

HRSfS/2309PERSON\_NUMBER

LETTER\_DATE

TITLE FIRST\_NAME LAST\_NAME

ADDRESS\_LINE\_1

ADDRESS\_LINE\_2

TOWN\_OR\_CITY

GEOGRAPHY\_NAME

POSTAL\_CODE

Dear TITLE LAST\_NAME

# Adoption Leave and Pay – Support Staff

Thank you for confirming your matching, the placement date, and your intention to start your adoption leave from ORGANIZATION\_NAME on LETTER\_DATE.

This letter is intended to provide you with an indication of your entitlements to adoption leave and pay. Details of the adoption leave and adoption pay available under legislation and occupational adoption leave scheme are provided below.

**Time off for adoption appointments**

Between being matched with a child and starting your adoption leave you are entitled to up to reasonable time off work to attend up to 5 adoption appointments. Your line manager or Head Teacher can request evidence of the appointment.

**Adoption leave**

As the nominated adopter employees are entitled, by law regardless of their length of service, to up to 52 weeks adoption leave.

Unless you have stated otherwise it will be assumed you will return to work after the 52 weeks on return date. Either way, you may change your return date during your adoption leave; however you must provide at least 21 days’ notice of the change.

If you do not intend to return to work following your adoption leave please notify your line manager or Head Teacher as this will impact on your adoption pay entitlement. Further details are provided later in this letter.

**Adoption pay schemes**

Adoption pay is calculated by your Local Government Service date which is DATE

You are entitled to Statutory Adoption Pay (SAP) if you have:

* 26 weeks’ continuous service by the end of the week you will be matched with the child, and
* average earnings of at least £123 a week

**Adopting from overseas** - you must have 26 weeks’ continuous service by the time you get your official notification and sign form SC6 if you’re adopting a child with your partner.

**Surrogacy** - you must have 26 weeks’ continuous service by the end of the 15th week before the expected week of childbirth.

If you are entitled to SAP you will be paid:

* 6 weeks at 90% of your average weekly earnings, followed by
* 33 weeks at £184.03 per week or 90% of your average weekly earnings (whichever is lower)

In addition to SAP Birmingham City Council provides a better occupational adoption pay (OAP) than the statutory scheme if you:

* have completed 1 year’s continuous local government employment by the end of the week you will be matched with the child (or in the case of surrogacy by the end of the 15th week before the expected week of childbirth), and
* return to work for at least 3 months’ after your adoption leave.

If you are entitled to OAP you will be paid:

* 6 weeks at 90% of full pay (set-off by SAP), followed by
* 12 weeks at half pay

Both schemes are paid simultaneously.

Any unpaid adoption leave will not count as reckonable service for pension purposes, however you can choose to pay towards your pension as if you were receiving your usual pay. For information, email localgovernmentpensions@birmingham.gov.uk before your return to work.

**Entitlement to adoption pay is summarised as follows:**

|  |  |  |
| --- | --- | --- |
|  | **Occupational Adoption Pay** | **Statutory**  **Adoption Pay** |
| Weeks 1-6 | 90% of contractual pay | 90% of average weekly earnings |
| Weeks 7-18 | Half pay | SMP rate (or 90% of full earnings if this is less) |
| Weeks 19-39 | Nil | SMP rate (or 90% of full earnings if this is less) |
| Weeks 40-52 | Nil | Nil |

**Paternity leave**

Your partner may be entitled to 1 or 2 weeks’ paternity leave around the date the child starts living with you. For information visit www.gov.uk/paternity-pay-leave.

Birmingham City Council offers an enhanced Adoptive Parent Support Leave Scheme. If your partner is employed by Birmingham City Council they are entitled to the first week of their paternity leave at full pay.

**Shared parental leave**

You may wish to apply for Shared Parental Leave. For information visit www.gov.uk/shared-parental-leave-and-pay.

**Keep in touch (KIT) days**

You may return to work for up to a maximum of 10 paid ‘KIT’ days during your adoption leave without interrupting your leave. The purpose of these days is to keep you informed and involved with your workplace, they could involve attending meetings, briefings or training for example.

Similar arrangements are in place for Shared Parental Leave.

Such days need to be mutually agreed by you and your line manager or Head Teacher.

**Term Time Only (TTO) Employees**

If you are on a TTO contract you could be entitled to accrue annual leave during the period of your adoption leave and or receive additional payment for accrued annual leave.  As part of your return to work following maternity leave discussions, this will be discussed with you and arranged via your school.

**Resignation**

If you wish to resign your position during your adoption leave your normal notice periods apply.

If before your adoption leave you do not intend to return to work following your adoption leave, you can indicate your intention but defer the actual resignation until after the child starts living with you. There are various reasons for delaying a decision, for example, your personal circumstances might change after being matched or during adoption leave. Your final decision can be confirmed after the child starts living with you.

OAP is also conditional on your return to work for 3 months following your adoption leave. This means that if you do not return will be required to repay some of your adoption pay. Indicating your intention to resign allows us to pay your adoption pay correctly so you do not receive pay you are not entitled to. You will still receive SAP as there is no such condition. If you subsequently change your mind and do not resign payment of OAP can be reinstated and will be backdated if required.

**Returning to work**

If you wish to return to work before the end of the 52 weeks you must provide at least 21 days’ notice. This may be done at the beginning of your adoption leave. If you wish to change your return date you, again, must give 21 days’ notice.

If you attempt to return to work earlier without giving such notice, your return date can be postponed to secure 21 days’ notice, but not beyond the end of the 52 weeks.

You are required to return to work for at least 3 months after your adoption leave in order to keep your OAP. If you return for less than 3 months you will be required to repay a proportion of your OAP. There is no such condition with SAP.

I appreciate this is a lot of information, all of which is important to any decision you make regarding your adoption leave. If you have any questions please telephone me on HR\_OFFICER\_TEL.

Yours sincerely

HR\_OFFICER

**On behalf of Birmingham City Council**

Schools HR Services

PO Box 14512

Birmingham

B2 2JH

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