**Adoption - Teachers**

3.4 Am I entitled to adoption pay?

If you are the Primary Adopter (parental order parent in the case of surrogacy) your entitlement to adoption pay depends on your length of continuous service and how much you earn.

Continuous service means any previous employment with councils, employers listed in the Redundancy Payment (Local Government) (Modification) Order 1990 (as amended) and any other employment deemed by the council to be relevant, shall be counted as continuous service (as defined in the Employment Rights Act 1996) subject to a gap in employment not exceeding one working week.

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| **Qualification** | **Entitlement** |
| **If you have less than 26 weeks’ continuous service\* prior to the week in which she/he is notified of being matched or the week in which she/he received the child for surrogacy:**(**\***see above for definition of continuous service) | You will be entitled to up to 52 weeks’ adoption leave without pay. |
| **If you have 26 weeks’ continuous service or more prior to the week in which she/he is notified of being matched or the week in which she/he received the child for surrogacy and your average weekly earnings are equal to or more than the lower earnings limit for National Insurance contributions**(**\***see above for definition of continuous service) | You will be entitled to Occupational Adoption Pay (OAP) and Statutory Adoption Pay (SAP) for a maximum period of 39 weeks as follows:-* For the first 13 weeks you will get Occupational Adoption Pay (OAP) and Statutory Adoption Pay (SAP) to equal your normal salary.
* For the following 26 weeks you will get the flat rate of SAP.
* The remaining13 weeks of adoption leave, if taken, would be without pay.
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| **If you have 26 weeks’ continuous service or more prior to the week in which she/he is notified of being matched or the week in which she/he received the child for surrogacy but your average weekly earnings are less than the lower earnings limit for National Insurance contributions**(**\***see above for definition of continuous service) | You will not be entitled to Statutory Adoption Pay but you may be entitled to claim benefits through Jobcentre Plus. See notes below for further details.You will be entitled to Occupational Adoption Pay as follows:-* For the first 13 weeks you will get Occupational Adoption Pay (OAP) to equal your normal salary (inclusive of any benefits received from Jobcentre Plus).
* The remaining 39 weeks of adoption leave, if taken, would be without pay.
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