

Working Time & Leave Framework Element 7: Adoption Leave

1 Introduction

This Policy is part of the Working Time & Leave Framework which is made up of a number of elements which together encompass all formal policy, procedure and statement documents, including associated forms, relating to working time & leave in Abertay University.

If you would like this document in a different format (e.g. large print, braille) or need any assistance to access or understand the policy/procedure please contact your School/Service designated HR Partner.

7.1 Purpose and Scope

This procedure applies to all employees who are engaged in the process of adopting a child. This policy sets out the procedures that should be followed to ensure a smooth handover at the start and end of adoption leave.

7.2 Adoption leave

As soon as practicable after the notification that you will be adopting a child, arrangements will be made for you to meet with your line manager and HR Partner. This will be an informal interview, the purpose of which is to confirm that:

- your right to ordinary and additional adoption leave is understood, including the requirements to give appropriate notice
- the right to return is explained, together with any potential opportunities for flexible working arrangements
- arrangements for time off are known, and any possible health and safety concerns are discussed
- you know your entitlements to payment during adoption leave.

We recognise that orderly arrangements for cover during the period of adoption leave, and also for enabling you to keep in touch with any developments at work, are important for ensuring smooth transitions at each stage. Before the start of adoption leave, you will be informed of the arrangements for covering your work and also for remaining in contact whilst you are on leave.

These arrangements will be finalised in consultation with you as far as possible. If you have staff reporting to you, you will be involved in all decisions relating to the temporary reporting arrangements to cover your adoption leave.

7.3 The right to adoption leave

Adoption leave and pay will be available to:

- employees who adopt

- one member of a couple where the couple adopt jointly. In this case, the couple may choose which partner takes adoption leave. The partner who doesn't take the adoption leave may be entitled to paternity leave and pay.

7.3.1 Qualification

To qualify for adoption leave you must:

- be newly matched with a child for adoption by an approved adoption agency; this right will not therefore apply to step-parents adopting a stepchild
- have been employed continuously by the University for 26 weeks leading into the week in which you are notified of being matched with a child for adoption.

7.3.2 Length of leave

You are entitled to up to 26 weeks' ordinary adoption leave (OAL) followed immediately by up to 26 weeks' additional adoption leave (AAL) (presuming you qualify for the leave). This gives you a maximum of 52 weeks' leave in total. Only one period of leave is available even if you are adopting more than one child.

If the child's placement ends during adoption leave, you will be able to take up to eight weeks' adoption leave after the end of the placement.

7.4 When can adoption leave start?

Adoption leave can start:

- right will not therefore apply to step-parents adopting a stepchild
- have been employed continuously by the University for 26 weeks leading into the week in which you are notified of being matched with a child for adoption.
- from the date of the child's placement (whether this is earlier or later than expected) or
- from a fixed date which can be up to 14 days before the expected date of placement.

7.5 Adoption pay

If you have been employed by the University continuously for 26 weeks leading into the week in which you have been notified of being matched with a child for adoption.

You are entitled to the University's enhanced package which is:

- 13 weeks at full pay
- 13 weeks at half pay
- 13 weeks SAP
- remaining 13 weeks are unpaid.

Note: If you are eligible and receive the University's enhanced package, then you will be required to return to work after your adoption leave for a minimum period of 3 months. If you do not return to work then you will normally be required to repay the enhanced element of the adoption pay received. Please contact Payroll for further details.

7.6 Notification

You are required to inform Human Resources in writing, by completion of the Adoption Leave Request Form, of your intention to take adoption leave within seven days of being notified

that you have been matched with a child for adoption, unless this is not reasonably practicable. You will need to state:

- when the child is expected to be placed with you and
- when you want your adoption leave to start.

You will also have to provide the University with a 'matching certificate' from the adoption agency.

You can change your mind about the date you want to start your adoption leave, but will have to inform Human Resources at least 28 days in advance, unless this is not reasonably practicable.

We will write to you within 28 days of receiving your notice, setting out the date on which we expect you to return to work if the full entitlement to adoption leave is taken.

7.7 Contractual benefits

You will continue to receive your contractual benefits during your ordinary adoption leave period and your additional adoption leave period (apart from remuneration).

7.7.1 Holidays

While you are on ordinary and additional adoption leave both your contractual holiday entitlement and your 28 days' statutory holiday entitlement under the Working Time Regulations continue to accrue.

[Note: this applies to employees working an average five day week.

7.8 Returning to work

As you have a right to return to work in your old job, we will seek to avoid placing you into a position of potential redundancy whilst on adoption leave. In accordance with statutory requirements, where job losses are unavoidable you will be given first consideration for any suitable alternative employment that may arise.

At least two weeks before you are due to return to work, you will be invited for an informal meeting with your line manager and HR Partner. This is in order to discuss any material points concerning your return to work. These include:

- updating you on developments at work
- considering whether any retraining needs have arisen because of new technical or other developments. It is our aim to ensure that your adoption leave does not put you at a disadvantage in relation to skills or other training needs
- providing you with the opportunity of indicating whether you wish to be considered for flexible working arrangements
- providing you with an opportunity to discuss and explain any necessary and unavoidable changes to your work.

You have the right to return:

- with your seniority, pension rights and similar rights
- on terms and conditions no less favourable than those which would have applied if you had not been absent.

You will not be subject to any detriment by the University because you took or sought to take adoption leave.

If you wish to return to work before the end of your adoption leave period, you must give at least eight weeks' advance notice in writing.

7.9 Keeping in touch days

You are entitled to work for up to 10 days during your adoption leave without affecting your eligibility to SAP. These days could be for training, or just for "keeping in touch" (KIT days). You are under no obligation to work these days, and the University is under no obligation to provide these days. Your line manager will contact you if the opportunity for any such days arises.

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