



MacIntyre Academies

Adoption Leave Policy

(Version 6)

Version	Purpose/ Change	Responsibility	Date
6	Responsibility changed. - Section 8: Minor rewording to improve clarity around pay and returning to work after the adoption leave period. - Section 13: Clarification on accrual of leave. - Section 16: Removed reference to the possible requirement for term time only staff to obtain a GP certificate. - Section 20: Addition of neonatal care leave.	Group Director	Sept 2025

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Adoption Leave Policy

1. Purpose

This policy sets out the adoption entitlements and responsibilities for employees in accordance with relevant employment legislation and best practice.

2. Scope

This policy applies to all employees of MacIntyre Academies Trust (MAT).

This policy does not form part of any contract of employment and may be amended from time to time.

3. Schedule of Responsibilities

The Group Director of MacIntyre Academies Trust takes overall responsibility for the implementation of policies and procedures and to provide reports as appropriate to Trustees in relation to this policy.

Principals of MacIntyre Academies and their Senior Leadership Teams will take active steps to promote good practice under this policy and review and monitor the management and implementation of this policy and practice in their Academy. They will identify training needs, ensuring competence in those staff who are responsible for and involved in the operation of this policy and associated guidance.

Teachers and other supervisory roles have responsibility for ensuring applications for Adoption Leave and Pay are managed in accordance with this Policy, ensuring risk assessments are undertaken and other relevant health and safety requirements are met and maintaining appropriate contact with the employee during their absence.

All employees are responsible for ensuring applications for Adoption Leave and Pay are made in accordance with this Policy.

School Business Managers are responsible for receiving and processing applications for adoption pay and leave in conjunction with the HR system.

MacIntyre Academies Human Resources are responsible for providing advice and training under this policy and reviewing and updating the policy as required; ensuring continuing relevance and effectiveness in line with any developments in employment legislation, good employment practice and other MacIntyre Academies policies. The HR Manager is responsible for collating data for regular Trust Board HR reports and where appropriate, providing confidential reports as required by the Group Director and MacIntyre Academies Trust Board on individual cases.

4. Introduction

Adoptive parents have the same rights to parental leave as other parents and there is a legal right for parents of either sex, to take time off around the time of adoption. Statutory Adoption Leave is paid at the same rate and same period as statutory maternity pay. Statutory entitlements, for example relating to annual leave and Keeping in Touch days also apply.

5. Eligibility

Adoption Leave is a 'Day 1' right - there is no qualifying period. However, you must meet the eligibility criteria to receive Statutory Adoption Pay.

To qualify for Adoption Leave an employee must:

- be newly matched with a child (up to the age of 18)
- be approved for adoption by an approved adoption agency
- have notified the agency that they agree to the child being placed with them

- have notified their manager of when they want to take their Statutory Adoption Leave (SAL) within 7 days of the date they are notified that they have been matched with a child (for overseas adoption the notification should be within 28 days from receipt of official notification)
- be able to provide documentary evidence of the placement in the form of a Matching Certificate, obtained from the adoption agency for UK adoptions (or appropriate official notification for overseas adoptions, including evidence of the date of the child's entry to the UK).

If the employee is part of a couple proposing to adopt a child jointly, only one of them may take Statutory Adoption Leave, but the other may be entitled to take Paternity Leave and/or Shared Parental Leave.

Intended parents in surrogacy and 'foster to adopt' arrangements will also qualify for Adoption Leave and Pay and may attend 2 antenatal appointments with the surrogate mother.

Parents adopting stepchildren of a partner **do not qualify** for Adoption Leave, although they may qualify for unpaid Parental Leave.

6. Entitlement

6.1 Statutory Adoption Leave (SAL)

Statutory Adoption Leave (SAL) may be taken by an employee when a child is placed with them for adoption, provided that they meet the eligibility criteria.

Statutory Adoption Leave (SAL) is made up of:

- 26 weeks Ordinary Adoption Leave (OAL); and
- 26 weeks Additional Adoption Leave (AAL)

giving a total of up to 52 weeks.

It is up to the employee to determine how much of the 52-week Adoption Leave period they wish to take, and the employee has the right to return to work before the end of the 52-week period. The employee can elect to bring Adoption Leave to an end early and opt in to a period of Shared Parental Leave and Pay instead. **See Shared Parental Leave policy** for more information.

If more than one child is being placed as part of the same arrangement, the employee is still only entitled to one period of Statutory Adoption Leave.

The employee may choose to begin the Adoption Leave on:

- the date on which the child starts living with them/enters the UK
- a predetermined date which is no more than 14 days before the child starts living with them, or
- in the case of overseas adoption, no more than 28 days after the date on which the child enters the UK.

Where the placement is not successful and ends after the Adoption Leave has begun, the employee will be allowed to continue the Adoption Leave for a maximum of 8 weeks after the end of the week the placement ends, or until the end of the maximum leave period whichever is the sooner.

If the employee starts the Adoption Leave before the child is placed, they need to be sure that the placement is going ahead. If it is delayed once the leave has started, the leave cannot be stopped and started again at a later date.

Prior to the date of the child's placement for adoption:

- the main adopter is entitled to take paid time off for up to 5 introductory adoption appointments (a maximum of 6.5 hours per appointment is allowed)
- the secondary adopter will be entitled to take unpaid time off for up to 2 appointments.

There is no additional time off where more than one child is being adopted as part of the same arrangement. Any other time off, should be taken as Annual Leave (where applicable), Time Off In Lieu or Unpaid Leave where agreed with the employee's manager.

7. Statutory Adoption Pay

Statutory Adoption Pay (SAP) for eligible employees can be paid for up to 39 weeks (with the remaining 13 weeks of adoption leave unpaid), usually as follows:

- The first 6 weeks – 90% of their average weekly earnings (AWE) before tax
- The remaining 33 weeks – flat SAP rate more information can be found at <https://www.gov.uk/adoption-pay-leave> or 90% of their AWE (whichever is lower)

To be entitled to Statutory Adoption Pay (SAP), an employee must have:

- earned more than the Lower Earnings Limit in the 8 weeks prior to the notification of the placement, and
- worked for MacIntyre Academies for at least 26 weeks by the week they are matched with the child,
- provided the correct notice
- provided proof of the adoption.

The flat rate of SAP is subject to review every April.

SAP payments are subject to tax, national insurance, and where appropriate, pension deductions.

Statutory Adoption Pay is payable for complete weeks only. Normal pay will apply upon return to work. Should an employee return to work before the end of their adoption pay period, their SAP benefit will cease and normal salary will be payable.

An employee who decided not to return to work following adoption leave is under no obligation to pay back any SAP benefit received.

8. Enhanced Adoption Pay (EAP)

Where an employee has more than 1 year's continuous service with MAT prior to the 11th week before the date of matching, and is still employed by MAT at the date they take their adoption leave, they will be eligible to receive Enhanced Adoption Pay.

EAP will be calculated based on the employee's average weekly earnings during the qualifying period, which is the 15th week before the expected date of placement.

Payments for employees who have more than 1 year's continuous service with MAT at the beginning of the 11th week before the expected date of placement, and are still employed by MAT at the date they take their adoption leave, are set out below:

Employees will receive:

- The first 4 weeks at full pay, inclusive of SAP where eligible
- A further 2 weeks at 90% of a week's pay, inclusive of SAP where eligible
- Followed by a further 12 weeks at 50% of a week's pay, plus SAP where eligible, though where the amount of SAP, plus half pay would be higher than normal pay, the total amount the employee will receive will not be greater than normal pay.
- Followed by 21 weeks at the standard SAP rate
- The remaining 13 weeks of adoption leave are unpaid.

Any employee can elect before commencing adoption leave not to receive the 12 weeks' half pay EAP as it becomes due. An employee opting not to take the 12 weeks at 50%, will receive their entitlement to SAP only. Where an employee elects not to receive the EAP, but then later returns to work for a period of at least 3 months, they will be entitled to the half pay element as a lump sum.

If an employee does not return to employment with MAT immediately after the adoption leave period for a period of at least 3 months (including periods of school closure) they will be required to repay any EAP received in excess of their statutory entitlement. The 3 month period starts from the date the employee returns to work, or, the date during the school holiday on which the employee would have been fit to be available for work (if the school has been opened).

Where a full-time employee returns on a part-time basis, having obtained prior approval from their employer, they are required to return on a part-time basis for a period which equates to 3 months of full-time service.

9. Notification Requirements

An employee entitled and intending to take Statutory Adoption Leave (SAL) must notify their line manager within 7 days of the date they are notified of a match with a child. For overseas adoption the notification should be within 28 days from receipt of official notification.

All employees should provide 28 days' notice of the intention to start adoption leave. Notification in writing must be given by the employee to their line manager and School Business Manager providing 28 day' notice of the intention to start adoption leave, when the child is expected to be placed with them, or the date on which the child enters the UK for overseas adoptions, when the employee would like to begin their Statutory Adoption Leave and a declaration that they would like to receive Statutory Adoption Pay.

The MAT Adoption Leave Request Form (Appendix 2) should be used for this purpose and passed to the line manager and School Business Manager along with a copy of the Matching Certificate. The School Business Manager must notify the HR Team, and liaise with payroll via the HR system and provide them with the above documents. The employee will be informed within 28 days of notification from the employee being received, in writing, of the date which their ordinary and additional adoption leave will end.

10. Variation to Statutory Adoption Leave

If an employee wishes to change the date they have chosen for taking Statutory Adoption Leave, they must give notice in writing to their line manager of the variation, giving 28 days' notice before the new

date. Where it is not possible to provide 28 days' notice MacIntyre Academies will do everything possible to accommodate the change to date. The line manager must notify their HR contact of the amended date.

The employee must give the Academy/MacIntyre Academies a further notice in writing of the date on which the child was placed, and this should be done as soon as is reasonably practicable after the child's placement

11. Time off to attend Adoption Meetings

The time off to attend adoption appointments must be taken in the period between being notified of a match with a child and the date that the child joins the family. Single adopters are entitled to paid time off to attend up to 5 adoption appointments. In the case of joint adoptions (i.e. a couple who have been jointly matched to adopt a child) one of the adopters will be entitled to paid time off to attend up to 5 adoption appointments. The other adopters may be entitled to unpaid time off to attend up to 2 adoption appointments.

Where there are joint adopters, the adopter who took paid time off to attend adoption appointments cannot claim Paternity Leave and Pay. This means that the parent who intends to take Adoption Leave and Pay is likely to take the paid time off and the other parent is likely to take unpaid time off.

12. Contractual Benefits

During the period of Adoption Leave, employees will continue to accrue contractual benefits, except for remuneration (wages or salary) (subject to Enhanced Adoption Pay, see above).

Pension contributions will continue to be made during any period when the employee is receiving Statutory (or Enhanced) Adoption Pay but not during any period of unpaid Adoption Leave. For staff who are members of the Teachers' Pension scheme, contributions will be based on actual pay. For staff who are members of the Local Government Pension Scheme, employee contributions will be based on actual pay while MacIntyre Academies' contributions will be based on Assumed Pensionable Pay.

Further information regarding the LGPS can be found at <http://www.lgpsregs.org/index.php/guides/hr-guide-to-the-2014-scheme?showall=&start=13> and <http://www.lgps2014.org/content/new-parent-leave> and further information regarding the TPS can be found at: <https://www.teacherspensions.co.uk/members/your-scheme/your-working-years/what-happens-if-i-take-family-leave.aspx>

Any improvement in terms and conditions of employment, which become effective during an employee's adoption leave, will apply to the employee on the date they return to work.

13. Annual Leave during Statutory Adoption Leave

Employees will accrue MAT annual leave throughout both ordinary and additional adoption leave (for term time only staff, including teachers, accrual is capped at the statutory minimum entitlement under the Working Time Regulations of 5.6 weeks per year), and this can be carried over to the next holiday year where necessary.

For staff on all year round contracts, accrued annual leave must be taken prior to starting adoption leave or after adoption leave and cannot be taken during. Annual leave may be taken immediately following adoption leave, provided the employee's line manager is in agreement, or reserved and taken at a later date before the end of the holiday year.

14. Communication and Contact

Before starting adoption leave the employee should agree with their line manager and School Business Manager how they wish to be kept up to date with changes and confirm appropriate contact methods. This contact can be by telephone, email or letter, or could involve the employee visiting the workplace. The employee should also ensure the Academy has the correct contact details for them.

The employee will usually remain on circulation lists for internal memos, emails and recruitment opportunities and be included in invitations to work-related social events.

The organisation reserves the right in any event to maintain reasonable contact with the employee from time to time during their Adoption Leave. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work, or simply to update them on developments at work during their absence.

15. Keeping in Touch Days (KIT)

Employees may, by mutual agreement with their line manager and School Business Manager, work up to ten days during their adoption leave. These days are called 'keeping in touch days'.

The employee's right to adoption leave and pay isn't affected by taking keeping in touch days. The type of work should be agreed beforehand and might include catching up with Academy news, training, team meetings or general activity which would ordinarily be classed as work under the employee's contract.

Any work on any day during the adoption leave period will count as a whole keeping in touch day. Employees will be paid full pay for the hours in half day blocks and should be notified of this before undertaking a KIT day.

16. Returning to Work after Statutory Adoption Leave

MAT will not expect an employee to return to work until the end of the 52 weeks adoption leave. If they want to return earlier, they must provide 8 weeks' notice of the new date. This also applies if the adoption placement is disrupted and the employee is returning to work earlier than expected. Where an employee fails to provide 8 weeks' notice, MAT reserves the right to postpone the return to work until the 8-week period has ended, provided this does not extend beyond the maximum adoption leave entitlement.

If they are unable to attend work due to sickness or injury, MacIntyre Academies' normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

The employee has the right to return to the same job after the period of Ordinary Adoption Leave. Following Additional Adoption Leave, the employee is also entitled to return to the same job, unless

there is a good reason why they cannot do so, in which case they must be offered a similar job on terms and conditions no less favourable than their original job.

Employees returning from adoption leave, wishing to change their working pattern or reduce their hours should consult the MAT Flexible Working Policy for details of the process and procedures.

Where an employee decides not to return to work following adoption leave, they should notify their line manager of the decision immediately, giving notice in accordance with the terms in their contract.

17. Shared Parental Leave (SPL)

An employee may elect to bring their adoption leave to an end early and opt-in to a period of shared parental leave and pay instead, where they meet the eligibility criteria. Please see the MAT Shared Parental Leave Policy for further details.

18. Redundancy during Statutory Adoption Leave

An employee whose job becomes redundant while they are on Adoption Leave (whether it is Ordinary Adoption Leave or Additional Adoption Leave) is entitled to be offered, before the end of the existing contract, a suitable alternative vacancy where one exists and given first refusal over other affected employees. This protection applies for 18 months starting from the date of placement of the child. The new contract of employment must take effect immediately on the ending of the employee's employment under the previous contract and the employee will retain continuity of service.

The work the employee is to do under the new contract of employment should be both suitable and appropriate for them to do in the circumstances. In addition, the terms and conditions of the new contract should not be substantially less favourable to them than if they had continued to be employed under the previous contract.

It is unlawful for employees to be selected for redundancy on grounds relating to Adoption Leave. It is also important to ensure that any employee who is on Adoption Leave is fully consulted about any redundancy proposals, in the same way as for other staff who are working normally. If a redundancy situation is anticipated, it is important that advice is taken from Human Resources at an early stage.

19. Dismissal during Adoption Leave

Where an employee is dismissed after an Ordinary or Additional Adoption Leave period has begun, but before the time when that period would end, the period ends at the time of dismissal. However, their entitlement to Statutory Adoption Pay continues until the end of the 39-week period or until they start working for another employer, whichever is earlier.

Employees on Statutory Adoption Leave, or contemplating taking Statutory Adoption Leave, are protected by law against dismissal for reasons relating to adoption leave.

20. Neonatal Care Leave

If your child receives neonatal care which starts within 28 days of birth and lasts for at least seven days after the child has been placed with you, you may also be entitled to neonatal care leave and pay. This can be taken after your adoption leave. For further information, please see our Neonatal Care Leave Policy.

Record of changes made at previous review:

Version Number	Purpose/ Change	Responsibility	Date
2	Front page person responsible changed from COO to CEO.	CEO	11.12.19
4	- Section 8: Addition of enhanced adoption pay details. - Section 9: Reference to EAP - Glossary of Terms – added Qualifying week and EAP Definitions - Amended Adoption leave request form Contents table added	Group Director	12/04/2021
5	- Responsibility for payroll changed to School Business Manager - Paragraph 11 inserted - Link to Gov.uk for Adoption Pay Name change CEO Head of Support Services	Group Director	April 2024

Appendix 1 – Glossary of Terms

Additional Adoption Leave (AAL) – This is the right to an additional period of leave of a further 26 weeks where ordinary adoption leave has been taken.

Adopter – Means a person who has been matched with the child for adoption. In the case of two people who have been matched jointly this shall mean whichever of them elected to be the child's adopter and take adoption leave for the child.

Child – Means a person who is, or was when placed with an adopter for adoption, under the age of 18.

Enhanced Adoption Pay – Payments made by the employer over SAP

KIT day: Keeping in touch day – the ability to undertake work or training during a period of adoption leave.

Match: when an adopter is approved to adopt a named child or children.

Ordinary Adoption Leave (OAL) – This is the right of male or female employees to take a period of 26 weeks leave provided they have worked for the employer for a continuous period of 26 weeks by the week in which an approved match is made, and they meet certain notification and other criteria.

Partner – the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child.

Qualifying Week (QW)

This is the 15th week prior to the date of expected date of placement. An employee must continue to be employed during this week in order to qualify for adoption pay.

Statutory Adoption Pay (SAP) – Compulsory pay payable to all employees who have had a child placed with them for adoption, provided they satisfy certain criteria.

Appendix 2: Adoption Leave Request Form

Adoption Leave Request Form

Surname		Forename(s)	
Name of Academy		Job Role	
ADOPTION LEAVE INFORMATION			
According to your Matching Certificate and/or letter from adoption agency what is the expected date of placement:			
On what date do you intend to start your Statutory Adoption Leave:		On what date do you intend to end your Statutory Adoption Leave:	
☐ I have attached a copy of my Matching Certificate and/or letter from the adoption agency			
☐ I confirm that I have given the required notice, i.e. within 7 days of the date of notification of a match (or within 28 days from receipt of official notification in the case of overseas adoption)			
I have read the Adoption Leave Policy and confirm that I am eligible to apply for adoption leave. I wish to apply for adoption leave as follows: I wish to return to work following 52 weeks adoption leave ☐ I understand that I must give 8 weeks' written notice of the date on which I intend to return if this differs from what I have indicated above. OR I wish to return to work on Date: ____/____/____ I understand that I must give 8 weeks' written notice of the date on which I intend to return if this differs from what I have indicated above. OR I do not wish to return to work following my adoption leave ☐ I understand that I will receive statutory adoption pay only as I am not intending to return to work, even if I am eligible to receive enhanced adoption pay. I wish to take annual leave (in line with my contractual terms and conditions) before Adoption Leave from ____/____/____ to ____/____/____ Employee signature: _____ Date: ____/____/____ Line Manager signature: _____ Date: ____/____/____			

The Principal/designated person is responsible for sending the completed form to HR and processing on the HR system with the employee's Matching Certificate. A copy should be kept on the employee's personal file within the Academy.