



University of
St Andrews

Adoption leave

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| Purpose | To provide information to employees adopting a child regarding their eligibility to adoption leave and pay. |

| Version number | Purpose / changes | Document status | Author of changes, role and school / unit | Date |
|-----------------------|---|------------------------|--|-------------|
| 2.1 | <ul style="list-style-type: none">New section added to document what happens to employee pension contributions during unpaid leave. | Published | Lisa Stewart HR | 31/01/2024 |

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- 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.
 - We encourage employees to review the [Adoption webpage](#) to access FAQs about the adoption process.

1. Introduction

- 1.1 This policy has been developed to provide information regarding the University's adoption leave offering. Any queries regarding the information outlined in this document should be directed to [HR Support](#) in the first instance. [Appendix A](#) provides further internal support contact details.
- 1.2 This policy applies to employees adopting a child from within the UK, overseas and includes surrogacy arrangements and foster to adopt arrangements. This policy is inclusive of same-sex parents.
- 1.3 Additional guidance can be accessed on the University's [Adoption leave webpage](#), including a list of frequently asked questions "FAQs" for the employee and the line manager.

2. Definitions

- 2.1 **Fostering to adopt** means fostering a child permanently and becoming their legal parent.
- 2.2 **Surrogacy:** When someone else carries and gives birth to a baby for the intended parents. If an individual uses a surrogate, the surrogate will be the child's legal parent at birth. Individual's must apply to become the legal parent within 6 months of the child's birth to be eligible for adoption leave and pay.

3. Statutory entitlement

- 3.1 All employees who adopt a child (from within the UK or overseas) or have a child through a surrogacy arrangement are eligible for 52 weeks adoption leave irrespective of length of service. This is made up of 26 weeks of ordinary adoption leave (OAL) and 26 weeks of additional adoption leave (AAL).

Note: Only one period of leave will be available irrespective of whether more than one child is being adopted as part of the same arrangement.

- 3.2 **To qualify, an employee must:**

For UK adoption

- Be matched (or be one of a couple who have been jointly matched) with a child for adoption by an approved adoption agency (this includes the situation where a local authority places a child with the employee in a "[foster to adopt](#)" arrangement).
- Have notified the agency that they agree that the child should be placed with them for adoption and on the date of placement.

For surrogacy adoption

- Adopt the child; or intend to apply for a parental order within six months of the child's birth and expect the order to be granted. They must apply for:
 - A parental order: If one intended parent is genetically related to the child.
 - An adoption order: If the intended parents are not genetically related to the child.

For overseas adoption

- Have received official notification in respect of the child.

- 3.3 The right to adoption leave is available to one member of the adopting couple only (or in the case of surrogacy 'parental order' parent couple). It is up to the adoptive/parental order parents to decide which of them takes the adoption leave. The other partner may be entitled to take [paternity leave](#) or [Shared Parental Leave \(SPL\)](#) if they meet the eligibility requirements.
- 3.4 Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption (e.g., when a stepparent is adopting a partner's child/children).

4. Adoption pay packages

- 4.1 The University offers an enhanced adoption pay package to employees who meet the length of service criteria for statutory adoption pay (SAP). **The below provisions apply to employees commencing adoption leave on 11/09/23 and thereafter.**

Employee has less than 26 weeks continuous service at the end of the:

- a) **UK adoption:** week in which they are notified of being matched to a child.
- b) **Surrogacy adoption:** 15th week before the Expected week of childbirth (EWC).
- c) **Overseas adoption:** week in which they receive official notification of the adoption.

You will not be entitled to Statutory Adoption Pay (SAP).

Employee has 26 weeks continuous service at the end of the:

- a) **UK adoption:** week in which they are notified of being matched to a child.
- b) **Surrogacy adoption:** 15th week before the Expected week of childbirth (EWC).
- c) **Overseas adoption:** week in which they receive official notification of the adoption.

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

- 22 weeks of full salary and;
- 17 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.

5. Procedures

5.1 Notifying the University

- 5.1.1 It is encouraged that employees and line managers use the [Family Leave Checklist](#) to ensure that they can plan effectively for a period of family leave.
- 5.1.2 Employees must notify their line manager and Human Resources of their intention to take adoption leave using the adoption leave notification form located in [HR Self-Service](#) (under My Forms). The line manager will submit the form to [HR Support](#), which will instruct them to confirm the adoption leave dates to the employee in writing (within 28 days of notification of the adoption).

For UK adoption

The notification must be within 7 days of being notified that they have been matched with a child and must include the date on which the:

- Child is expected to be placed with the employee “Expected Date of Placement (EDP) and;
- Employee intends to commence their adoption leave.

For surrogacy adoption

The notification must be submitted prior to the end of the 15th week before the baby is due and must include the:

- EWC and;
- date on which the employee intends to commence their adoption leave.

For overseas adoption

The notification should be submitted within 28 days of receiving official notification and must include the date on which the:

- Official notification was received;
- Child is expected to enter the UK;
- Employee intends to commence their adoption leave.

“Official notification” means written notification, issued by or on behalf of the relevant domestic authority, that it is prepared to issue, or has already issued, a certificate to the overseas authority concerned with the adoption of the child, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

“Relevant domestic authority” means the Secretary of State, except in the case of an adopter who is habitually resident in Wales, in which case it is the National Assembly for Wales, or Scotland, in which case it is the Scottish Ministers.

Note: Wherever possible, it is encouraged that employees inform their line manager of their intention to take family leave as early as practicable in order to provide appropriate time for the line manager to organise and plan how they will cover the workload during the period of leave.

5.2 Evidence of adoption

5.2.1 The employee should submit evidence of the adoption via [HR Self-Service](#) (My Forms > “Send document to HR”)

- **UK adoption:** A "matching certificate" confirming the EDP which should be provided by the adoption agency.
- **Surrogacy adoption:** A statutory declaration confirming that the employee intends to apply for a parental order within six months of the child’s birth and expect the order to be granted.
- **Overseas adoption:** A copy of the [official notification](#) and evidence of the child’s entry into the UK (when this becomes available and no later than 28 days of the child’s entry into the UK).

5.3 Time off for adoption appointments

5.3.1 Employees who are primary adopters (UK or overseas) are entitled to paid time off to attend up to:

- 5 adoption appointments arranged by the adoption agency once they are matched with a child. The other adoptive parent is entitled to attend up to two adoption appointments at full pay.
- Surrogacy adoption: The employee is entitled to accompany the surrogate up to two antenatal appointments at full pay.

Note: For overseas adoption: Adoption leave or adoption appointments cannot be used to cover the period employees spend travelling overseas to arrange the adoption or visiting the child.

5.3.2 The employee's line manager reserves the right to ask to see the appointment notification.

5.3.3 Employees must endeavour to give as much notice as possible to their line manager when requesting time off to attend such appointments.

5.3 Going on adoption leave

5.3.1 UK adoption

- 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.
- Any requests to change the adoption leave start date should be requested at least 28 days before the intended adoption start date.

5.3.2 Surrogacy adoption

- Employees who are having a child through a surrogacy arrangement will **automatically** commence their adoption leave on the day on which the baby is born, or the day after.

5.3.3 Overseas adoption

- Adoption leave can start on the day which the child enters the UK or on a fixed date that is no later than 28 days after this date.
- Any requests to change the adoption leave start date should be requested at least 28 days before the intended adoption start date.

5.3.4 If adoption leave commences unexpectedly because of earlier placement/birth of the child, then the employee must notify their line manager and [Human Resources](#) of the date as soon as is reasonably practicable to allow the adoption leave start date to be changed.

5.4 Pension contributions

5.4.1 During the full pay period of adoption leave (1 to 22 weeks), pension contributions will be maintained. From week 23 to 39, when only SMP is applicable, the rules of each pension scheme vary and therefore the employee should contact the [Pension Administrator](#) for

details of pension contributions during this period of leave. Once week 40 is reached, and unpaid adoption leave begins, pension contributions will cease.

- 5.4.2 When the employee returns to work, the Pension Administrator will contact them to offer the choice of continuing pension contributions during the unpaid adoption leave. If the employee chooses to maintain their contributions during this period, the University will also uphold its employer contributions for the same duration. These contributions can be deducted from the employee's salary as a one-time payment or over an agreed reasonable period. Note: This only relates to employees in USS and S&LAS pension schemes.
- 5.4.3 Employees can contact the [Pensions Administrator](#) directly should they have any questions.

5.5 Neonatal Care Leave "NCL"

- 5.5.1 The University has introduced support for parents of babies who require neonatal care (for at least 7 consecutive days) before the baby reaches 28 days of life. Employees will be entitled to an additional period of leave to add to the end of their adoption if they meet the neonatal care definition outlined in the [Neonatal Care Leave Policy](#).
- 5.5.2 Employees who were entitled to enhanced adoption leave will be entitled to take NCL on full pay¹, equivalent to the number of days the baby received neonatal care providing the care lasted at least 7 consecutive days. The leave is capped at 12 weeks. Employees who do not meet the eligibility criteria can take this leave as unpaid.
- 5.5.3 Employees should notify their line manager if their baby has been admitted into neonatal care (for at least 7 consecutive days). Once the baby has been discharged from neonatal care, the employee should confirm this with their line manager.
- 5.5.4 The line manager must inform [HR Support](#) of the start and end date of the neonatal care so that they can record this and discuss this with the employee prior to their return to work.
- 5.5.5 More information on NCL can be read in the policy.

5.6 Returning to work

- 5.6.1 Notice of the return to work date is not required unless the employee wants to return prior to or later than 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.
- 5.6.2 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 (and, if relevant neonatal care leave) directly after their adoption leave.

¹ **Note:** NCL is prorated to the contracted weekly hours of work and payment will be based on the normal rate of pay (e.g. if the employee normally works 21.75 hours per week, and the baby received neonatal care for 1 calendar week/7 days, the employee would be eligible to take 21.75 hours of neonatal care leave at their normal rate of pay).

5.6.3 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.

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 My Forms). 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 [Pay and Pensions](#), 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 raised with their [HRBP](#). Any work-related issues should be addressed directly with their line manager. In addition, employees and line managers can access further information about adoption leave on the [Adoption webpage](#).
- 7.2 Further information about adoption a child (in Scotland) can be downloaded from the following websites:
- Adopting a child in Scotland: <https://www.mygov.scot/adopting-child-scotland>
 - Adopting via surrogacy: <https://www.mygov.scot/surrogacy-parents>
 - Adopting via fostering: <https://www.mygov.scot/adopting-fostering>
 - Adopting from overseas: <https://www.mygov.scot/adopting-child-from-abroad>
- 7.3 Further internal support can be found in [Appendix A](#).

8. Version control

- 8.1 This policy is non-contractual and may be amended at any time.
- 8.2 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](#) or via the [HR Feedback Form](#).

| 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, HR | 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 |
| 2.0 | <ul style="list-style-type: none">• Increase to occupational adoption pay provision.• Pilot the removal to return to work after adoption leave in order to be eligible for the enhanced pay• Introduction to neonatal care leave "NCL".• Includes surrogacy and foster to adopt arrangements. | Published | Lisa Stewart HR | 11/09/2023 |

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| 2.1 | <ul style="list-style-type: none">• New section added to document what happens to employee pension contributions during unpaid leave. | Published | Lisa Stewart HR | 31/01/2024 |
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Appendix A: Internal support

| Name of Department | Contact details | Service provided |
|--|---|--|
| Chaplaincy | https://www.st-andrews.ac.uk/chaplaincy/ chaplaincy@st-andrews.ac.uk 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. |
| Equality Diversity and Inclusion (EDI) | https://www.st-andrews.ac.uk/hr/edi/ diversity@st-andrews.ac.uk 01334 461649 | Provides support to members of the University community (staff, students, visitors) on EDI, in liaison with the HR Business Partner or Student Services as appropriate. |
| Human Resources | https://www.st-andrews.ac.uk/hr/ hr.general@st-andrews.ac.uk (general email enquiries) 01334 463096 | Provides support to employees of University of St Andrews. <ul style="list-style-type: none"> • HR web and policy page • Dedicated HR Business Partner team for each School and Unit |
| Mediation | https://www.st-andrews.ac.uk/hr/edi/mediation/ mediation@st-andrews.ac.uk | The Mediation Service is a service for all staff and students and members of the public who are connected to the University who want to resolve disagreement informally. |
| Occupational Health | https://www.st-andrews.ac.uk/ehss/occupationalhealth/ 01334 462750/2752 occhealth@st-andrews.ac.uk | Employees can refer themselves to OH for confidential health advice at any time. <ul style="list-style-type: none"> • One-to-one consultation/ appointments • Expert support and advice • Recommended adjustments to support the employee • Partnership with external health practitioners i.e., counselling services and Cognitive Behavioural Therapy (CBT). |
| OSDS | https://www.st-andrews.ac.uk/osds/ 01334 467198 osds@st-andrews.ac.uk | Organisational and Staff Development Services (OSDS) 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. |
| Trade Union Representatives | https://www.st-andrews.ac.uk/staff/wellbeing/workplace-wellbeing/ | Trade union representatives are trained to deal and support employees with any workplace related matters of concern. |
| Wellbeing Officer/Director (Schools) Wellbeing Champion (Units) | https://www.st-andrews.ac.uk/staff/wellbeing/wellbeing-officers/ wellbeingforstaff@st-andrews.ac.uk | The Wellbeing Officer/Director, or Champion can signpost available resources, services and activities to colleagues. The role is not intended to act as a health/wellbeing practitioner or to tackle individual health/wellbeing issues. |