



University of  
St Andrews

## Adoption leave

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<b>Purpose</b>	To provide information to employees adopting a child regarding their eligibility to adoption leave and pay.

<b>Version number</b>	<b>Purpose / changes</b>	<b>Document status</b>	<b>Author of changes, role and school / unit</b>	<b>Date</b>
1.3	Minor review of the policy: change to notification process and KIT day wording	Published	Lynsey Rattray HR	09/07/2021

British Sign Language (BSL) users can contact us via the online BSL Video Relay Interpreting Service: <https://contactscotland-bsl.org>

This document and forms associated with this document are available in an alternative format upon request.

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## 1. Introduction

- 1.1 The University recognises the importance of supporting all employees in their obligations to their families. This adoption leave policy, which also applies to employees adopting children from [overseas](#), has been designed to explain the benefits of the University scheme and to set out the obligations under it. This policy is inclusive of same-sex parents.
- 1.2 Employees who have any queries regarding the information in this document or would like further advice should contact Human Resources via [e-mail](#) or contact their [HR Business Partner](#). Frequently Asked Questions regarding adoption leave can also be found in [Appendix B](#).

## 2. Statutory entitlement

- 2.1 All employees who adopt are eligible for 52 weeks adoption leave irrespective of their length of service or hours of work. This is made up of 26 weeks of ordinary adoption leave (OAL) and 26 weeks of additional adoption leave (AAL). These rights are available to:
  - individuals who adopt.
  - one member of a couple where a couple adopt jointly (the couple may choose which partner takes adoption leave).
- 2.2 Employees are entitled to a maximum of 52 weeks leave, however; are free to choose a shorter period to suit their own circumstances.
- 2.3 Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a stepparent is adopting a partner's child/children.

## 3. Adoption pay packages

- 3.1 This section details the different payments that employees are eligible to, dependent on their length of service.

<p><b>1. Employee has less than 26 weeks continuous service leading into the week in which they are notified of being matched to a child.</b></p>
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- |   |
|---|
| <ul style="list-style-type: none"><li>• You will not be entitled to Statutory Adoption Pay (SAP).</li></ul> |
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**2. Employee has 26 weeks continuous service leading into the week in which they are notified of being matched to a child and the employee is returning to work.**

You will be entitled to the University's enhanced adoption pay package. Currently this is calculated as follows:

- 16 weeks of full salary and;
- 23 weeks of Statutory Adoption Pay or 90% of your gross average weekly earnings if this is less than the SAP rate per week;
- the remaining 13 weeks will be unpaid.

If you are eligible and opt for the University's enhanced adoption package, this is subject to you returning to work at the University after your adoption leave for at least a period of 3 months. If you do not return to work, then you will normally be required to repay the enhanced element of any Adoption Pay received.

**3. Employee has 26 weeks continuous service leading into the week in which they are notified of being matched to a child and the employee is not returning to work.**

- You will be entitled to [Statutory Adoption Pay \(SAP\)](#).

## **4. Procedures**

### **4.1 Notifying the University**

4.1.1 Employees must notify their line manager and Human Resources when they intend to take adoption leave using the adoption leave notification form which is located in [HR Self-Service](#) (under Family Leave). **Notification should be within 7 days of being notified that the employee has been matched with a child for the purposes of adoption and they must specify the Expected Date of Placement (EDP).** If requested to do so, the employee should provide a "matching certificate" confirming the EDP which should be provided by the Adoption Agency. A copy of the matching certificate can be submitted to Human Resources via [HR Self-Service](#).

### **4.2 Time off for adoption appointments**

4.2.1 Employees who are eligible for adoption leave are entitled to paid time off to attend up to 5 adoption appointments arranged by the adoption agency. The employee's line manager may ask to see the appointment card.

### **4.3 Going on adoption leave**

4.3.1 Adoption leave can start at any time from either the date of the child's placement or a fixed date which can be up to 14 days before the expected date of placement.

4.3.2 If adoption leave commences unexpectedly because of earlier placement of the child, then the employee must notify their line manager and Human Resources of the date as soon as is reasonably practicable.

## 4.4 Returning to work

- 4.4.1 Notice of the return to work date is not required unless the employee wants to return prior to the date stated on their adoption leave notification form. If there is a request to change the return to work date, the employee must inform their line manager and [HR Support](#), at least 8 weeks before the intended return date, via email confirming the new return date.
- 4.4.2 The employee will receive a letter from HR approximately 10 weeks prior to the end of the adoption leave confirming the expected date of return to work. Employees should ensure that they respond to this letter to confirm that they are intending to return to work on the date confirmed in the letter, or whether they intend to take annual leave directly after their adoption leave.
- 4.4.3 Employees will normally return to their original job after adoption leave. In some cases, a return to their original job may not be possible, if for example, the department has restructured. If this happens, the employee will be guaranteed to return to a post of a similar grade. In all cases, the employee's return to work will be without loss of seniority or status.

## 5. Overseas adoption

- 5.1 This section details the statutory obligations when adopting a child from overseas. Further information about adoption a child from abroad while living in Scotland can be downloaded from [mygov.scot](http://mygov.scot).

### 5.2 Statutory entitlement

- 5.2.1 Entitlement and pay packages outlined in [section 2: Statutory Entitlement](#) and [3: Adoption Pay Packages](#).

### 5.3 Notifying the University

- 5.3.1 Employees must notify their line manager and [Human Resources](#) of their intention to take adoption leave via the adoption leave notification form which is located in [HR Self-Service](#) (under Family Leave), within 28 days of receiving [official notification](#).
- 5.3.2 To qualify for adoption leave and pay, the employee must provide [Human Resources](#) with a copy of the official notification and evidence of the child's entry into the UK (when this becomes available).

### 5.4 Going on adoption leave

- 5.4.1 Adoption leave may start on either the date the child enters the UK or a fixed date no later than 28 days after the child enters the UK.
- 5.4.2 Employees must give 28 days' notice of their intended start date of adoption leave.

### 5.5 Additional information

- Only one period of leave will be available irrespective of whether more than one child enters the UK as part of the same arrangement.

- Adoption leave cannot be used to cover the period employees spend travelling overseas to arrange the adoption or visiting the child.
- Official notification is issued via the relevant domestic authority confirming that the adopter has been assessed and approved as being a suitable adoptive parent.

## 6. Keeping in touch

- 6.1 The line manager, or equivalent other e.g. Head of School/Unit may want to make reasonable contact with the employee during their adoption leave. Reasonable contact will vary according to individual circumstances and should be agreed between both the employee and the line manager (or equivalent) prior to going on adoption leave.
- 6.2 Employees can work for up to 10 days, by mutual agreement, during a period of adoption leave without it impacting on adoption leave or affecting the employee's right to statutory adoption pay. The idea behind this is to allow employees to keep in touch with colleagues and the School/unit during adoption leave. Keeping in Touch Days (KIT days) can be used for undertaking normal contractual duties or for other work requirements such as, attendance at a scheduled conference, training, team meetings, away days, or performance & development reviews.
- 6.3 The days do not have to be worked consecutively and the employee will be paid at their normal rate of pay or the appropriate rate for the work undertaken on these days. Alternatively, the employee can take time off in lieu. Working for part of a day will use up one KIT day. Employees will only be paid for the hours worked and these must be agreed in advance with the line manager.
- 6.4 KIT days do not extend the adoption pay periods in any way.
- 6.5 Employees will receive the normal hourly/salary rate for the hours worked. This payment will be inclusive of any adoption pay (including Statutory Adoption Pay) the employee is receiving when the KIT days are worked. Payment for KIT days will not exceed the normal payment for the pay/hours worked. Therefore, if an employee uses a KIT day during the full pay period, no additional payment will be made. If an employee uses a KIT day during the Statutory Adoption Pay period, the pay will be increased to their normal rate of pay for the hours worked (inclusive of SAP). If an employee uses a KIT day during the unpaid period of adoption leave, or the employee does not qualify for adoption pay, their normal rate of pay for the hours worked will be processed.
- 6.6 Once a KIT day has been completed, the employee will be required to complete a KIT form which is located in [HR Self-Service](#) (under Family Leave). Once completed, they must submit the form which will be sent to the line manager for authorisation. The line manager will submit the form to [Salaries](#), which will instruct them to process the payment. Payment will be made on the first pay date after Salaries receive the form; provided it is received by the relevant salary [cut off date](#).
- 6.7 KIT days are optional, and the University has no right to force anyone to work a KIT day. KIT days may be undertaken at any stage during adoption leave, except during any annual leave period that is used directly after adoption leave.

## 7. Support

- 7.1 Any questions employees have about matters raised in this policy should be discussed with their line manager in the first instance. In addition, employees and line managers can contact HR Support via email [hr.support@st-andrews.ac.uk](mailto:hr.support@st-andrews.ac.uk) or telephone on 3096.
- 7.2 Further internal support can be found in [Appendix A](#).

## 8. Version control

- 8.1 This document will be reviewed periodically in conjunction with the University's recognised Trade Unions. Any feedback on the policy content should be directed in the first instance to the [HRBP team](#) who will consider this as part of the review.

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.0	Migration of policy to the Governance Zone	Published	Lisa Stewart, Human Resources	04/06/2019
1.1	Minor change to Appendix A	Published	Lisa Stewart HR	05/03/2020
1.2	Change to review date	Published	Lisa Stewart HR	04/02/2021
1.3	Minor review of the policy: change to notification process and KIT day wording	Published	Lynsey Rattray HR	09/07/2021

## Appendix A: Internal support

Name of Department	Contact details	Service provided
<b>Chaplaincy</b>	<a href="https://www.st-andrews.ac.uk/chaplaincy/">https://www.st-andrews.ac.uk/chaplaincy/</a>  <a href="mailto:chaplaincy@st-andrews.ac.uk">chaplaincy@st-andrews.ac.uk</a>  01334 462866 or 462492	Offers pastoral care and support for any employee, regardless of religion or belief (including non-belief). This includes sympathetic, confidential listening and a safe place to talk to someone about any issues affecting health and wellbeing.
<b>Environment, Health &amp; Safety Services (EHSS)</b>	<a href="https://www.st-andrews.ac.uk/ehss/">https://www.st-andrews.ac.uk/ehss/</a>  01334 462742 (Head of EHSS)	The EHSS team provides advice on all aspects of accident prevention and risk management.  The Head of EHSS is Hugh Graham.
<b>Equality Diversity &amp; Inclusion (EDI)</b>	<a href="https://www.st-andrews.ac.uk/hr/edi/">https://www.st-andrews.ac.uk/hr/edi/</a>  <a href="mailto:diversity@st-andrews.ac.uk">diversity@st-andrews.ac.uk</a>  01334 461649	Provides a confidential service of advice to members of the University community (staff, students, visitors) on any aspect of EDI.  The Head of EDI is Sukhi Bains.
<b>Human Resources</b>	<a href="https://www.st-andrews.ac.uk/hr/">https://www.st-andrews.ac.uk/hr/</a>  <a href="mailto:humres@st-andrews.ac.uk">humres@st-andrews.ac.uk</a> (general email enquiries)  01334 463096	Provides support to employees of University of St Andrews. <ul style="list-style-type: none"> <li>• HR web and policy page</li> <li>• Dedicated <a href="#">HR Business Partner</a> team for each School and Unit</li> </ul>
<b>Occupational Health</b>	<a href="https://www.st-andrews.ac.uk/ehss/occupationalhealth/">https://www.st-andrews.ac.uk/ehss/occupationalhealth/</a>  01334 462750  <a href="mailto:occhealth@st-andrews.ac.uk">occhealth@st-andrews.ac.uk</a>	Employees can refer themselves to OH for confidential health advice at any time. <ul style="list-style-type: none"> <li>• One-to-one consultation/appointments</li> <li>• Expert support and advice provided</li> <li>• Recommended adjustments to support the employee</li> <li>• Partnership with external health practitioners i.e. counselling services and CBT.</li> </ul>
<b>OSDS</b>	<a href="https://www.st-andrews.ac.uk/osds/">https://www.st-andrews.ac.uk/osds/</a>  01334 467198 Email: <a href="mailto:osds@st-andrews.ac.uk">osds@st-andrews.ac.uk</a>	Organisational and Staff Development Services (OSDS), formerly part of CAPOD, is the University's central provider of professional development for all University staff and is also responsible for a wide range of organisational development projects and initiatives.
<b>Trade Union Representatives</b>	<a href="https://www.st-andrews.ac.uk/staff/wellbeing/community/support/tradeunionrepresentatives/">https://www.st-andrews.ac.uk/staff/wellbeing/community/support/tradeunionrepresentatives/</a>	Trade union representatives are trained to deal and support employees with any workplace related matters of concern.



## Appendix B: FAQs

This section deals with some of the frequently asked questions about adoption leave and returning to work. If you have any queries which are not answered below, please contact Human Resources via [email](#) or on extension 3096.

### Returning to work

#### What happens if I don't want to return to work?

You should inform your line manager and [Human Resources](#) as soon as you have decided. You will normally be required to repay the enhanced element of any adoption pay received.

#### Can I take an extended period of leave at the end of my adoption leave?

It may be possible for you to extend your adoption leave into a career break, but this must be discussed as soon as possible with your line manager and Human Resources no later than 8 weeks prior to your agreed return date. Any agreement on extended leave will depend on the varying circumstances of the job and must be approved by the relevant member of the Principal's Office.

#### Can I come back to work part-time?

You do not have an automatic right to return to work part-time, but you are entitled to ask. You should discuss this with your line manager as early as possible. Your manager does not have to agree to the request if it does not suit business needs. Any change in your contracted hours could be permanent and you do not have a right to revert to full time hours in the future. The [Flexible Working Policy](#) provides further information about this process.

#### What happens if I don't come back to work?

If you do not return to work on the date agreed and fail to notify the University of your absence, then disciplinary action may be taken.

### Salary, pension and holidays

#### Do I still have to pay tax while I'm on adoption leave?

Yes. All adoption leave benefits are subject to tax and national insurance in the same way as your salary.

#### What happens to my pension contributions while I'm on adoption leave?

Your membership of either USS, S&LAS or NOW: Pensions will be maintained during the duration of your paid adoption leave. If you are a member of USS or S&LAS and you take 9 month paid adoption leave and 3 months unpaid adoption leave, then your contributions stop after the paid adoption leave until you return to work.

Once you have returned, the Pensions Administrator will contact you detailing the shortfall in contributions during this period and give you an option to maintain your contributions. Employer contributions missed as a result of any unpaid leave will only be paid over if you elect to maintain your employee contributions after a period of nil pay.

Employees will benefit from salary sacrifice if they are receiving full pay from the University, unless it is not beneficial to them. Where employees are receiving statutory pay only (i.e. after enhanced family friendly pay or enhanced sickness pay ceases), pension contributions will become a deduction rather than a salary sacrifice. Once the employee goes back onto full pay, they will move back into the salary sacrifice scheme.

If you have any questions about your pension, please contact our [Pensions Administrator](#).

**Do I still get an increment while I'm on adoption leave?**

Yes. Your entitlement to annual increments is unchanged.

**What happens to the annual pay award if I'm on adoption leave?**

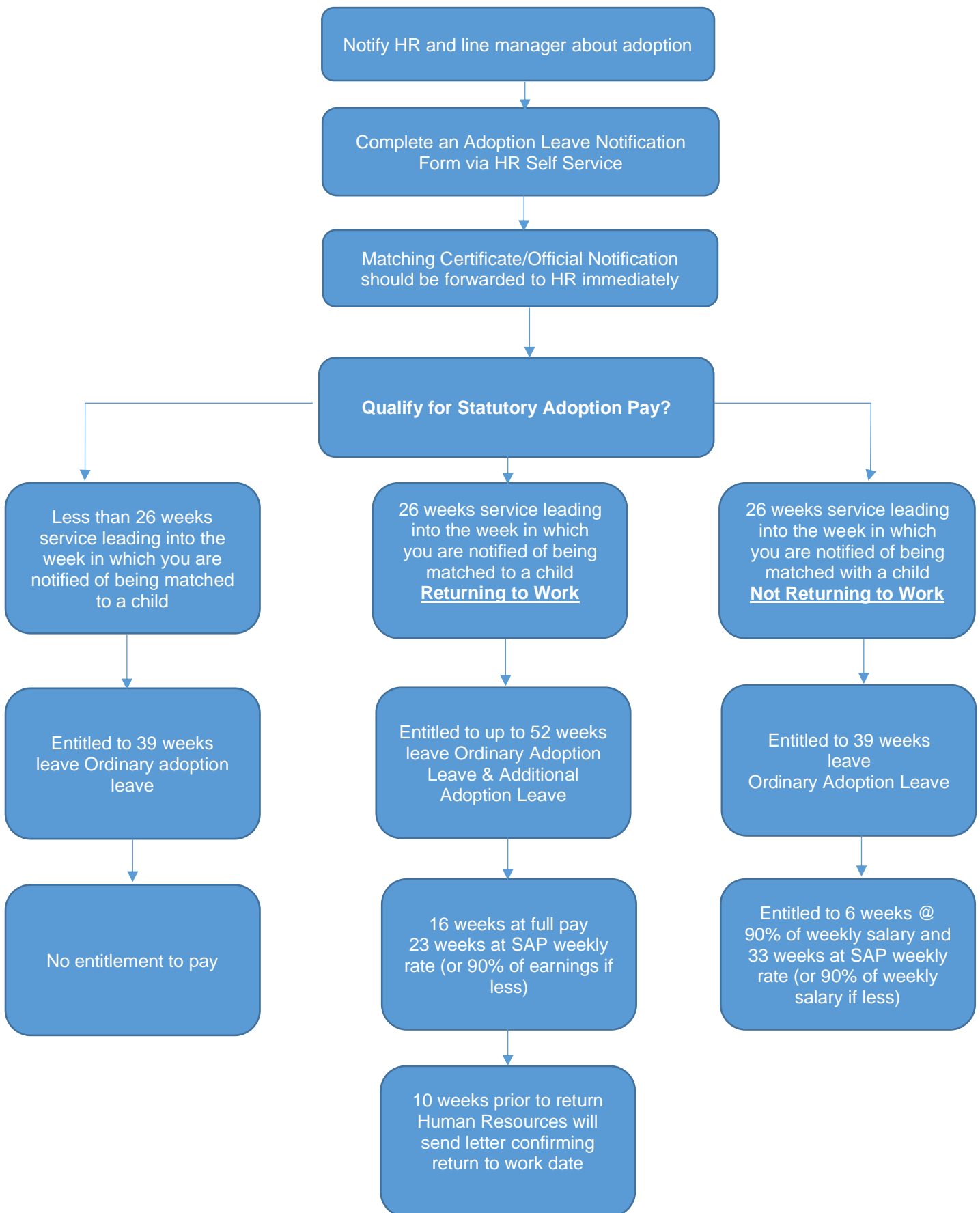
You are entitled to the annual pay award and this will be administered as normal.

**What happens to my annual leave while I'm on adoption leave?**

You should ensure that you have taken all the annual leave you have accrued since the beginning of the leave year (1 August) before starting your adoption leave. You will not normally be allowed to carry these holidays forward.

You will continue to accrue annual leave whilst on your adoption leave. The amount accrued will depend on the length of your adoption leave. You can use your accrued annual leave directly after your adoption leave. You should inform your line manager as soon as possible and at least 8 weeks before your adoption leave ends. Further information on annual leave can be found in the [Annual Leave Policy](#).

## Appendix C: Flowchart summary adoption leave



## Appendix D: Flowchart for Head of School/Unit & Line Manager

