



University of  
St Andrews

## Adoption leave

<b>Document type</b>	<b>Policy</b>
<b>Scope (applies to)</b>	All staff
<b>Applicability date</b>	04/02/2021
<b>Review / Expiry date</b>	31/12/2021
<b>Approved date</b>	04/02/2021
<b>Approver</b>	Deputy Director
<b>Document owner</b>	Human Resources Officer
<b>School / unit</b>	Human Resources
<b>Document status</b>	Published
<b>Information classification</b>	Public
<b>Equality impact assessment</b>	None
<b>Key terms</b>	Staff/Annual leave and other absence/Family friendly leave
<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>
1.2	Change to review date	Published	Lisa Stewart HR	04/02/2021

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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 your obligations under it. This policy is inclusive of same-sex parents.
- 1.2 If you have any queries regarding the information in this document or would like further advice please contact Human Resources via [e-mail](#) or contact your [HR Business Partner](#).

## 2. Statutory entitlement

- 2.1 Employees who have 26 weeks' continuous service with the University leading into the week in which you are notified of being matched with a child for adoption are eligible for adoption leave and pay. 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 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. How do I claim these benefits?

- 3.1 You must notify your Head of School/Unit and Human Resources when you intend to take adoption leave by completing an [Adoption leave notification form](#). A word version of this form can be found on the [HR policy page](#) or via the following [link](#). Notification should be within 7 days of being notified that you have been matched with a child for the purposes of adoption and you must specify the Expected Date of Placement (EDP). If requested to do so, you should provide a "matching certificate" confirming the EDP which should be provided by the Adoption Agency.

## 4. Adoption pay

- 4.1 This section details the different payments that you will be eligible for dependent on your length of service. You should work out how long you have worked at the University and find the appropriate option from the three listed below.

<b>Option 1</b>	Less than 26 weeks continuous service leading into the week in which you are notified of being matched to a child	You will not be entitled to Statutory Adoption Pay (SAP).
<b>Option 2</b>	More than 26 weeks continuous service leading into the week in which you are notified of being matched to a child	<p><b>a. <u>Returning to work</u></b>  You are entitled to the University's enhanced Adoption Pay package. Currently this is as follows:</p> <ul style="list-style-type: none"> <li>• 16 weeks of full salary;</li> <li>• 23 weeks at the Statutory Adoption Pay (SAP) rate per week or 90% of your weekly salary if this is less than the SAP rate per week;</li> <li>• The remaining 13 weeks will be unpaid.</li> </ul> <p><b>b. <u>Not returning to work</u></b>  You are entitled to <a href="#">Statutory Adoption Pay (SAP)</a>.</p>

4.2 If you are eligible for the University's enhanced package (option 2a above) this is subject to you returning to work at the University after your adoptive leave for a period of three months. If you do not return to work, then you will normally be required to repay the enhanced element of any adoptive pay received.

4.3 You are entitled to a maximum of 52 weeks leave however; you are free to choose a shorter period to suit your own circumstances.

## 5. Commencing adoption leave

5.1 You may commence your adoption leave any time from either:

- the date of the child's placement;
- a fixed date which can be up to 14 days before the expected date of placement.

5.2 If adoption leave commences unexpectedly because of earlier placement of the child, then you must notify your Head of School/Unit and Human Resources of the date as soon as is reasonably practicable.

5.3 You do not need to give notice of your return to work date unless you wish to return before the end of the original adoption leave period specified. If you do wish to return earlier then you must inform your Head of School/Unit in writing, with a copy to Human Resources, confirming the date you wish to return, giving at least 8 weeks' notice of your return date.

5.4 You will receive a letter from Human Resources approximately 10 weeks prior to the end of your adoption leave confirming your expected date of return to work. It would be appreciated if you could respond to the letter, confirming that you are intending to return to work on that date or whether you intend to take annual leave directly after your adoption leave.

## 6. Overseas adoption

6.1 This section details your statutory obligations when adopting a child from overseas.

6.2 **Statutory entitlement:** Conditions as outlined above.

6.3 You must notify your Head of School/Unit and Human Resources of your intention to take adoption leave via the adoption leave notification form (Appendix A) within 28 days of receiving official notification\*. To qualify for adoption leave and pay you 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).

#### 6.4 **Commencing adoption leave**

6.4.1 You may commence your adoption leave on either:

- the date the child enters the UK.
- a fixed date no later than 28 days after the child enters the UK.

6.4.2 You must give 28 days' notice of your intended start date of adoption leave.

#### 6.5 **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.

### 7. **Keeping in touch**

7.1 You can work for up to 10 days, by mutual agreement with your line manager, during your adoption leave without it impacting on the adoption leave or it affecting your right to statutory adoption pay. The idea behind this is to allow you to keep in touch during your leave and may be used for training or any other activity that will enable you to keep in touch. The days do not have to be worked consecutively and you will be paid at your normal rate of pay or the appropriate rate for the work you undertake on these days. Working part of a day will count as one days' work. All payments will include Statutory Adoption Pay where applicable.

7.2 Managers are responsible for advising the Salaries Office of any work undertaken by the employee in order that the necessary salary payments can be made. To pay an employee who undertakes KIT days, please complete and return the form in [Appendix F: Keeping in Touch \(KIT\) days form](#) to the Salaries Office. A word version of this form can be found on the [HR policy page](#) or via the following [link](#).

7.3 Your manager may also make reasonable contact with you during your adoption leave period, regardless or not whether you do any work, for example to discuss your return to work.

<b>Version number</b>	<b>Purpose / changes</b>	<b>Document status</b>	<b>Author of changes, role and school / unit</b>	<b>Date</b>
1.0	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

## Appendix A: Adoption leave notification form

**Please note:** A word version of this form can be found on the [HR policy page](#) or via the following [link](#).

**To be completed by employee:**

<b>Name</b>				
<b>School/Unit</b>				
I wish to return to work at the end of the adoption leave period.	<b>Yes, Returning</b>	<input type="checkbox"/>	<b>Not returning</b>	<input type="checkbox"/>
The Expected Date of Placement is:				
<b>Adoption leave start date:</b> (date adoption pay will commence)				
<b>Adoption leave end date:</b>				
I have enclosed the Adoption Agency Matching Certificate				<input type="checkbox"/>
I will forward the Adoption Agency Matching Certificate to you in due course.				<input type="checkbox"/>
<ul style="list-style-type: none"><li>I understand that if I wish to change the date on which I am going to commence my adoption leave I must give the University at least 28 days' notice in writing (wherever practicable).</li><li>I understand that if I do not return from adoption leave or fail to return to work for a period of 3 months and have received the University's enhanced package, that the University has the right to reclaim whole or part of the non-statutory element of adoption pay.</li></ul>				
<b>Sign to confirm agreement:</b>				<b>Date:</b>

**To be signed by Head of School/Unit:**

<b>Signed:</b>	<b>Date:</b>
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Completed forms should be submitted to Human Resources for processing. Adoption Agency Matching Certificate must be provided before any payment can be made to you.

**If internal replacement cover for adoption leave is required, approval must be sought from the [Director of HR](#) via email. For approval to recruit externally, please complete the relevant [workforce planning forms](#).**

## Appendix B: Annual leave information

### Before your adoption leave

- Ensure you have taken all the annual leave you have accrued since the beginning of the holiday year.
- You will NOT normally be allowed to carry these holidays forward. You can take your holiday entitlement at the beginning of your adoption leave.

### Annual leave accrual during adoption leave

- You continue to accrue annual leave entitlement whilst you are on adoption leave – see table below.
- Leave accrued during adoption leave may be carried forward into the holiday year in which you return and you may add this to the end of your adoption leave. This would mean that although your adoption leave would end on the agreed date, you would not actually return to the workplace until the end of the holiday period.

**Please Note:** The 5 public holidays should not form a part of holiday calculations; if you are working or on paid leave when these fall, you will receive payment for them but they are not transferable.

The table below highlights the number of days accrued depending on your grade and length of service. These figures will be affected should you decide to return early from adoption leave.

Grade and service	Total Holiday Due	Number of completed months											
		1	2	3	4	5	6	7	8	9	10	11	12
Grades 1 – 4 inclusive < 4 years' service	30	3	5	8	10	13	15	18	20	23	25	28	30
Grades 1 – 4 inclusive > 4 years' service but < 6 years' service	32	3	5	8	11	13	16	19	21	24	27	29	32
Grades 1 – 4 inclusive > 6 years' service	34	3	6	9	11	14	17	20	23	26	28	31	34
Grades 5 – 9 inclusive	34	3	6	9	11	14	17	20	23	26	28	31	34



## Appendix C: FAQs

Adoption leave is structured so that it does not adversely affect your position at work. When you return from adoption leave you will return to your original job. In some cases, a return to your original job may not be possible, if for example, your department has restructured. If this happens you will be guaranteed to return to a post of a similar grade. In all cases your return to work will be without loss of seniority or status.

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?**

If you decide not to return to work you should inform your Head of School/Unit and Human Resources as soon as you have decided. If you do not return to work then you will normally be required to repay the enhanced element of any adoption pay received.

#### **What happens if I want to take an extended period of leave at the end of my adoption leave?**

In some circumstances it may be possible for you to extend your adoption leave period into a career break, but this must be discussed with your Head of School/Unit and Human Resources. 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 about the possibility of changing your hours. If you think you would like to return to work part-time you should discuss this with your Head of School/Unit as early as possible. Any request will be given reasonable consideration by the University. Please refer to the Flexible Working Policy. You should be aware that any change in your hours will be permanent and you **do not** have a right to revert to full time hours in the future.

#### **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 or S&LAS will be maintained during the duration of your paid adoption leave. If you are on unpaid adoption leave, then your contributions stop 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. Any questions regarding salary sacrifice should be directed to the [pension 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?**

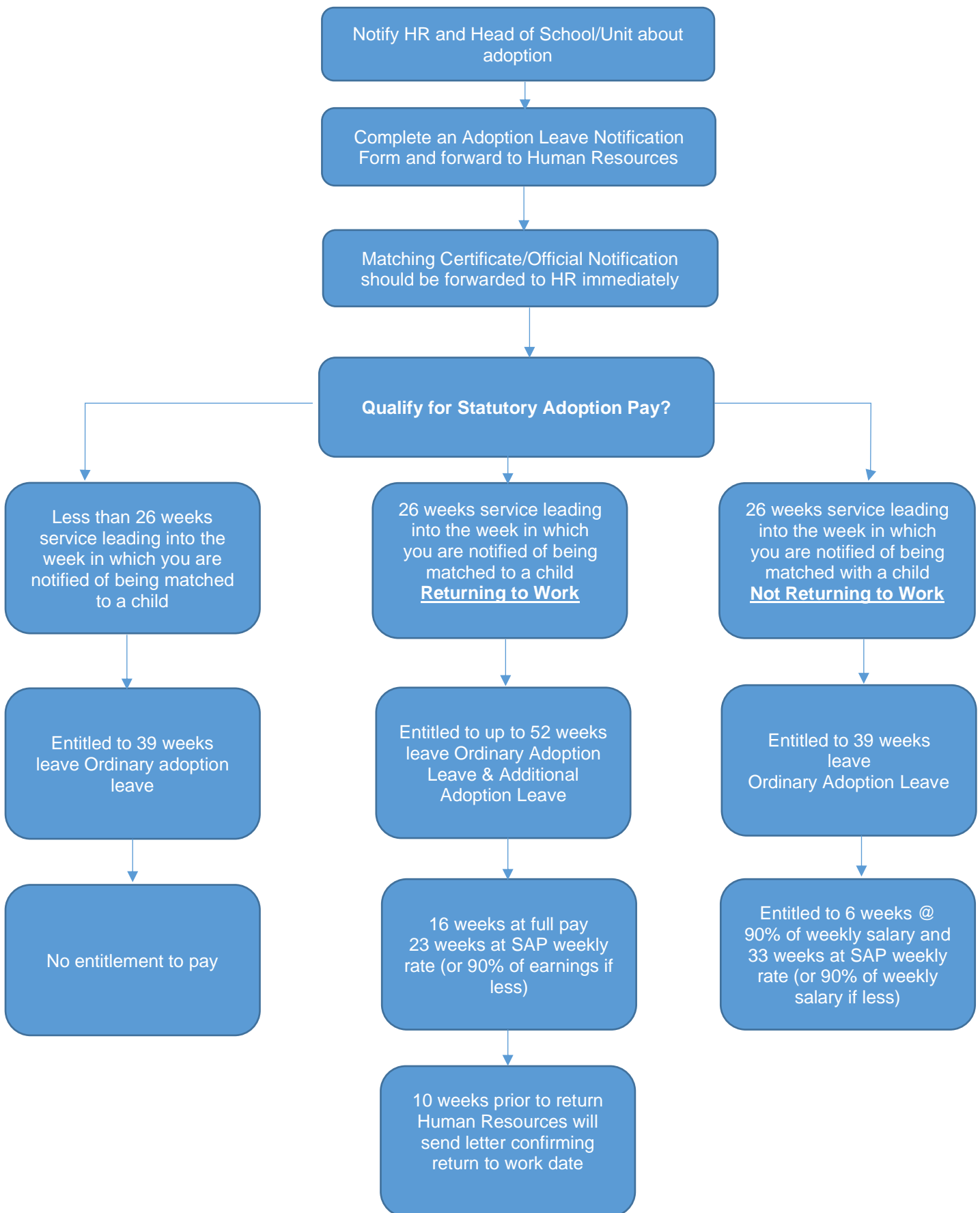
You are entitled to the annual pay award and this will be administered as normal.

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

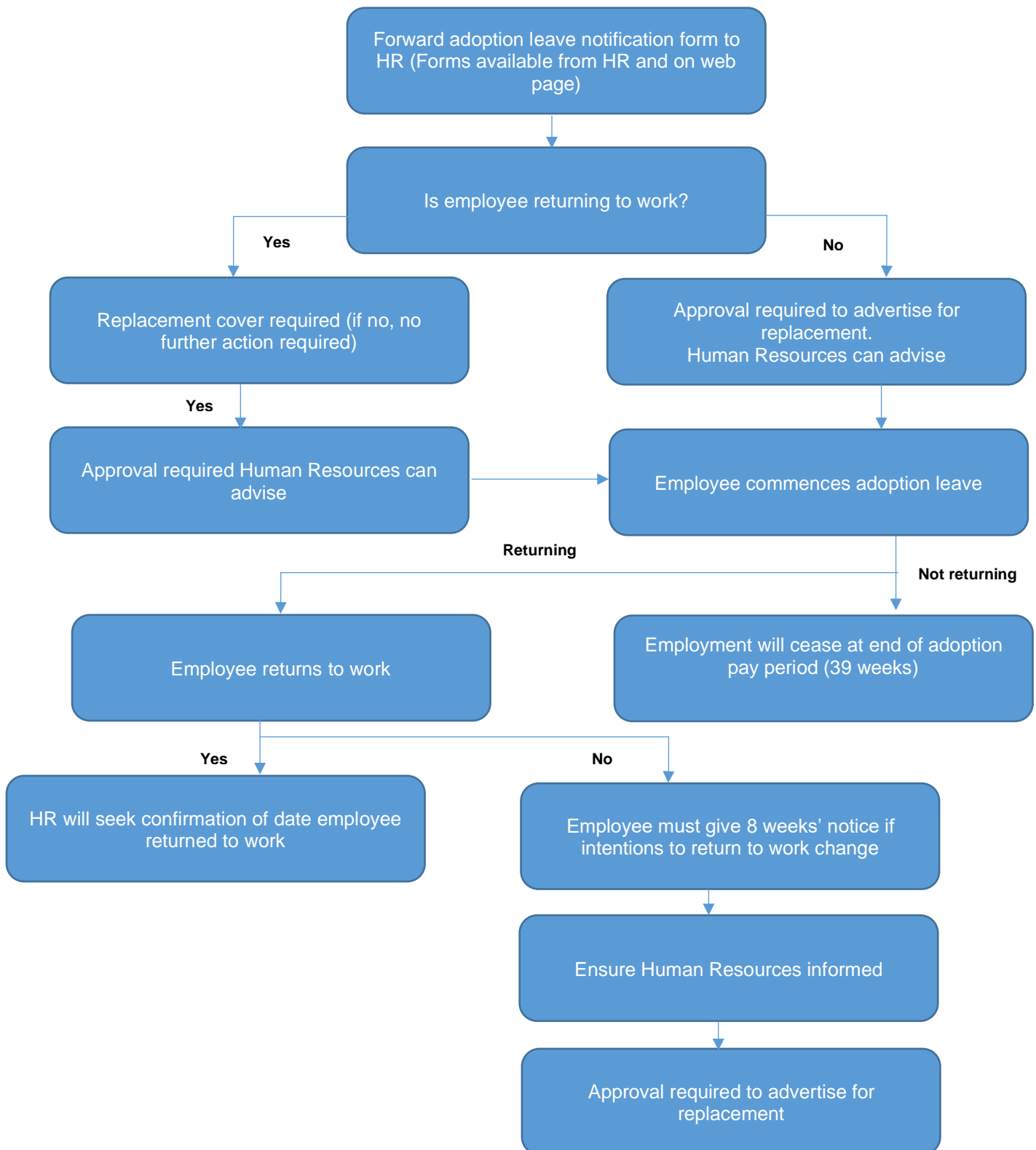
You should make sure that you have taken any holidays accrued **before** you go on adoption leave. While you are on adoption leave your annual leave will continue to accrue during the period of leave. If you wish to take annual leave at the end of your adoption leave you should inform your Head of School/Unit as soon as possible and at least 8 weeks before your adoption leave ends.

Full details of your holiday entitlement can be found in [Appendix B – Annual leave information](#).

## Appendix D: Flowchart summary adoption leave



## Appendix E: Flowchart for Head of School/Unit



## Appendix F: Keeping in Touch Days (KIT) form

**Please note:** A word version of this form can be found on the [HR policy page](#) or via the following [link](#).

Staff on adoption leave may, by agreement with their Head of School/Unit, undertake up to 10 days' paid work during their adoption leave. These days are known as Keeping in Touch (KIT) days. The type of work undertaken is a matter of agreement between the employee and the Head of School/Unit. The days may be used for any activity which would ordinarily be classed as work under the employee's contract and could be particularly useful in enabling attendance such as at a conference, training activity, away day or departmental meetings.

**Please complete once employee has completed their KIT day.**

<b>Employees name:</b>	
<b>Employee ID:</b>	
<b>School/Unit:</b>	

<b>Date/s of contact day</b>	<b>Total hours attended</b>

<b>Salary to be charged to:</b>					
<b>Cost centre</b>		<b>Analysis code</b>		<b>Detail code</b>	

<b>I certify that the hours stated above have been worked by me, as part of my KIT day entitlement:</b>	<b>Certified by line manager/Head of School/Unit:</b>
<b>Signed:</b>	<b>Signed:</b>

**Please return the completed form to the Salaries Office for processing.** KIT days will be included in your monthly salary and will be detailed on your payslip. The days will be paid on the first pay date after Salaries receive this completed form; provided it is received by the relevant salary cut off date.