Barking & Dagenham

Schools Adoption Guidance

The Schools HR Advisory Service will update this guidance to reflect changes in legislation, ACAS guidance, and any necessary corrections or clarifications. Schools will be notified of any amendments.

This document is issued as guidance by the Schools HR Advisory Service. Schools should not amend the content, other than completing specified details, without first seeking advice.

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Compliance Statement

This guidance reflects the relevant law and national guidance in England on Adoption Leave, Statutory Adoption Pay (SAP), time off for adoption appointments, Shared Parental Leave, and Neonatal Care Leave and Statutory Neonatal Care Pay.

It also reflects the current statutory weekly family leave payment rate of £194.32 from 06/04/2026, where applicable.

Schools should apply this guidance consistently and in line with equality duties. Where a school considers any local variation, it must seek advice from the Schools HR Advisory Service first.

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1. Adoption Leave

If you are adopting a child through an approved adoption agency, or you are an intended parent in a qualifying surrogacy arrangement, you may be entitled to **up to 52 weeks' Statutory Adoption Leave**, subject to meeting the statutory criteria, regardless of length of service.

This consists of:

- **26 weeks' Ordinary Adoption Leave (OAL)**; followed by
- **26 weeks' Additional Adoption Leave (AAL)**

2. Who is eligible?

All eligible employees who are matched with a child for adoption through an approved adoption agency are entitled to Statutory Adoption Leave, **regardless of length of service**. Where a couple adopts jointly, only one adopter can take Adoption Leave. Similar rights may also apply in qualifying surrogacy and certain overseas adoption cases.

3. When should I notify my employer?

You must notify the School within the required statutory timescales, confirming the date you were matched with the child, the expected date of placement, and when you intend your Adoption Leave to start. Where the adoption is from overseas or arises through surrogacy, the notice requirements differ and the School should seek advice from the Schools HR Advisory Service.

4. What happens next?

You will be asked to complete an Adoption Leave options / declaration form, including your intended leave dates and return-to-work intention, and to provide the relevant matching documentation or other evidence required. This information is required to ensure payroll can apply the correct pay entitlement.

All documentation and information relating to Adoption Leave must be handled in accordance with data protection legislation and treated as confidential.

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5. How much Adoption Leave can be taken?

You can take **up to 52 weeks' Adoption Leave**. Adoption Leave can start on the date of placement or up to 14 days before the expected date of placement, depending on the circumstances and the statutory route that applies.

6. Time off for adoption appointments

The primary adopter is entitled to paid time off to attend up to five adoption appointments. The partner may be entitled to unpaid time off to attend up to two appointments. The School may request reasonable evidence of the appointments.

7. When can Adoption Leave start?

For UK adoptions, Adoption Leave can start on the date of placement or on a chosen date up to 14 days before placement. Different rules may apply for overseas adoption and surrogacy arrangements, and advice should be sought where needed.

8. What happens if the placement is delayed or disrupted?

If the placement date changes, you should notify the School as soon as reasonably practicable. If a placement is disrupted after Adoption Leave has started, the statutory position can be complex and the School should seek advice from the Schools HR Advisory Service before confirming the employee's entitlements and next steps.

9. Neonatal Care Leave and Pay

If a baby requires neonatal care, an eligible parent may be entitled to Neonatal Care Leave and, if eligible, Statutory Neonatal Care Pay. This applies where the baby is born on or after 06/04/2025, is admitted to neonatal care within the first 28 days of life and receives at least 7 full continuous days of care. Up to 12 weeks' leave may accrue within the statutory 68-week window from the baby's date of birth. Neonatal Care Leave may, depending on the statutory conditions, be taken following Adoption Leave or in accordance with the applicable statutory framework. The position can be complex and advice should be sought.

10. What happens if I want to return early?

If you wish to return to work earlier than originally planned, you must give the School at least 8 weeks' notice in writing, unless the School agrees otherwise.

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11. When am I due back at work?

Your School will confirm your expected return-to-work date in writing, based on the Adoption Leave dates notified and agreed. Unless you notify otherwise, the School will assume you are returning at the end of your Adoption Leave.

12. What if I decide not to return to work?

If you decide not to return to work following your Adoption Leave, you must notify the School in writing, giving a minimum of 8 weeks' notice before your return-to-work date, confirming your intention to resign.

13. What if I want to return to work on a different date to the one agreed?

If you wish to return earlier or later than the date previously agreed, you must give the School at least 8 weeks' notice, unless the School agrees otherwise. You should confirm any change in writing to ensure payroll records are accurate and to avoid pay issues.

14. What if I want to return on a part-time or alternative working pattern?

You may request a change to your working arrangements under the **statutory right to request flexible working**. Any request should be made in writing and submitted in good time before your proposed return date. Requests to change working hours or patterns are considered separately from Adoption Leave entitlements and are subject to the statutory flexible working process and the School's policy.

15. What if I am offered alternative employment before returning to work?

If you are offered alternative employment with the Council, another school, an academy trust, or another related employer before returning to work, you should notify the School in writing as soon as possible. This will allow the School to confirm your substantive post, pay position, continuity of service, and any contractual or payroll implications before any change takes effect.

16. Annual leave during Adoption Leave

Support staff will continue to accrue contractual and statutory annual leave during Adoption Leave. Teaching staff retain their statutory leave entitlement through school closure periods in accordance with the applicable national conditions of service.

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17. Contact during Adoption Leave and Keeping in Touch (KIT) Days

Reasonable contact between the School and an employee on Adoption Leave is permitted, for example to provide workplace updates or discuss return-to-work arrangements. By mutual agreement, you may work up to 10 Keeping in Touch (KIT) Days during Adoption Leave without bringing the leave to an end or losing adoption pay. KIT Days may only be worked by agreement and are paid in accordance with the School's arrangements.

18. What if I become matched again while on Adoption Leave?

If a further adoption or related family leave issue arises while you are on Adoption Leave, the statutory position should be checked carefully. The School should seek advice from the Schools HR Advisory Service so that notice, leave, and pay entitlements are managed correctly.

19. Health and Safety and support arrangements

Schools should ensure that appropriate support arrangements are considered before and during return to work, including any wellbeing, practical, or safeguarding-related considerations. Where an employee requires support on return, this should be discussed sensitively and recorded appropriately.

20. Contractual arrangements during Adoption Leave

During Adoption Leave, you remain employed and your terms and conditions continue as normal, except for pay. Annual leave continues to accrue. You are entitled to return to the same job on the same terms and conditions after Ordinary Adoption Leave. Following Additional Adoption Leave, you are entitled to return to the same job, or where this is not reasonably practicable, a suitable alternative role that is appropriate for you and on terms and conditions no less favourable than those that would have applied had you not been absent.

21. Equality and Protection from Detriment

You must not be treated unfavourably, disadvantaged, or subjected to any detriment because you have requested or taken Adoption Leave, Neonatal Care Leave, or exercised statutory family-related rights. The School must apply the relevant protections consistently and in line with the Equality Act 2010 and protection against detriment under employment legislation.

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22. Pay during Adoption Leave (summary)

Adoption pay entitlements should always be considered in two stages: **statutory entitlement** and any **occupational or enhanced contractual entitlement**. Statutory Adoption Pay is the legal minimum where the qualifying conditions are met. Any occupational or enhanced adoption pay depends on the employee's contractual terms, the School's adopted policy, and the framework that applies to the employee's role.

Eligibility for **Statutory Adoption Pay (SAP)** is separate from eligibility for **Adoption Leave**.

Eligible adopters may curtail Adoption Leave and opt into the Shared Parental Leave and Shared Parental Pay scheme, subject to meeting the statutory eligibility, notice and curtailment requirements.

SAP is payable for up to 39 weeks where the statutory qualifying criteria are met.

From 06/04/2026, SAP is paid **£194.32 per week**, or **90% of average weekly earnings if lower**. Statutory rates are reviewed annually and may change. To qualify, you must have completed at least 26 weeks' continuous employment with the employer by the week in which you were notified that you had been matched with a child, **average weekly earnings of at least £129 before tax**, and have given the correct notice and evidence.

The occupational adoption pay provisions set out below apply only where the employee meets the qualifying conditions of the School's adopted occupational adoption pay scheme.

<table>
<tr><th colspan="3">Support Staff</th></tr>
<tr><th>Less than 26 weeks' continuous service by the week they were matched with a child</th><th>At least 26 weeks' continuous service by the week they were matched with a child</th><th>At least one year's continuous local government or recognised service, as defined by the applicable conditions of service, by the week of matching</th></tr>
<tr><td rowspan="2">No Pay Entitlement</td><td>Weeks 1- 6
90% weekly pay
(Offset against SAP Payments)</td><td>Weeks 1-6
90% weekly pay
(Offset against SAP Payments)</td></tr>
<tr><td>Weeks 7-39
SAP entitlement
(£194.32 [1] a week or 90% pay whichever is lower)</td><td>Weeks 7-18
*/**Half pay and
SAP entitlement</td></tr>
</table>

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		Weeks 19-39 SAP entitlement

Teaching Staff		
Less than 26 weeks' continuous service by the week they were matched with a child	**At least 26 weeks' continuous service by the week they were matched with a child**	**At least one year's continuous local government or recognised service, as defined by the applicable conditions of service, by the week of matching**
No Pay Entitlement	**Weeks 1- 39** SAP entitlement (£194.32 a week)	**Weeks 1- 4** 100% weekly pay (Offset against SAP or Adoption Allowance)
		Weeks 5-6 90% of weekly pay (Offset against SAP or Adoption Allowance)
		Weeks 7-18 */**Half pay plus** SAP entitlement
		Weeks 19-39 SAP entitlement
		Weeks 40-52 Unpaid

Employees who do not qualify for SAP may still have an entitlement to Adoption Leave. Where SAP is not payable, the School should explain the reason clearly and provide advice about any alternative support or benefits that may be relevant.

23. Definitions

Adoption Leave – up to 52 weeks' statutory leave available to an eligible employee adopting a child or qualifying through the relevant statutory route.
Ordinary Adoption Leave (OAL) – the first 26 weeks of Adoption Leave.
Additional Adoption Leave (AAL) – the second 26 weeks of Adoption Leave following OAL.

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Statutory Adoption Pay (SAP) – the statutory payment available for up to 39 weeks where the qualifying conditions are met.
Matching Week – the week in which the employee is notified that they have been matched with a child for adoption.
Matching Certificate – the documentary evidence issued by the adoption agency confirming the match and the expected placement details.
Keeping in Touch (KIT) Days – up to 10 days worked by agreement during Adoption Leave without bringing the leave to an end.
Neonatal Care Leave – a separate statutory right to leave for eligible parents where the child meets the neonatal care conditions set out in law.
Shared Parental Leave – a separate statutory scheme that may allow eligible parents to share leave and pay following birth or adoption, subject to the statutory requirements.

24. Useful links

GOV.UK Adoption Leave and Pay
ACAS Adoption Leave Guidance

25. Frequently Asked Questions

1. Is Adoption Leave a day-one right?
Yes. Eligible employees can take Statutory Adoption Leave from the first day of employment, provided they meet the statutory adoption criteria.

2. Is Adoption Pay also a day-one right?
No. Eligibility for Statutory Adoption Pay is separate from eligibility for Adoption Leave. The employee must meet the statutory qualifying conditions, including the required length of service and earnings threshold.

3. Can both adopters take Adoption Leave?
No. Where a couple adopts jointly, only one adopter can take Adoption Leave. The other parent may be able to access other family leave rights, such as paternity leave or Shared Parental Leave, subject to eligibility.

4. When can Adoption Leave start?
For UK adoptions, Adoption Leave can start on the date of placement or up to 14 days before the expected placement date. Different rules may apply for overseas adoption or surrogacy arrangements.

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5. What evidence does the employee need to provide?
The employee will usually need to provide evidence of the match, such as a matching certificate or other documentation confirming the expected placement details.

6. What happens if the placement date changes?
The employee should notify the School as soon as reasonably practicable. The School should review the leave and pay arrangements and seek advice from the Schools HR Advisory Service if the position is unclear.

7. What happens if the adoption placement is disrupted?
The School should seek advice before confirming any next steps, as the statutory position may be complex depending on when the disruption occurs and whether Adoption Leave has already started.

8. Can an employee work during Adoption Leave?
An employee may work up to 10 Keeping in Touch days by agreement. KIT days are voluntary and do not bring Adoption Leave to an end.

9. Can the employee return to work early?
Yes. The employee must usually give at least 8 weeks' written notice if they wish to return earlier than planned, unless the School agrees otherwise.

10. Can the employee change their return date?
Yes, but they must give the required notice and confirm the change in writing so that payroll and HR records can be updated accurately.

11. What if the employee wants to return on different hours?
If the employee wants to return on a part-time or alternative working pattern, they should submit a flexible working request. This is considered separately from Adoption Leave entitlement.

12. Does annual leave continue to accrue during Adoption Leave?
Yes. Support staff continue to accrue contractual and statutory annual leave. Teaching staff retain their statutory leave entitlement through school closure periods, in line with applicable national conditions.

13. What if the employee does not qualify for Statutory Adoption Pay?
They may still be entitled to Adoption Leave. The School should explain the reason SAP is not payable and signpost to any relevant support or benefits.

14. Can Neonatal Care Leave apply in adoption cases?
It may apply in some circumstances, depending on the statutory criteria. The interaction between Adoption Leave and Neonatal Care Leave can be complex, so advice should be sought.

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15. When should the School contact the Schools HR Advisory Service?
Advice should be sought where there is an overseas adoption, surrogacy arrangement, placement disruption, Neonatal Care Leave interaction, pay uncertainty, flexible working issue, equality consideration, or any other complex circumstances.

Appendix A – Head Teacher Checklist – Adoption Leave (Schools)

A. Confirm the request type
☐ Ordinary Adoption Leave (OAL)
☐ Additional Adoption Leave (AAL)
☐ Surrogacy-related adoption leave
☐ Overseas adoption
☐ Neonatal Care Leave interaction (if applicable)

B. Confirm eligibility (leave v pay)
☐ Confirm the employee is eligible for Adoption Leave as a day one right where the statutory criteria are met.
☐ Separately confirm eligibility for Statutory Adoption Pay (SAP).
☐ If SAP is not payable, confirm the reason and provide appropriate signposting.

C. Notice requirements
☐ Employee has provided the required notice of matching, placement, and intended leave start date.
☐ Matching certificate or other required evidence received.
☐ Written confirmation issued by the School within the required timescale, confirming leave dates, expected return date, and pay arrangements.

D. Agree the Adoption Leave period
☐ Confirm Adoption Leave start date.
☐ Confirm expected return date.
☐ Confirm any flexibility to change the return date with the required notice.

E. Pay, terms, and conditions
☐ Confirm SAP / occupational adoption pay entitlement in line with School policy and applicable conditions.
☐ Confirm contractual benefits continue during Adoption Leave (excluding salary where unpaid).
☐ Ensure annual leave accrual arrangements are clearly agreed and recorded.

F. Keeping in Touch (KIT) arrangements
☐ Discuss and agree approach to Keeping in Touch (KIT) days (up to 10 days, voluntary).

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☐ Confirm KIT days are not mandatory and do not extend Adoption Leave.
☐ Record any agreed KIT days and payment arrangements.

G. Evidence, recording, and payroll

☐ Record notification date, evidence receipt date, leave dates, pay decisions, and expected return date.
☐ Notify HR / payroll in good time to ensure accurate adoption pay processing.
☐ Ensure documentation is retained securely and confidentially.

H. Changes during Adoption Leave

☐ If the employee wishes to change the return date, confirm required notice.
☐ Confirm changes in writing and update payroll / HR records accordingly.
☐ Seek advice where placement disruption or other exceptional circumstances arise.

I. Neonatal Care Leave (if relevant)

☐ Check eligibility where neonatal care applies.
☐ Confirm interaction with Adoption Leave and whether Statutory Neonatal Care Pay applies.
☐ Seek advice where the position is complex or unclear.

J. Equality, health, and support

☐ Apply adoption-related protections consistently, including protection from detriment or unfavourable treatment.
☐ Ensure appropriate support is considered before and on return to work.
☐ Seek Schools HR Advisory Service advice where complexity, overlap with other family leave, or equality considerations arise.

K. Audit and governance

☐ Ensure a clear audit trail of decisions, notifications, and pay determinations.
☐ Confirm compliance with statutory timelines and record-keeping requirements.

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