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 the adoption leave and pay benefits you can expect to receive. If you are entering into a surrogacy arrangement, you should contact your HR Adviser to discuss the benefits you will be entitled to receive.

The following definitions are used throughout this Procedure:

- **Matching Week** – the week, starting on a Sunday, in which you are notified in writing by an adoption agency of having been matched with a child.
- **Expected Placement Date** - the date on which an adoption agency expects that it will place a child into your care with a view to adoption.
- **Placed Date** – the date on which the child starts living with you on a permanent basis.
- **Ordinary Adoption Leave (OAL)** – the first 26 weeks of adoption leave
- **Additional Adoption Leave (AAL)** – a further period of up to 26 weeks’ leave in addition to Ordinary Adoption Leave.
- **Statutory Adoption Pay** – a payment to you by the University from the Government, if you meet certain qualifying criteria. Further information can be found in Section 2.4.

2 ADOPTION LEAVE AND PAY ENTITLEMENTS

2.1 Adoption Leave

If you are employed by the University you are entitled to receive 52 weeks Adoption Leave.

Adoption Leave 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 use adoption leave, whilst the other may choose to use shared parental leave or parental leave. Adoption Leave 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.

The earliest you may commence Adoption Leave is:

- **UK adoptions** - 14 days before the date of placement. The period of leave must start no later than the date the child is placed (or the next day if the adoptive parent was at work on the Placed Date)
- **Overseas adoptions** – the date the child arrives in the UK or within 28 days of arrival

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.

Further information about returning to work following your adoption leave is available in Section 3.3.
2.2 **Shared Parental Leave**

If you decide to return to work early (and without using your full 52 week entitlement to adoption leave) you may be eligible for Shared Parental Leave (SPL) which enables eligible parents to choose how to share the care of their child during the first year of adoption.

The earliest SPL may commence is 2 weeks after the matching date of your child. The minimum period of SPL is one week and the maximum period is 50 weeks. SPL must be taken during the 12 months after your child’s adoption. Further information is available in the Shared Parental Leave Policy which is accessible from the Policy Zone at [http://www.abdn.ac.uk/staffnet/governance/policies-procedures-plans-and-guidlines-399.php](http://www.abdn.ac.uk/staffnet/governance/policies-procedures-plans-and-guidlines-399.php)

2.3 **Adoption Pay**

If you have 26 weeks service and you meet the minimum earnings requirement you are entitled to receive 39 weeks of paid adoption leave. You will also be entitled to take 13 weeks of unpaid adoption leave following on from your 39 week period of paid adoption leave.

The University provides several options in relation to adoption pay benefits. Your entitlement to adoption pay is based on:

- your earnings during a specific time period before your Matching Week
- your length of service with the University of Aberdeen
- whether or not you intend to return to work following the placement.

You will still be eligible to receive Statutory Adoption Pay if you leave the University after your Matching 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.

The University provides 5 options for adoption leave and pay entitlements, with varying levels of benefits. The options available to you are outlined in Sections 2.3 and 2.4 and summarised in Appendix 1.

2.4 **Occupational Adoption Benefits (Option 1)**

If you have been continuously employed by the University for 52 weeks prior to the end of your Matching Week and you indicate that you intend to return to work following your adoption leave, any statutory entitlements may be supplemented by the University’s occupational adoption leave benefits.

The pay which you will receive during this period will include any entitlement to Statutory Adoption Pay (SAP) from the Government. 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.

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, pro rata to the amount of time (if any) you returned to work.
2.5 **Statutory Adoption Benefits (Option 2)**

To qualify for SAP, you must have been continuously employed by the University for at least 26 weeks into your Matching Week and be earning a minimum amount (set by the Government and reviewed annually)*. If you qualify for SAP, you will be entitled to receive 90% of your average weekly pay for the first six weeks and the standard rate of SAP set by the Government or 90% of weekly earnings (whichever is lower) for the remaining 33 weeks.

You will also be entitled to take 13 weeks of unpaid adoption leave following on from this 39 week period of adoption leave.

2.6 **Undecided about Returning to Work (Option 3)**

Prior to commencing adoption leave you may be undecided about whether you will return to work following the adoption. The University will allow you to postpone your decision until 6 weeks after your Matching Week. In this case, where originally you would have been entitled to receive the University’s Occupational Adoption Leave benefits, you will initially receive any appropriate statutory payment due to you.

Your HR Adviser will contact you 6 weeks after your Matching 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 work, 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. If you have given notice that you will not be returning to work, you cannot reverse this decision without the University’s agreement. This does not affect your right to receive SAP.

2.7 **Not Returning to Post (Option 4)**

If you do not intend to return to work following your adoption leave, you must give the University notice of your resignation as stated in your contract of employment. Even if you choose not to return to your post, you still have the right to receive 26 weeks of Ordinary Adoption Leave and 26 weeks Additional Adoption Leave.

The normal qualifying criteria for SAP (as outlined in Section 2.4) will still apply.

3 **ADOPTION PROCEDURE**

3.1 **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 HR Adviser to discuss your entitlements as early as possible.

You should confirm your Expected Placement Date (EPD) and the date on which you would like your adoption leave to start to your HR 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 (Appendix 2)

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*The weekly rate of SAP and the minimum rate of earning required to qualify for it are set by the Government and reviewed annually. Information about the current rate of SAP is available online at https://www.gov.uk/adoption-pay-leave/pay*
On receipt of your Adoption Leave Application Form you will receive a letter confirming your entitlements.

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 will be allowed to take reasonable time off with pay during working hours for formal visits and appointments relating to the adoption in the UK. You should give your Line Manager as much notice as possible of these appointments and you may be requested to provide evidence of them. This entitlement does not cover time spent travelling overseas to arrange an adoption or to visit a child.

You may wish to consider participating in the University’s coaching programme, which aims to support you in planning for family leave. The programme aims to provide you with support in managing the transition between work and leave, particularly planning for going on leave and planning for returning to work.

The programme is provided by a fully qualified external coach and sessions do not have to be held on the University campus. The coaching is offered free of charge, it is completely confidential and no feedback on the content of any coaching session will be provided to the University. Further information is accessible from the Policy Zone at: http://www.abdn.ac.uk/staffnet/governance/policies-procedures-plans-and-guidlines-399.php

3.2 During your Adoption Leave

Keeping In Touch (“KIT” Days)

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.

If you wish to utilise “KIT” days, you should contact your Line Manager in the first instance. Your Line Manager will notify your HR Adviser of any work which you undertake as KIT days and appropriate arrangements will be made to ensure that you receive payment for them.

3.3 Returning to Work

You do not need to give notice of your return to work date unless you wish to return before the date stated on your Adoption Leave Application Form.

If you wish to return to work earlier than had been agreed prior to the start of your Adoption Leave, you should advise your HR 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. The relevant Procedures are accessible from the Policy Zone http://www.abdn.ac.uk/staffnet/governance/policies-procedures-plans-and-guidlines-399.php

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 and Attendance Management Policy.

If you wish to return to work on alternative working arrangements, you should refer to the Flexible Working Procedure (accessible from the Policy Zone at http://www.abdn.ac.uk/staffnet/governance/policies-procedures-plans-and-guidlines-399.php) and discuss your request with your Line Manager and/or HR 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.

When you return from Adoption Leave, you will normally return to your original job. In some
cases a return to your original job may not be possible e.g. as a result of restructuring within your School/Section. In such circumstances, you will be guaranteed to return to a post with no less favourable terms and conditions. In all cases your return to work will be without loss of seniority or status.

It is recognised by the University that when you return from adoption leave, it is important that reasonable steps are taken to facilitate a smooth re-integration to your workplace. In this connection, your Line Manager will provide you with appropriate support to ensure that you become familiar with any changes which have taken place in your absence and, where appropriate, to re-focus your research and/or teaching profile.

4 TERMS AND CONDITIONS OF EMPLOYMENT DURING ADOPTION LEAVE

All the terms and conditions of your employment remain in force during your adoption leave, with the exception of those relating to normal pay and pension benefits.

4.1 Continuity of Service

The date of your continuous service with the University is not affected by any period(s) of adoption leave which you take. This means that there will be no break in service during your absence on adoption leave.

4.2 Pay

You will continue to receive all pay awards and any increments which are due to you during your adoption leave. If you are on a period of unpaid leave when such awards become due, your salary will be adjusted upon your return to work.

4.3 Annual Leave

Your contractual annual leave entitlement shall continue to accrue throughout the period of your adoption leave. You can, with your Line Manager’s agreement, add your annual leave entitlement onto the beginning or end of your adoption leave. Arrangements for carrying over annual leave entitlement should be discussed and agreed with your Line Manager.

Where you do not return to work following your adoption leave, you will be paid for your accrued holidays.

4.4 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. It should be noted that if you choose to make these contributions, you would be required to pay both employer and employee contributions to the scheme. If you choose not to make such contributions, your membership of the pension scheme will be suspended and the period of unpaid adoption leave does not count as pensionable service.

Further information about your pension benefits and how they will be affected by your adoption leave is available from the Pensions Office (pensions@abdn.ac.uk).

4.5 Resignation

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.

Approved by University Court on 30 June 2015
The options for adoption leave and pay which are available to you are summarised as follows:

<table>
<thead>
<tr>
<th>Options</th>
<th>Criteria</th>
<th>Adoption Leave Entitlement</th>
<th>Adoption Pay Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupational Adoption Leave Scheme (Options 1a and 1b)</td>
<td>Minimum of 52 weeks’ service into your Matching Week</td>
<td>Up to 52 weeks</td>
<td>Option 1a</td>
</tr>
<tr>
<td></td>
<td>Intention to return to work following Adoption Leave for at least 6 months</td>
<td></td>
<td>18 weeks of full pay;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>21 weeks of Statutory</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Adoption Pay (SAP)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>13 weeks unpaid</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Option 1b</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>9 weeks of full pay;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>18 weeks of half pay</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>12 weeks of SAP</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>13 weeks unpaid</td>
</tr>
<tr>
<td>Statutory Adoption Leave Scheme (Option 2)</td>
<td>No service criteria for leave but a minimum of 26 weeks’ (but less than 52 weeks’) service into your Matching Week</td>
<td>Up to 52 weeks</td>
<td><strong>Option 3</strong></td>
</tr>
<tr>
<td></td>
<td>Intention to return to work following Adoption Leave (no minimum period required)</td>
<td></td>
<td>39 weeks of Statutory</td>
</tr>
<tr>
<td></td>
<td>Average weekly earnings above the minimum level set out by the Government</td>
<td></td>
<td>Adoption Pay (SAP)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>13 weeks unpaid</td>
</tr>
<tr>
<td>Undecided About Returning to Work (Option 3)</td>
<td>Undecided about whether to return to work or not following Adoption Leave</td>
<td>Up to 52 weeks</td>
<td>Any statutory entitlement (SAP).</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>However, if you qualify for the University’s Occupational Adoption Pay scheme and decide to return to work for a minimum period of 6 months, you will receive retrospective payment of OAP</td>
</tr>
<tr>
<td>Not Returning to Post (Option 4)</td>
<td>Decided not to return to work following Adoption Leave</td>
<td>Up to 52 weeks</td>
<td>Any statutory entitlement (SAP).</td>
</tr>
</tbody>
</table>
ADOPTION PAY/LEAVE ENTITLEMENT FLOWCHART (from 5 April 2015)

Do you have 52 weeks service at your Qualifying Week?

NO

Do you have 26 weeks service at Qualifying Week?

NO

Do you meet the minimum earnings qualifications?

NO

YES

DO YOU INTEND TO RETURN TO WORK FOR A PERIOD OF NOT LESS THAN 6 MONTHS AFTER YOUR PERIOD OF ADOPTION LEAVE?

YES

NO

UNDECIDED

OPTIONS

1A or 1B

OPTION 4

OPTION 3

OPTION 2

OPTION 4

OPTION 3

No entitlement to Statutory Adoption Pay

OPTIONS

4

4

3

No entitlement to Statutory Adoption Pay
UNIVERSITY OF ABERDEEN

ADOPTION LEAVE APPLICATION

You should submit your Adoption Leave Application within 7 days of receiving notification from the adoption agency that it has matched you with a child.

Name: .................................................. Employee ID No: ...........................
Continuous Service Date: ...................................
School / Section: ........................................ College: ........................................
Ext No: ................................. E-mail: ........................................
Home Address: ........................................................................................................
Home Tel No: ................................. Expected Placement Date: ............... 

I have read the University of Aberdeen’s Adoption Leave Procedure and understand my entitlement. I accept the conditions under which these provisions are granted and now wish to apply for pay/leave in accordance with Option ........... of the Procedure. I can confirm that my date of commencement of adoption leave and pay is ..........................

Please sign one of the declarations below.

Declaration a - Returning to Post (Occupational Adoption Benefits)

☐ I confirm I will be returning to post and utilising Option 1a.
☐ I confirm I will be returning to post and utilising Option 1b.

Employee Undertaking:
I undertake to return to the employment of the University of Aberdeen for a minimum period of 6 months after the expiry of all leave for adoption purposes. I understand that if I fail to comply with this undertaking I will be required to reimburse the University’s Occupational Adoption Pay paid to me over and above Statutory Adoption Pay (SAP).

Signed: .................................................. Date: ............................

Declaration b – Returning to Post (Statutory Adoption Benefits)

☐ I confirm I will be returning to post and utilising Option 2.

Signed: .................................................. Date: ............................

Declaration c – Undecided (Option 3)

☐ I confirm I am undecided about returning to work after my period of adoption leave.

I understand that my HR Adviser will contact me 6 weeks after my Matching Week to request confirmation of my decision. I confirm that I will respond within 2 weeks of their request.

Signed: .................................................. Date: ............................

Declaration d - Not Returning to Post (Option 4)

☐ I confirm I will not be returning to work.

I understand that I have the right to return to my post with the University of Aberdeen but have decided that I do not wish to return. I have enclosed a letter of resignation as per my contract of employment.

Signed: .................................................. Date: ............................