

Adoption Policy

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Useful Contacts and Information

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HM Revenue & Customs <http://www.hmrc.gov.uk>

Department for Work & Pensions <http://www.dwp.gov.uk>

Devon Information on Services For Children (DISC) 0845 1551013
<http://www.devon.gov.uk/disc.services.htm>
Email: discinfo@devon.gov.uk

Directgov <http://www.direct.gov.gov.uk/en/index.htm>

Useful Policies listed below can be found at:

F:\Public\Policies CVCC Academy Policy Folder:

- Flexible Working Request Policy
- Health & Safety Policy

F:\Public\Policies CVCC Academy Policy Folder\Maternity – Paternity - Adoption

- 'Keeping in Touch' days

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POLICY

1.0 Introduction

- 1.1 This policy applies to all staff employed by Clyst Vale Academy Trust (known as Clyst Vale Community College (CVCC)), including school support staff and teachers regardless of the number of hours worked per week.

2.0 Policy

- 2.1 This policy sets out the rights of Clyst Vale Community College employees to adoption leave and pay in accordance with national, local and statutory conditions of service. Nothing in the provisions shall be construed as providing rights less favourable than statutory rights.

3.0 Scope

- 3.1 This policy applies to all staff employed by CVCC, regardless of the number of hours worked per week.
- 3.2 This policy provides for adoption leave to an employee who is adopting a child, and adoption pay if eligible, regardless of gender.
- 3.3 Where a couple are jointly adopting, the other adoptive parent, if he/she is employed by CVCC, may be entitled to adoption support leave and pay (also known as statutory paternity leave and pay), as set out in the Maternity & Adoption Support Leave Policy, regardless of gender.
(If he/she is not employed by CVCC, he/she may be entitled to take adoption support/paternity leave and pay with his/her employer.)
- 3.4 Where an employee is adopting individually, only he/she is entitled to take adoption leave, and adoption pay if eligible – although the employee's partner may be entitled to adoption support/paternity leave and pay, as outlined above.
- 3.5 Adoption support leave and pay cannot be taken by the same person under the same adoptive arrangement.
- 3.6 There are two elements to this policy - the statutory entitlements and the contractual entitlements. The policy incorporates an amalgamation of the two sets of entitlements.

4.0 Principles

- 4.1 Employees are free to exercise their rights to adoption leave, and adoption pay if eligible, and the right to return to work.
- 4.2 Full consideration is given to the full range of flexible working arrangements when requested by employees returning to work after adoption leave and these are arranged wherever possible in response to such requests.
- 4.3 Where a couple are jointly adopting, requests by the other adoptive parent, if he/she is employed by CVCC, for flexible working arrangements around or after the time of the adoption placement, are treated sympathetically.

Procedure

5.0 Notification and commencement of adoption leave

- 5.1 An employee must inform the College Manager in writing of his/her intention to take adoption leave within seven days of being notified by the adoption agency that he/she has been matched with a child for adoption, unless this is not reasonably practicable. The letter must include the expected date of placement and the date when the employee intends to start his/her adoption leave together with documentary evidence from the adoption agency in the form of a 'matching certificate' as evidence of his/her entitlement to Statutory Adoption Pay (SAP).
- 5.2 The College Manager will inform Payroll who will send the employee an Adoption Information letter, which must be completed and returned to Payroll as soon as possible. A copy of the ADOPT5 or ADOPT6 must be given to the College Manager who must arrange for it to be placed on the employee's personnel file.
- 5.3 The College Manager will respond within 28 days, setting out the date on which the employee is expected to return to work if the full entitlement of adoption leave is taken.
- 5.4 When the employee begins adoption leave, the College Manager must ensure that the 'Online Absence Report' is completed, stating the date that the employee commenced adoption leave.
- 5.5 The College Manager should also make a note of when the employee is expected to return, to ensure that a further 'Online Absence Report' is completed at that time notifying Payroll of the employee's return to work. The reason for absence should be indicated in the 'other' category and 'adoption leave' should be clearly written in the box.
- 5.6 If a performance appraisal is due whilst the employee will be on adoption leave, the College Manager, on behalf of the line manager, should agree with the employee to either carry this out before the employee starts his/her leave or upon his/her return.
- 5.7 An employee should discuss the management of his/her annual leave with the College Manager at the earliest opportunity so that he/she is able to take his/her annual leave around the needs of the College (see Guidance).
- 5.8 If a temporary replacement is required to cover an employee's adoption leave, the temporary employee must be informed in writing that his/her employment will be terminated on the return to work of the employee who has taken adoption leave.

6.0 Contact during adoption leave

- 6.1 Managers will maintain contact with an employee during his/her adoption leave period to discuss issues such as return to work and will keep him/her informed

of vacancies, any significant workplace developments and training opportunities.

- 6.2 Contact will not constitute 'work' and not therefore count towards the 10 'Keeping in Touch' days (see Section 7) or bring the adoption leave period to an end.

7.0 Working during adoption leave/'Keeping in Touch' days

- 7.1 An employee can work 10 'Keeping in Touch' days during his/her adoption leave without bringing the adoption leave to an end. Working for part of a day will count as one day.
- 7.2 Work is defined as any work carried out under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.
- 7.3 A manager cannot insist that an employee carries out any work and equally an employee cannot insist on being given any work to do.
- 7.4 An employee's adoption leave will not be extended due to the fact that he/she has carried out some work during this period.
- 7.5 An employee will not lose any Statutory Adoption Pay (SAP) for working up to 10 days.
- 7.6 An employee will be paid his/her normal rate of pay for any work carried out under the contract of employment and this will be offset against any SAP due for each day.
- 7.7 An employee will lose their SAP for any week in which they do any further work.

8.0 Return to work after adoption leave

- 8.1 **Return at the end of Ordinary Adoption Leave (OAL)** – If the employee chooses to return when the OAL period ends after 26 weeks, he/she does not have to give specific notice, although the employee should confirm to his/her line manager the date he/she wishes to return so that arrangements can be made.
- 8.2 **Return during Ordinary Adoption Leave (OAL)** – If the employee chooses to return before the 26 weeks have elapsed, he/she must give notice, in writing if requested, at least 21 days before his/her return. Where the notice given is less than 21 days, the employer may postpone the return to ensure 21 days' notice, but not beyond the period of the adoption leave period.
- 8.3 **Return at the end of Additional Adoption Leave (AAL)** – If the employee chooses to return when the AAL period ends, he/she does not have to give specific notice.
- 8.4 **Return during Additional Adoption Leave (AAL)** – If the employee chooses to return before the 52 weeks have elapsed, he/she must give notice, in writing

if requested, at least 21 days before his/her return. Where the notice given is less than 21 days', the employer may postpone the return to ensure 21 days' notice, but not beyond the end of the adoption leave period.

- 8.5 **Altering an early return date** – If an employee changes his/her mind about the date he/she intends to return, where he/she has already notified an early return date, he/she must give 21 days' notice before the new date, and at least 21 before the original early return date.
- 8.6 **Return to work and sickness absence** – If the employee is unable to return to work on the expected date due to sickness, he/she has still exercised his/her right to return to work by complying with the notification procedure. The employee will then commence a period of sickness absence, and be treated as any other employee who is absent due to sickness, including his/her payment of sick pay, as appropriate.
- 8.7 The College Manager should ensure that the 'Online Absence Report' is completed upon the employee's return to work.
- 8.8 The College Manager and employee should calculate any entitlement to public/extra statutory holidays that occurred during the adoption leave period and make arrangements for the taking of substitute days.

9.0 Flexible working requests

- 9.1 An employee returning to work may make a request to work flexibly, as set out in the Corporate/Schools Flexible Working Requests Policy. Types of flexible work patterns include the consideration of flexi-time, part-time working, job share as well as other flexible working arrangements.

10.0 Choosing not to return to work

- 10.1 The employee must give normal notice of resignation if he/she does not intend to return to work after his/her adoption leave.
- 10.2 The employee will have received a lower rate of adoption pay or will have to pay back any half pay received, as part of Contractual Adoption Pay (CAP). Payroll will notify the employee of their particular circumstances.
- 10.3 The last day of adoption leave will be the last day of service, unless the employee has given written notice that he/she wishes to resign on an earlier date.
- 10.4 The line manager will need to ensure that a Leaver's Form (Prism 2) is completed, confirming the end of the employee's employment.

Guidance

11.0 Adopting a child from overseas

- 11.1 To qualify for adoption leave and pay, an employee who adopts from overseas must have received written official notification, issued by or on behalf of a

relevant UK authority (usually the Department of Health) which confirms that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

- 11.2 To receive adoption leave, and pay if eligible, the employee must submit to Payroll the following evidence:
- a copy of the official notification at least 28 days before he/she wishes to claim Statutory Adoption Pay (SAP)
 - further evidence of the date of entry, such as a plane ticket or copies of entry clearance documents, within 28 days of the child entering the UK

12.0 Adoption leave entitlements

- 12.1 An employee is entitled to take 26 weeks of **Ordinary Adoption Leave (OAL)** followed immediately by 26 weeks' **Additional Adoption Leave (AAL)**. An employee's maximum entitlement is thus to take up to 52 weeks' adoption leave.
- 12.2 In addition, employees with one year's continuous service may take up to five days' paid leave for visits prior to the placement, which may include one court appearance following placement, related to the adoption order.
- 12.3 To qualify for these entitlements, the employee must have been newly matched with a child for adoption by an approved adoption agency.

The entitlements do not apply to step family adoption, although leave equivalent to the compassionate leave provisions for sickness should be allowed for an employee taking the main caring responsibility.

A foster parent only qualifies for these entitlements if the child that he/she has fostered is then matched with him/her for adoption by a UK adoption agency. Adoption via a court does not count. The child is then actually placed with him/her for adoption. The adoption leave only relates to the actual placement for adoption – any period of foster caring does not count.

Where a foster parent does not qualify, as set out above, leave equivalent to the compassionate leave provisions for sickness should be allowed for an employee taking the main caring responsibility. However, in cases where there has been a period apart between fostering and adoption, a period of one month's unpaid leave may also be allowed.

- 12.4 Only one adoptive parent (the main adoptive parent) is entitled to take adoption leave.
- 12.5 Only one period of adoption leave and pay can be taken in the case of multiple adoptions ie where more than one child is adopted as part of the same arrangement.
- 12.6 In some cases more than one child may be placed with the adopter under separate arrangements within the period of adoption leave for the first child. This can happen where two or more siblings are adopted from the same family.

When a second child is placed with the adopter, the employee will only be entitled to a further period of Statutory/Contractual Adoption Pay (SAP and CAP) and Adoption Leave where each child has been placed under separate adoption arrangements. If a separate Matching Certificate is issued, this would be considered as a separate arrangement.

Entitlement to a further period of adoption leave and up to a further 39 weeks of CAP/SAP will commence from the date the second child is placed with the adopter.

12.6.1 CAP/SAP

Where the two periods of CAP/SAP and adoption leave overlap, payment of the first period of CAP/SAP will continue, regardless of the commencement of the second period of payment. However, the total amount of CAP may be reduced if payment of this means that the employee receives more than their normal rate of pay at any one time.

SAP is calculated using the "relevant period", which is an eight week period immediately prior to the matching week. Therefore the amount of CAP/SAP payable to the adopter for the second period of adoption leave will be affected by the salary the employee is receiving during the eight week period immediately prior to the second matching date. If they are in the unpaid period of the first Adoption leave, they may not qualify for SAP for the second adoption leave.

12.6.2 Adoption Leave

The first period of adoption leave will stop from the date when the second period of leave starts. The second period of leave will be made up of 26 weeks' OAL and 26 weeks' AAL.

- 12.7 The employee can choose to start his/her adoption leave either from the date of the child's placement, or a fixed date up to 14 days earlier. For overseas adoptions, the employee may choose to start his/her adoption leave either from the date the child enters the UK, or a fixed date no later than 28 days after the date the child enters the UK.
- 12.8 To be eligible for adoption leave, the employee must meet specific notification requirements (see Procedure).
- 12.9 Adoption leave can begin on any day of the week and the adoptive parent may choose to take less than his/her full entitlement.
- 12.10 One week's adoption leave will be equal to the duration of the period for which the employee is normally required to work in one week under his/her contract of employment.
- 12.11 The adoptive parent will be able to change his/her mind about the date on which they want his/her leave to start providing he/she provides notification at least 28 days in advance of the start of his/her leave (unless this is not reasonably practicable).

12.12 If the child's placement ends during the adoption leave period, providing more than eight weeks of leave remain, the employee will be able to continue adoption leave for up to eight weeks after the child stopped living with the employee.

13.0 Adoption pay

13.1 Entitlement to adoption pay is based on an employee's length of continuous service. The charts outlined in Appendix 1 (applicable to all employees excluding teachers) and Appendix 2 (applicable to teachers) provide more detailed information.

13.2 An employee may be eligible for one or more of the following payments, and entitlement will begin when he/she commences OAL:

- **Statutory Adoption Pay (SAP)** - An employee is eligible for SAP providing he/she meets certain criteria. Payroll will advise the employee of his/her entitlement. SAP payments are paid at a flat rate for 39 weeks or at 90% of average weekly earnings if this is less. Current rates are available from the Directgov website.
- **Contractual Adoption Pay (CAP)** - This will depend on an employee's length of service (see Appendices 1 and 2 for details, and clause 13.3 below).

Both SAP and CAP are treated as earnings and are therefore subject to PAYE and national insurance deductions.

13.3 If an employee has declared that he/she will be returning to work following his/her adoption leave, he/she must return to CVCC employment for a period of time in order to 'protect' his/her Contractual Adoption Pay (CAP). The period for which the employee must return to CVCC employment is three months for support staff and for teachers 13 weeks, regardless of the number of hours worked. Contractual payments are made at the normal pay interval (less normal deductions) or withheld until the employee returns to work, when the amount is paid as a lump sum (less normal deductions).

13.4 If an employee decides not to return to work (ie resigns) or the contract ends for a reason other than redundancy whilst on adoption leave, CAP ceases when the employment ends. The employee is required to repay the half pay elements of CAP (12 weeks) paid up to and including the last day of employment if he/she does not return to CVCC employment (as set out in 13.3). Payroll will notify the employee of the amount. (This applies to employees on permanent and fixed term contracts.)

13.5 If an employee is made redundant whilst on adoption leave, CAP ceases on the last day of employment. The employee is not required to pay back any half pay elements of CAP (12 weeks) paid up to and including the last day of employment. (This applies to employees on permanent and fixed term contracts.)

- 13.6 The employee will not have to refund SAP payments.
- 13.7 To be eligible for adoption pay, an employee must meet specific notification requirements (see Procedure).
- 13.8 If the adopted child's placement ends during the adoption leave period and SAP is being paid, SAP payments will end eight weeks after the end of the pay week in which the child stopped living with the employee.
- 13.9 Adoption pay will cease in any week following the week in which the adopted child reaches 18 years of age.
- 14.0 Annual leave entitlement during adoption leave** (not applicable to teachers or term time staff)
- 14.1 Adoption leave does not affect annual leave entitlement ie when taking adoption leave, the employee will still be entitled to his/her full annual leave allowance within the year(s) in which the adoption leave falls.
- 14.2 If an employee's adoption leave spans two annual leave years, they will be able to carry forward their contractual entitlement into the new leave year. However, the manager should be proactive about managing the amount of leave that the employee will have, and discuss the options available as early as possible (see Procedure). These options could be to:
- take annual leave before the start of the adoption leave
 - start the adoption leave earlier than anticipated and fit in the annual leave before returning to work
 - return before the end of the adoption leave so that the remaining leave can be taken before the end of the annual leave year
 - take annual leave at the end of adoption leave, fitting it in before returning to work
 - Any leave carried over must be taken by the end of the leave year.
- 14.3 During adoption leave, annual leave will accrue in the same way as it did before the absence began. If the employee returns to work on a reduced hours basis, on the date of return to work the annual leave will begin to be calculated at the new pro-rata rate.
- 14.4 If the employee decides not to return to work, annual leave will accrue up to the final date of service.
- 14.5 If, during the adoption leave period, the employee subsequently decides not to return to work and too much annual leave has been taken, there will be a requirement to pay back any overtaken annual leave.
- 15.0 Annual leave entitlement during adoption leave** (applicable to teachers)
- 15.1 The leave year for teachers, for the purpose of establishing annual leave entitlement, whilst on adoption leave is 1 September to 31 August.
- 15.2 Following the introduction of the Working Time (Amendment) Regulations 2007, which came into effect on 1 October 2007, the statutory leave entitlement has

increased to 28 days (5.6 weeks), pro-rata for those working part time. This is not an additional entitlement to annual leave on top of the current school closure arrangements.

- 15.3 Teachers on adoption leave are entitled to the statutory annual leave under the Working Time Regulations. A teacher who takes adoption leave must be able to take the statutory annual leave, as set out above, at a time outside of the adoption leave. Annual leave entitlement can be offset by any period of school closure that has taken place in the leave year in question ie both before and after the adoption leave period.
- 15.4 On return from adoption leave, a teacher must be allowed to take any outstanding leave during term time during that leave year if there are insufficient school closures to accommodate leave in that leave year. Where the return from adoption leave is so close to the end of the leave year that there is not enough time to take all of the annual leave entitlement, a teacher must be allowed to carry over any balance of leave to the following leave year. A teacher can be required to take this during the remaining periods of school closure after the statutory annual leave for that leave year has been accommodated.
- 15.5 It will not be possible for a teacher to obtain payment in lieu of untaken annual leave instead of taking leave during the leave year. However, payment in lieu may be necessary if a teacher does not return to the job following adoption leave. Payment will be made in accordance with the Working Time Regulations and is not pensionable.

16.0 Public and extra statutory holiday entitlement during adoption leave (not applicable to teachers)

- 16.1 **Full time employees** - During OAL, an employee is entitled to accrue public holiday entitlement as those public holidays and extra statutory days fall, with a substitute day of paid leave being provided at another time.

An employee who is due to have a child placed with him/her for adoption, on or after 5 October 2008, or who has a child adopted from overseas entering the UK on or before the 5 October 2008, during OAL and AAL, is entitled to accrue public holiday entitlement as those public holidays and extra statutory days fall, with a substitute day of paid leave being provided at another time.

- 16.2 **Part time employees** - During OAL an employee is entitled to accrue pro-rata public holiday and extra statutory day entitlement, as those days fall, and will be given a substitute day of paid leave at another time.

An employee who is due to have a child placed with him/her for adoption on or after 5 October 2008, or who has a child adopted from overseas entering the UK on or before the 5 October 2008, during OAL and AAL, is entitled to accrue pro-rata public holiday and extra statutory day entitlement, as those days fall, and will be given a substitute day of paid leave at another time.

- 16.3 **Term time employees** - Term time only employees should be given a substitute day of paid leave during term time, where a public holiday/extra

statutory day falls during their OAL period. This should be managed locally, in the same way as the additional day of annual leave after 10 years' continuous service.

An employee who is due to have a child placed with him/her for adoption on or after 5 October 2008, or who has a child adopted from overseas entering the UK on or before the 5 October 2008, should be given a substitute day of paid leave during term time where a public holiday/extra statutory day falls during their OAL or AAL period.

- 16.4 Substitute days of leave may be taken immediately following the end of the period of adoption leave, which should allow for any adoption cover arrangements to be managed most effectively. Alternatively, any substitute days of leave may be added to the leave entitlement to be taken upon the return to work. In all cases, this should be recorded in the normal manner.

17.0 Pension contributions during adoption

17.1 Teachers:

- During the period of paid adoption leave, pension contributions will be paid and deducted from the teacher's pay in the usual manner.
- Any unpaid period will not be pensionable/reckonable.
- Contact Teachers Pensions on 0845 6066166 and ask for the factsheet on Maternity/Paternity which is also available online at: www.teacherspensions.co.uk

17.2 All Other Employees:

- During any period of paid or unpaid statutory adoption leave, employees who are members of the Local Government Pension Scheme (LGPS) will pay basic pension contributions on the pay actually received, but DCC will pay pension contributions on the pay the employee would have received had she been at work (Assumed Pensionable Pay (APP)). The pension will accrue as normal, as if the employee had been at work.
- During any period of unpaid additional Adoption Leave, pension will not accrue, unless the employee elects to pay Additional Pension Contributions (APC) by buying the 'lost' pension.
- If an employee elects to buy the 'lost' pension by paying an APC within 30 days of returning to work, the employer must pay two thirds of the total cost with the remaining one third being paid by the employee. If the election is not made within the 30 day period then the employee will pay the full cost, unless the employer chooses to contribute towards the cost.
- If the employee wishes to buy the 'lost' pension they need to read the employee factsheet: ([ABSENCES – Buying lost pension from 1st April 2014 by paying Additional Pension Contributions \(APC\)](#)) which can be found on the Peninsula Pensions website, which explains how to calculate the cost and outlines the process.
- Where an employee works on a 'Keeping in Touch' day, both the employee and the employer will pay contributions based on the pay the employee receives for that day and it will count in full for pension purposes

18.0 Right to return to work

- 18.1 An employee has the right to return to work, at any time during either OAL or AAL. Alternatively, he/she may take his/her full period of adoption leave and return at the end of this period. (See Procedure.)
- 18.2 'Return to work' means to the job in which the employee was employed under his/her original contract of employment, and on terms and conditions not less favourable than those which would have been applicable to the employee if he/she had not been absent. 'Job' for this purpose, means the nature of the work that the employee is employed to do and the capacity and place in which he/she is so employed.
- 18.3 Where it is not practicable, by reason of redundancy, for the employer to permit the employee to return to work in his/her job, the employee shall be entitled to be offered a suitable alternative vacancy where one exists. The duties in that post should be suitable for the employee and appropriate to the circumstances. Also, the capacity and place in which the employee is to be employed and his/her terms and conditions of employment should not be substantially less favourable to the employee than if he/she had been able to return to the job in which he/she was originally employed.
- 18.4 Suitable alternative employment as described above may also be offered if exceptional circumstances other than redundancy (eg a general reorganisation), which would have occurred if the employee had not been absent, necessitate a change in the job in which he/she was employed prior to his/her absence.

19.0 Return to CVCC following a resignation and break for adoption reasons (not applicable to teachers)

- 19.1 Where an employee returns to CVCC following a break for maternity reasons, or reasons concerned with caring for children or other dependants, he or she will be entitled to have previous service taken into account in respect of the following provisions provided that the break in service does not exceed eight years and that no permanent paid full time employment has intervened:
- Sickness provisions
 - Maternity provisions
 - Adoption provisions
 - Period of notice to terminate employment
- 19.2 For the purpose of the calculation of entitlement to annual leave, the eight years' time limit does not apply, provided that no permanent full time employment has intervened.
- 19.3 The calculation of continuous service for rights against unfair dismissal or redundancy payments is not included within this contractual provision.

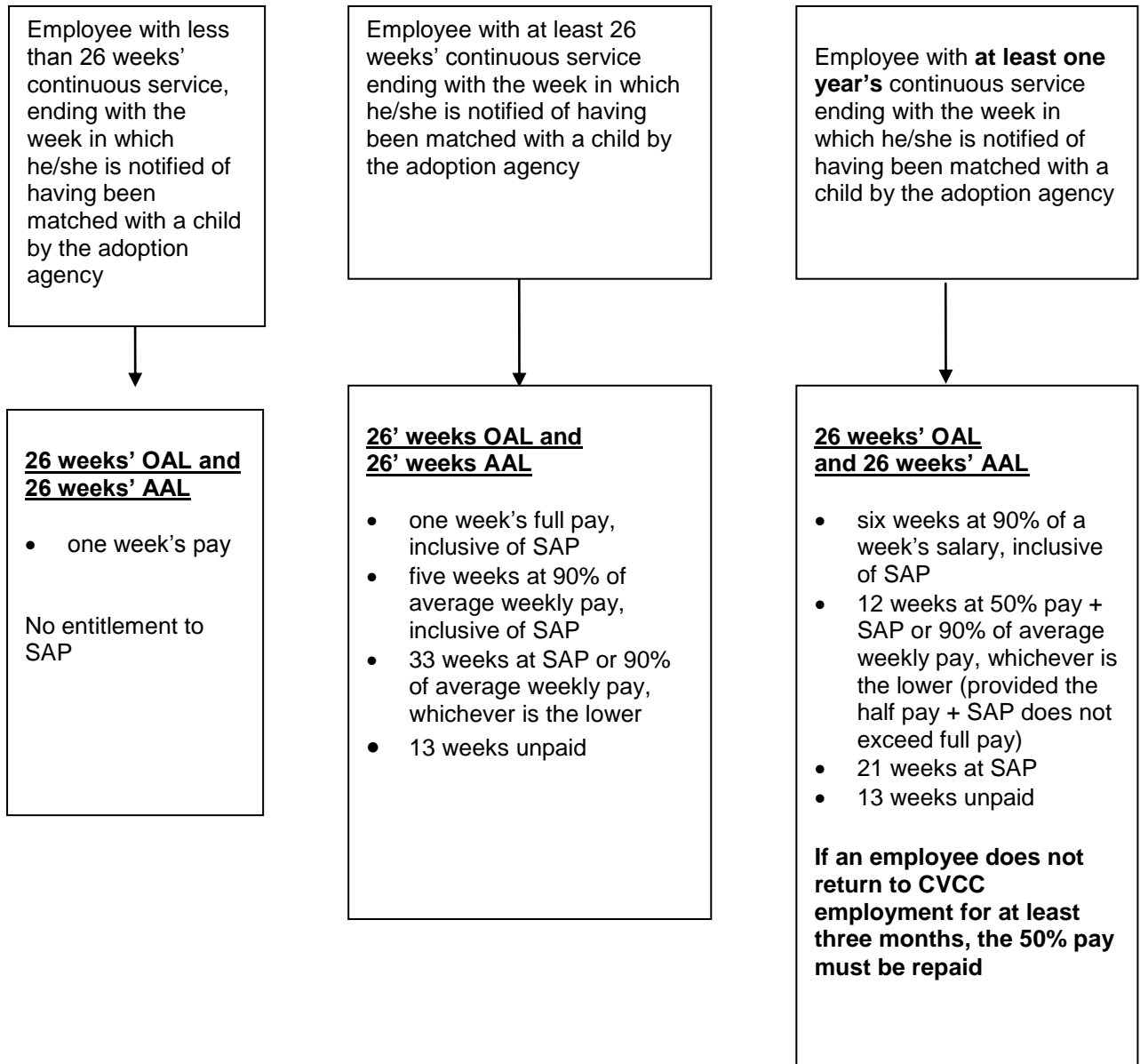
19.4 If an employee chooses to return to CVCC, he/she will be asked to complete and sign a form confirming his/her service and that no paid employment has intervened.

20.0 Equalities

20.1 DCC is committed to equality in its adoption policy.

20.2 The conditions for qualification for leave and pay under the adoption leave policy will not disadvantage any employee on the grounds of age, race or ethnicity, disability, gender and marital status, gender identity or sexual orientation, religion or belief.

All Employees (excluding Teachers) Adoption Benefits Flow Chart

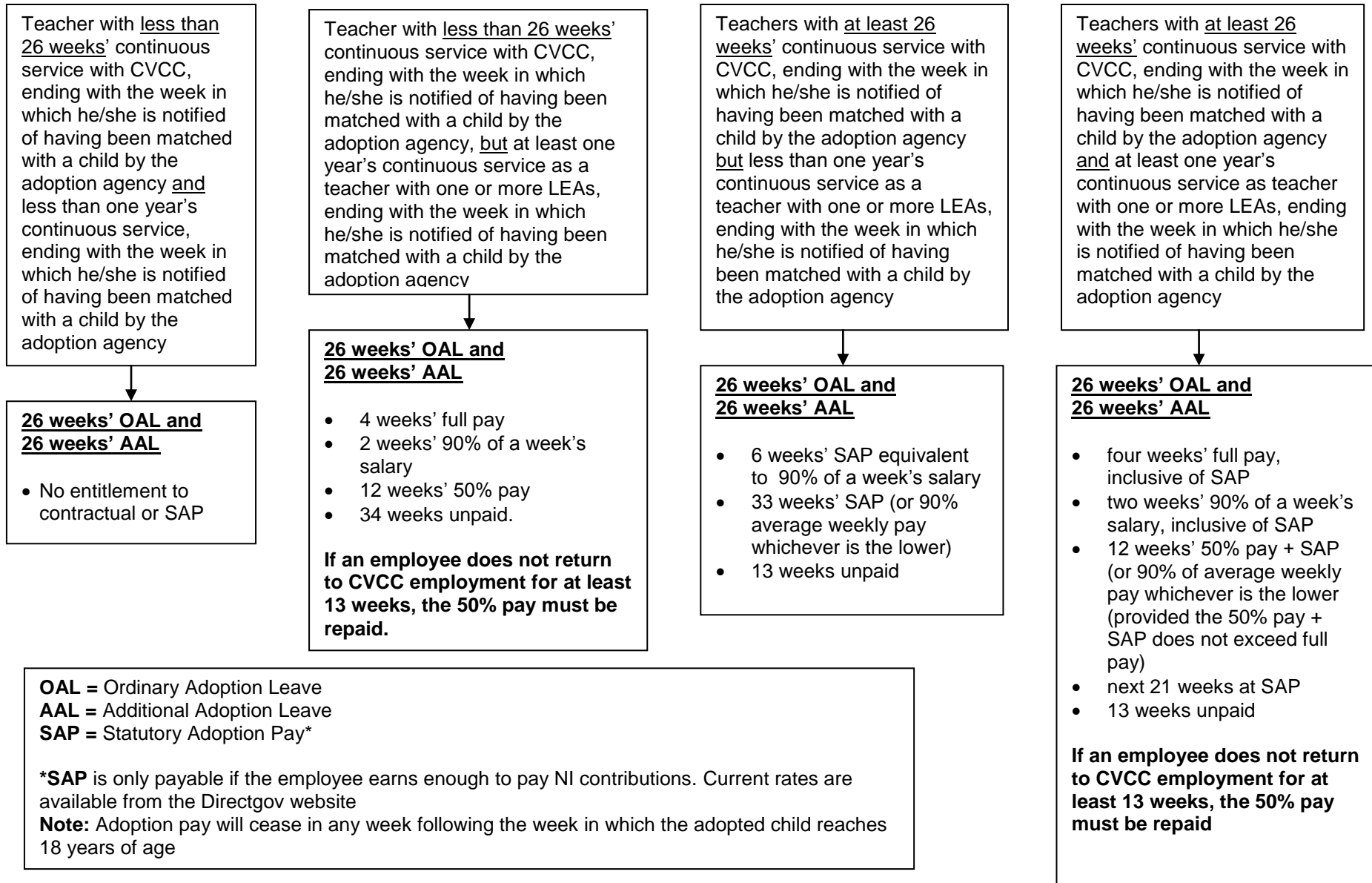


OAL = Ordinary Adoption Leave
AAL = Additional Adoption Leave
SAP = Statutory Adoption Pay*

***SAP** is only payable if the employee earns enough to pay NI contributions. Current rates are available from the Directgov website.

Note: Adoption pay will cease in any week following the week in which the adopted child reaches 18 years of age.

Appendix 2 Teachers' - Adoption Benefits Flow Chart



Appendix 3 – Terms and Abbreviations

Additional Adoption Leave (AAL)	An additional 26 weeks' adoption leave, immediately following Ordinary Adoption Leave (OAL), which gives the right to 52 weeks' (one year's) adoption leave in total, regardless of length of continuous service.
Continuous service (excluding teachers)	Continuous service includes continuous previous service with any public authority to which the Redundancy Payments Modification Order (Local Government) 1983 (as amended) applies.
Continuous service (teachers)	Continuous service includes continuous previous service as a teacher with any Local Authority under the Redundancy Payments Modification Order.
Contractual Adoption Pay (CAP)	This is the payment made by CVCC over and above SAP, as part of the employee's Conditions of Service.
Job	For this purpose, means the nature of the work that the employee is employed to do and the capacity and place in which he/she is so employed.
Ordinary Adoption Leave (OAL)	26 weeks' adoption leave.
Return to Work	Means to the job in which the employee was employed under his/her original contract of employment, and on terms and conditions not less favourable than those which would have been applicable to the employee if he/she had not been absent.
Statutory Adoption Pay (SAP)	Providing the entitlement and National Insurance contribution criteria are met, the employee will be entitled to SAP. This payment is made by CVCC on behalf of the Department for Work and Pensions. Current rates are available from the Directgov website.
Week	An employee can start to receive his/her SAP on any day of the week.
Week's Pay	This is usually the amount payable by CVCC to the employee under his/her current contract of employment for working his/her normal hours in a week.

Appendix 4 - Accrual of annual leave during maternity and adoption leave for teachers

Following the introduction of the Working Time (Amendment) Regulations 2007, which came into effect on 1 October 2007, the statutory leave entitlement has increased with effect from 1 April 2009 to 28 days (5.6 weeks), pro-rata for those working part time. This is not an additional entitlement to annual leave on top of the current school closure arrangements.

The leave year for teachers for the purpose of establishing annual leave entitlement whilst on maternity or adoption leave, is 1 September to 31 August. Please see the table below for information on school closures.

Annual leave entitlement can be offset by any period of school closure that has taken place in the leave year in question ie both before and after the maternity or adoption leave period.

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
School closures	-	1 wk	-	2 wks	-	1 wk	-	2 wks *	1 wk	-	2 wks	4 wks

* March or April – amend as necessary

During the leave year for teachers, there are 13 weeks (65 days) during which there are school closures. In most cases, teachers will have had their leave entitlement in periods of school closure before or after maternity or adoption leave. However, a number of helpful scenarios have been drawn up for guidance:

Scenario 1

A teacher commences maternity/adoption leave in October and takes Ordinary Maternity Leave (OML) / Ordinary Adoption Leave (OAL) ie six months.

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
School closures	-	1 wk	-	2 wks	-	1 wk	-	2 wks *	1 wk	-	2 wks	4 wks
		OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL					

In this scenario the teacher will benefit from up to nine weeks of school closure during April, May, July and August so there will be no additional entitlement to annual leave.

Scenario 2

A teacher commences maternity/adoption leave in March and takes OML/OAL, ie six months.

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
School closures	-	1 wk	-	2 wks	-	1 wk	-	2 wks *	1 wk	-	2 wks	4 wks
							OML/OAL	OML/OAL	OML/OAL	OML/OAL	OML/OAL	OML/OAL

In this scenario the teacher will already have had the benefit of four weeks (20 days) of school closure during October, December and February.

There will be an additional entitlement of eight days which will be carried over to the next leave year as the teacher is returning in September. The teacher will be required to use this entitlement during the remaining periods of school closure in the new leave year, in addition to the 28 days of annual leave entitlement for the leave year to which they have returned.

Scenario 3

A teacher commences maternity/adoption leave in October and takes OML/OAL and Additional Maternity Leave (AML)/Additional Adoption Leave (AAL) ie 12 months.

Leave year 1

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
School closures	-	1 wk	-	2 wks	-	1 wk	-	2 wks *	1 wk	-	2 wks	4 wks
		OML/OAL	OML/OAL	OML/OAL	OML/OAL	OML/OAL	OML/OAL	AML/AAL	AML/AAL	AML/AAL	AML/AAL	AML/AAL

Leave year 1 – in this scenario the teacher has had no annual leave but has an entitlement to 28 days which will be carried over to the next leave year on his/her return from maternity/adoption leave.

Leave year 2

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
School closures	-	1 wk	-	2 wks	-	1 wk	-	2 wks *	1 wk	-	2 wks	4 wks
	AML/AAL											

Leave year 2 – in this scenario the teacher will benefit from 13 weeks of school closure. This will include 28 days entitlement for that leave year which will be taken in October, December, February, April and first three days of the May school closure periods and the 28 days entitlement from leave year one. Therefore, the teacher will not be entitled to any additional leave.

Scenario 4

A teacher commences maternity/adoption leave in January and takes OML/OAL ie six months. The teacher resigns and does not return at the end of the maternity leave period.

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
School closures	-	1 wk	-	2 wks	-	1 wk	-	2 wks *	1 wk	-	2 wks	4 wks
					OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL		

In this scenario the teacher will already have had the benefit of four weeks (15 days) annual leave in school closure periods. The teacher has not worked a full leave year and will only be entitled to a pro-rated statutory annual leave entitlement calculated as follows:

10 months entitlement = **23 days**. Current statutory leave entitlement is 28 days for a full leave year.

In this situation the teacher will be entitled to eight days pay in lieu, payable upon leaving.

Frequently Asked Questions

If I am a part time teacher how do I calculate my entitlement?

If you are employed on a part time contract for 50% of your time, you will only be entitled to 50% of the statutory annual leave entitlement.

What happens if I start maternity/adoption leave mid month and not at the beginning of the month as per the examples?

You will need to establish the actual dates of school closure, which will vary slightly in each school, as to whether they fall within the start and end of your maternity/adoption leave.

For example, if a teacher commenced maternity/adoption leave on 15th October, for a period of six months, until 15th April of the following year, and the October school closure is after 15th October, it could **not** be included as school closure for the purpose of annual leave entitlement as the maternity/adoption leave has commenced. In addition, if the two week school closure in April is before 15th April it could **not** be included as school closure for the purpose of annual leave entitlement as the employee is still on maternity/adoption leave.

Appendix 5 - Pension contributions during OAL and AAL

Type of Leave		Member pays basic pension contributions on	Employer pays contributions on	How service counts under the LGPS	
OAL (wks 1-26)		Actual OAP (if any) and/or SAP (if any) received	Notional full pay	Counts in full as if the employee had been at work	
Paid AAL		Actual pay received	Notional full pay	Counts in full as if the employee had been at work	
Unpaid AAL	Employee opts to pay contributions to cover unpaid period	Notional pay - based on pay employee received or was entitled to receive before unpaid period began (ignoring any increase in pay due to a KIT day)			
		<u>If before AAL began, was entitled to receive:</u>	<u>Notional pay based on:</u>		
		SAP only	SAP	Notional full pay	Counts in full as if the employee had been at work
		SAP and OAP	SAP and OAP	Notional full pay	Counts in full as if the employee had been at work
		OAP only	OAP	Notional full pay	Counts in full as if the employee had been at work
		No SAP or OAP	Full pay received before OAL began	Notional full pay	Counts in full as if the employee had been at work
	Employee does not opt to pay contributions for unpaid AAL period	Not applicable – no basic contributions are due	Not applicable – no contributions are due	Does not count	

Note: If an employee is paying additional regular contributions (ARCs) and/or additional pension contributions (APC's) to purchase extra annual pension, or is paying additional survivor benefit contributions (ASBCs) to uprate some or all of their pre 6 April 1988 membership so that it counts in calculating a surviving nominated co-habiting partner's pension, or is paying additional pension contributions to purchase added years of membership, those additional employee contributions continue to be paid throughout the whole period of any paternity leave on the employee's notional full pay (unless the employee opts to stop paying those contributions). AVCs continue to be paid on any pay received (unless the employee opts to stop paying those contributions).