

UNIVERSITY OF ABERDEEN

ADOPTION PROCEDURE

1 INTRODUCTION

The University of Aberdeen is committed to fully supporting you if you are adopting a child. The Adoption Procedure outlines your rights and responsibilities and also sets out the arrangements for leave and pay.

The following definitions are used throughout this Procedure:

- Qualifying Week – the week, beginning on a Sunday, in which you are notified in writing by an adoption agency of having been matched with a child.
- Extended Placement Date (EPD) – the date on which an adoption agency expects that it will place a child into your care with a view to adoption.
- Ordinary Adoption Leave (OAL) – a period of up to 26 weeks' leave available to all employees who qualify for adoption leave.
- Additional Adoption Leave (AAL) – a further period of up to 26 weeks' leave immediately following OAL in addition to Ordinary Adoption Leave.
- Statutory Adoption Pay – a payment to you by the University from the Government. To qualify for SAP, you must have been continuously employed by the University for at least 26 weeks at the end of your Qualifying Week. You must also be earning a minimum amount (which is specified by the Government each year) – this is called the Lower Earnings Limit. The payment comprises 6 weeks at 90% of your normal pay followed by 33 weeks at the weekly rate specified annually by the Government. Your entitlement to receive Statutory Adoption Pay commences on the first day of your adoption leave and continues until the full 39 weeks of SAP expire or you return to work.

Statutory Adoption Leave (SAL) is available when a child, up to the age of 18, is placed for adoption with you. If both partners are employed by the University of Aberdeen, either can choose to utilise adoption leave, whilst the other may choose to utilise parental leave. SAL is only available for a child being matched and does not apply if there is no agency involved, e.g. if you are formally adopting a step-child. Only one period of adoption leave for multiple adoptions may be utilised.

2 PRIOR TO COMMENCING ADOPTION LEAVE

In order for the University to assist you in making appropriate arrangements to support you during the adoption process, you should discuss your forthcoming adoption leave with your Line Manager and arrange to meet your Human Resources Adviser to discuss your entitlements as early as possible.

You should confirm your Expected Placement Date (EPD) and the date on which you intend your adoption leave to start to your Human Resources Adviser within 7 days of receiving notification from the adoption agency that it has matched you with a child by completing an Adoption Leave application form.

You must also provide us with your Matching Certificate at least 28 days before your adoption leave commences. This certificate should confirm the agency's name and

address, the name and date of birth of the child, the date you were notified of the match and the EPD. You must also provide us with written confirmation that you intend to take statutory adoption pay and not statutory paternity pay.

The earliest you may commence Adoption Leave is 14 days before the EPD, or on the date of placement itself, but no later. SAL cannot commence more than two weeks before the child commences living with you.

If the placement ends during the period of adoption leave, adoption leave can continue for up to a further 8 weeks, unless your entitlement to leave and/or pay would have ended earlier in the normal course of events.

Once your adoption leave dates have been agreed, you can postpone or bring forward your chosen start date by informing your Human Resources Adviser in writing at least 28 days (or as soon as possible thereafter) before your leave was due to start.

3 ADOPTION LEAVE AND PAY

Your entitlement to adoption leave and pay is based on your earnings during a specific time period before your Matching Week and your length of service with the University of Aberdeen. It is also based on whether or not you intend to return to work following the placement. The University provides 5 options with varying levels of benefits.

You should note that if you qualify to receive Occupational Adoption Pay and decide that you do not wish to return to work after your adoption leave or if you leave the University before the end of 6 months, you will only be eligible to receive Statutory Adoption Pay. Therefore, you will be required to repay the occupational element of your adoption pay.

You will be entitled to receive the same adoption leave and pay provisions, irrespective of whether your post is funded by the University or from an external source. However, your Line Manager may wish to request additional funding assistance from the funding body, therefore, early discussion with your Line Manager is advisable.

3.1 Occupational Adoption Benefits (Option 1)

If you have been continuously employed by the University for 52 weeks at the date of your Qualifying Week, and you indicate that you intend to return to work following your adoption leave, your statutory entitlements may be supplemented by the University's occupational adoption leave provision. Where you agree that you will return to post for a minimum of 6 months following your period of adoption leave, you are entitled to choose either of the following Occupational Adoption Pay options:

Option 1a 18 weeks of full pay (inclusive of Statutory Adoption Pay (SAP)), followed by 21 weeks at the appropriate rate of SAP

Option 1b 9 weeks of full pay (inclusive of SAP), followed by 18 weeks of half pay (inclusive of SAP), followed by 12 weeks at the appropriate rate of SAP

You will also be entitled to take 13 weeks of unpaid adoption leave following on from this 39 week period of paid adoption leave. Your overall maximum entitlement to adoption leave will be 52 weeks from the date your adoption leave started.

3.2 Statutory Adoption Benefits

3.2.1 26 weeks service at your Qualifying Week, with intention to return (Option 2)

Where you have 26 weeks of continuous service ending at your Qualifying Week you will qualify for 26 weeks of Ordinary Adoption Leave (OAL) and 26 weeks of Additional Adoption Leave (AAL). If you have less than 26 weeks of service before your Qualifying Week, you will not qualify for Statutory Adoption Leave.

If you have been continuously employed by the University for at least 26 weeks into your Qualifying Week, you will be entitled to receive 39 weeks of Statutory Adoption Pay (SAP). You will receive 6 weeks at 90% of your normal pay followed by 33 weeks at the SAP rate set annually by the Government. SAP stops being payable if you return to work or if the placement is disrupted. Any period of Additional Adoption Leave which you take beyond this 39 week period will be unpaid.

Your overall maximum entitlement to adoption leave will be 52 weeks from the date your adoption leave started.

3.2.2 Undecided About Returning to Work (Option 3)

Prior to commencing adoption leave you may be undecided about your return to work following the adoption. The University will allow you to postpone your decision until 6 weeks after your Qualifying Week. In this case, where originally you would have entitlement to the University's Occupational Adoption Leave benefits, you will receive the minimum statutory entitlement.

Your Human Resources Adviser will contact you 6 weeks after your Qualifying week and request confirmation of your decision. You will be required to confirm your decision within 2 weeks of their request. If you decide to return to post, you will receive retrospective payment of the University's Occupational Adoption Pay entitlement, if eligible. If you decide not to return, and so resign from your post, you will continue to accrue contractual benefits (excluding normal pay) until the end of your notice period. Upon the expiry of your notice period, you will continue to receive SAP only until your entitlement to receive this payment ends. You will be asked to give the University notice of your resignation as per your contract of employment. Your last day of employment will then be notified to you, in writing, by your Human Resources Adviser.

Once you have given notice that you will not be returning to work, you cannot change your mind without the University's agreement.

This does not affect your right to receive SAP. However, you will be required to pay back any University Occupational Adoption Pay received over and above any SAP to which you are entitled.

3.2.3 Not Returning to Post (Option 4)

If you do not intend to return to work following adoption leave, you must give the University notice of your resignation as per your contract of employment. Where you have 26 weeks service at your Qualifying Week, you will qualify for Statutory Adoption Pay.

4 ENTITLEMENTS IF YOU LEAVE THE UNIVERSITY BEFORE YOUR ADOPTION LEAVE STARTS

You will still be eligible to receive Statutory Adoption Pay if you leave the University after your Qualifying Week e.g. if you resign or if your fixed term contract ends, and you have already been notified by an agency that you have been matched with a child. In this situation, your entitlement to receive SAP begins either the day after your employment ends or 14 days before the Expected Placement Date, whichever is the later.

5 TERMS AND CONDITIONS OF EMPLOYMENT DURING ADOPTION LEAVE

All the terms and conditions of your employment remain in force during OAL including any benefits in kind, but excluding terms relating to normal pay. You will be entitled to the same terms and conditions during AAL as you receive during OAL.

5.1 Annual Leave

Your contractual annual leave entitlement shall continue to accrue throughout the period of your OAL and AAL. Where you do not return to work following your adoption leave, you will be paid for your accrued holidays.

5.2 Pensions

During any paid period of adoption leave, the University will continue to pay employer's contributions to your pension scheme for as long as you continue to make contributions. The percentage paid will be based on what your earnings would have been if you had not been on adoption leave. The period during which you receive paid adoption leave also counts towards your pensionable service.

During unpaid adoption leave, the University will not make employer's contributions into your pension scheme. You do not have to make any contributions, but you may do so if you wish.

If you choose to resign from your post, you will continue to accrue contractual benefits (excluding normal pay), until the end of your notice period. Upon the expiry of your notice period, you will continue to receive SAP only until your entitlement to receive this payment ends.

6 KEEPING IN TOUCH

We may make reasonable contact with you from time to time during your adoption leave e.g. to make arrangements for your return to work or to notify you of developments in your School/Section etc.

You are able to work (including attending training or conferences) for up to 10 days during your adoption leave without bringing your adoption leave or SAP to an end. If you undertake such work during your adoption leave, you will receive a full day's pay for each day worked. You are not obliged to undertake any such work during your adoption leave.

7 RETURNING TO WORK

If you wish to return to work earlier than had been agreed prior to the start of your Adoption Leave, you should advise your Human Resources Adviser, in writing, giving at least 8 weeks' notice of the date you intend to return.

If you wish to return to work later than had previously been agreed, you should either request paid annual leave or unpaid parental leave. If you are unable to return to work due to sickness or injury, this will be treated as sickness absence in line with the University's Sickness Absence Policy.

If you wish to return to work on alternative working arrangements, you should refer to the Statement of Flexible Working Procedures and discuss your request with your Line Manager and/or Human Resources Adviser. You should raise this as early as possible to allow full consideration to be given to your request. If you do return to reduced, part-time hours, your adoption pay will not be affected as your adoption pay is based on your earnings prior to your adoption leave period.

ADOPTION PAY/LEAVE ENTITLEMENT FLOWCHART

