date the child is due to arrive in Great Britain

23. This notice should be given as early as possible but, in any case, within 28 days of receiving Official Notification (or, if you have less than 26 weeks' employment with us at the date of Official Notification, within 30 weeks of starting employment).

24. You must also give us at least 28 days' notice in writing of your Intended Start Date. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.

25. You must also notify us of the actual date the child arrives in Great Britain within 28 days of that date.

26. We may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain.

Starting Adoption Leave

27. In adoption or fostering for adoption cases, OAL may start on a predetermined date no more than 14 days before the Expected Placement Date, or on the date of placement itself, but no later.

28. If you want to change your Intended Start Date, please tell us in writing. You should give us as much notice as you can, but wherever possible you must tell us at least 28 days before the original Intended Start Date (or the new Intended Start Date if you are bringing the date forward). We will then write to you within 28 days to tell you your new Expected Return Date.

29. In a surrogacy case, OAL will start on the day the child is born, unless you are at work, in which case it will start on the following day. You cannot change the start date.

30. Shortly before your adoption leave starts, we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave. Unless you request otherwise, you will remain on circulation lists for internal news, job vacancies, training, and work-related social events.

Adoption Pay

31. Statutory Adoption Pay (SAP) is payable for up to 39 weeks. It stops being payable if you return to work sooner or if the placement is disrupted. You are entitled to SAP if:

    (a) You have been continuously employed 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 EWC in a surrogacy case (Qualifying Week) and are still employed by us during that week;

    (b) Your average weekly earnings 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 have given us the relevant notifications as outlined in this policy.

32. SAP is calculated as follows:

(a) First six weeks: SAP is paid at the Earnings-related Rate of 90% of your average earnings over the Relevant Period.

(b) Remaining 33 weeks: SAP is paid at the Prescribed Rate which is set by the government for the relevant tax year, or the Earnings-related Rate if this is lower.

33. SAP accrues with each complete week of absence and payments are made on the next normal payroll date. Income tax, National Insurance and pension contributions are deducted as appropriate.

34. If you leave employment for any reason after the start of the Qualifying Week (for example, if you resign or are made redundant) you are still eligible for SAP. If SAP has not already started when you leave employment:

(a) It will start 14 days before the Expected Placement Date; or the day after employment ends, whichever is later.

(b) In an overseas adoption case, you have the option of choosing a new start date, at least 28 days after you gave notice of your intention to take adoption leave and no more than 28 days after the child enters Great Britain.

(c) In a surrogacy case, SAP will start on the day the child is born.

35. If you become eligible for a back-dated pay rise which includes a sum in respect of the Relevant Period, you will be treated for SAP purposes as if the pay rise had been paid in the Relevant Period. This means that your SAP will be recalculated and increased retrospectively, or that you may qualify for SAP if you did not previously qualify. We shall pay you a lump sum to make up the difference between any SAP already paid and the amount payable by virtue of the pay rise.

Any future SAP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

Terms and conditions during adoption leave

36. All the terms and conditions of your employment remain in force during OAL and AAL, except for the terms relating to pay. In particular:

(a) annual leave entitlement under your contract shall continue to accrue (b) pension benefits shall continue

Neonatal Care Leave and Pay:

37. Parents of babies requiring neonatal care (at least 7 consecutive days within the first 28 days after birth) will be entitled to neonatal care leave of up to 12 weeks as a day one right.

38. To qualify for paid leave, employees need to meet the same qualifying conditions as for statutory maternity pay.

39. The rate of pay will be the same as SMP.

Annual Leave

40. Annual leave will accrue at the rate provided under your contract.

41. Our holiday year runs from [1 January to 31 December OR 1 April to 31 March OR [OTHER]]. In many cases a period of adoption leave will last beyond the end of the holiday year. Any holiday entitlement for the year that [is not taken OR cannot reasonably be taken] before starting your adoption leave can be carried over to the next holiday year [and must be taken [immediately before returning to work OR within three months of returning to work] unless your line manager agrees otherwise]. [You should try to limit carry over to one week's holiday or less. Carry over of more than one week is at your line manager's discretion.]

42. You should discuss your holiday plans with your line manager in good time before starting your adoption leave. All holiday dates are subject to approval by your line manager and in most cases will be required to be taken during periods of school closures.

Pensions

43. During OAL and any further period of paid adoption leave we shall continue to make any employer contributions that we usually make into a money-purchase pension scheme, based on what your earnings would have been if you had not been on adoption leave [provided that you continue to make contributions based on the adoption pay you are receiving]. If you wish to increase your contributions to make up any shortfall from those based on your normal salary, then please contact [the HR Department OR Payroll].

44. During unpaid AAL we shall [not] make any payments into a money purchase scheme [and the time shall not count as pensionable service under the final salary scheme]. You do not have to make any contributions, but you may do so if you wish, or you may make up for missed contributions at a later date.

Redundancies during adoption leave

45. In the event that your post is affected by a redundancy situation occurring during your adoption leave or within 18 months after the end of the statutory adoption leave (or the date of placement of date of entry to Great Britain (if overseas adoption), the Trust shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to your continued employment. Employees on maternity and adoption leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

Disrupted Adoption

46. In an adoption or fostering for adoption case, adoption leave is disrupted if it has started but:

    (a) you are notified that the placement will not take place;

    (b) the child is returned to the adoption agency after placement; or

    (c) the child dies after placement.

47. In a surrogacy case adoption leave is disrupted where you do not apply for a parental order within the relevant time, or the court does not grant a parental order and the time limit for appeal or further application has expired, or where the child dies.

48. In the event of disruption, your entitlement to adoption leave, and pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred, unless your entitlement to leave or pay would have ended earlier in the normal course of events.

Keeping in Touch

49. We will expect you back at work on your Expected Return Date unless you tell us otherwise. It will help us if, during your adoption leave, you are able to confirm that you will be returning to work as expected.

50. [Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may cover:

    (a) updating you on any changes that have occurred during your absence.

    (b) any training needs you might have.

(c) any changes to working arrangements e.g. if you have submitted a flexible working request.

Changing your return date

51. If you wish to return to work earlier than the Expected Return Date, you must give us at least eight weeks' notice. It is helpful if you give this notice in writing. If you do not give enough notice, we may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner.

52. If you wish to return later than the Expected Return Date, you should either:

    (a) request unpaid parental leave giving us as much notice as possible but not less than 21 days;

    (b) request paid annual leave in accordance with your contract, which will be at our discretion.

53. If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply.

54. In any other case, late return will be treated as unauthorised absence.

55. You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been if you had not been absent. However, if you have taken any period of AAL or have combined your adoption leave with more than four weeks' parental leave, and it is not reasonably practicable for us to allow you to return to the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

Deciding not to return

56. If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should give notice of resignation in accordance with your contract. The amount of adoption leave left to run when you give notice must be at least equal to your contractual notice period, otherwise we may require you to return to work for the remainder of the notice period.

57. Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.

58. This does not affect your right to receive SAP.

Flexible Working

59. We will deal with any requests by employees to change their working patterns (such as working part time) after adoption leave on a case-by-case basis. There is no absolute right to insist on working part time, but you do have a statutory right to request flexible working and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if requests are made as early as possible. [The procedure for making and dealing with such requests is set out in our Flexible Working Policy.

Time off for adoption appointments

60. An adoption appointment is an appointment arranged by an adoption *agency (or at the agency's request)* for the adopter to have contact with a child who is to be placed for adoption, or for any other purpose related to the adoption.

61. The employee or worker may take time off to attend an adoption appointment once the agency has notified the employee that a child is to be placed with them for adoption but before the child is placed.

The adoption of a child with another person

62. Where the adopter and their partner are adopting a child, they must decide who will be treated as the primary adopter and who will be treated as the secondary adopter for the purposes of time off. The employee or worker must tell the Trust of the decision the first time that a request is made for time off for an adoption appointment. This will affect how much time can be taken off and whether it is paid.

63. The employee or worker will usually choose to be the primary adopter if they intend to take adoption leave when the child is placed with the adoptive parents.

64. The relevant adoptive parent would not be able to take paternity leave if the employee or worker has elected to be the primary adopter.

65. The adopter will usually choose to be the secondary adopter if they intend to take paternity leave when the child is placed with the adoptive family, although an employee or worker may be able to take adoption leave if their partner is not taking it.

Adopting a child alone

66. If the adopter is adopting a child alone, they are treated as the primary adopter.

Adopting more than one child

67. If the agency is placing more than one child with the adopter as part of the same arrangement, this is treated as one adoption and will not increase the number of appointments an employee or worker can take time off to attend. Any time off under this policy must be taken before the first child is placed.

Amount of time off

68. If the employee or worker is adopting on their own or have elected to be the primary adopter, the adopter may take paid time off to attend an adoption appointment on up to five occasions in relation to any particular adoption.

69. If the employee or worker is the secondary adopter, they may take paid time off to attend an adoption appointment on up to two occasions only.

70. The employee or worker must not take more than six and a half hours off for each appointment, including travel and waiting time.

How to book time off

71. Please provide the Trust as much notice of the appointment as possible. The employee or worker must provide their Line Manager with a signed statement or an email confirming:

    (a) The date and time of the appointment.

    (b) That the appointment has been arranged or requested by the adoption agency.

    (c) Whether the adoption of the child is alone or jointly with another person.

    (d) If adopting with another person, whether the employee or worker is electing to take paid or unpaid time off.

72. If the adopter is an agency worker, they may have to notify the agency as well. This should be checked with the agency.

73. The Trust may sometimes ask if an appointment can be rearranged where it is reasonable to do so. In exceptional circumstances, the Trust reserve the right to refuse a request for a particular appointment but will not do so without good reason.