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**ADOPTION LEAVE POLICY**

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A	STATUTORY ADOPTION LEAVE FORM
B	LIAISON CONTACT FORM
C	KIT DAY ATTENDANCE AT WORK FORM

Version	Date	Author	Details/ Changes
1	October 2018	Karen Smith, HR Manager	Updated Policy
2	June 2021	Karen Smith, HR Manager	Section 16 – update due to change in national office terminology
3	July 2023	Karen Smith, HR Manager	Section 16 – update due to change in national office terminology



**Church Of Scotland**  
Ministries Council – Ministries Development Staff

Adoption Leave Policy

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## Adoption Leave Policy

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### 1. Purpose and Scope

- 1.1 The Employment Act 2002, the Work and Families Act 2006 and secondary legislation under these Acts set out the basic rights to statutory adoption leave and pay. These allow an eligible employee, with effect from 6 April 2003, to take a period of statutory adoption leave when a child is newly placed for adoption with an adopter subject to the conditions detailed below.
- 1.2 In circumstances of adoption and where a couple are adopting jointly, one member of the couple may opt to take statutory adoption leave and pay and the other, where eligible, statutory paternity leave and pay. It is therefore recommended that the Paternity Leave Policy (See Appendix 5) is read in conjunction with this Adoption Leave Policy.
- 1.3 This policy provides guidance on the application of these rights including the qualifying criteria and application process.
- 1.4 The Human Resources Department should be contacted for a Statutory Adoption Leave Form and for further advice on this policy if required.

### 2 Definition

- 2.1 An adopter is a person who has been matched with a child for adoption or, if a couple have been matched jointly, the member of that couple who has chosen to take adoption leave and/or Statutory Adoption Pay.
- 2.2 An adoption agency has the meaning given to it in the Adoption (Scotland) Act 1978.
- 2.3 A person is matched with a child for adoption when an adoption agency decides that that person would be a suitable adoptive parent for the child, either individually or with another person.
- 2.4 A person is notified as having been matched with a child on the date on which they receive notification of the agency's decision under regulation 12(3) of the Adoption Agencies (Scotland) Regulations 1996.
- 2.5 The placement of a child for adoption occurs when the child goes to live with the adopter permanently with a view to being formally adopted in the future.

### 3 Entitlement to Statutory Adoption Leave (SAL)

- 3.1 The rights to Statutory Adoption Leave (SAL) and Adoption Pay, including both Statutory and Occupational Adoption Pay, allow an eligible employee who is adopting a child to take time off work when a child is placed with them for adoption.



3.2 To become eligible for SAL an employee must:

- Have been matched with a child for placement by a UK adoption agency
- (Please contact the Human Resources Department for further advice on employment rights for adoption from overseas)
- Notify the agency that they agree that the child should be placed with them and agree the date of placement
- Have been continuously employed for at least 26 weeks ending with the week (beginning with the Sunday and ending with the Saturday) in which they are notified of being matched with the child
- Comply with the notice and other requirements as detailed in section 6 – Applying for Statutory Adoption Leave and Pay

3.3 Should there be circumstances in which it is considered that there is no entitlement to either SAL or SAP, the Human Resources Department will provide the employee with a written statement notifying them of the reasons for this.

3.4 There is no statutory entitlement to SAL or SAP for an employee who arranges a private adoption i.e not through an adoption agency recognised by UK law.

#### **4 Period of Statutory Adoption Leave (SAL)**

4.1 Eligible employees (see section 3 – Entitlement to Statutory Adoption Leave) can take up to 52 weeks statutory adoption leave. This comprises of 26 weeks ordinary adoption leave (OAL) and a further 26 weeks additional adoption leave (AAL) which must immediately follow the period of OAL.

4.2 The employee can choose to begin their adoption leave on:

- The date on which the child is placed with them for adoption.
- A predetermined date which is no more than 14 days before the date on which the child is expected to be placed and no later than the expected date of placement.

4.3 An employee can change the date on which they wish their statutory adoption leave to start on the condition that 28 days prior written notice is provided by whichever is the earlier of (a) their previously intimated start date or (b) their new adoption start date. If this is not reasonably practicable, notice should be given as soon as possible.

4.4 If an employee plans to start a period of adoption leave before the actual date of placement, they must be certain that the placement will go ahead on the date agreed. If the placement is delayed for any reason and the employee has commenced their adoption leave prior to the placement, they cannot stop such leave and start it again at a later date.

4.5 In circumstances where the placement does not take place after the employee has commenced their statutory adoption leave or where there is some disruption to the adoption e.g. the child returns to the adoption agency or stops living with the employee, the



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entitlement to adoption leave will expire eight weeks after the end of the week in which the disruption took place. The employee must provide written notification to the Human Resources Department of their proposed date of return to work as soon as possible after they become aware of such change of circumstances.

**5. Entitlement to Adoption Pay**

5.1 An employee who satisfies the eligibility criteria for statutory adoption leave, as specified in section 3 – Entitlement to Statutory Adoption Leave, will qualify for Statutory Adoption Pay (SAP) provided they have:

- Notified the Human Resources Department that they wish to receive SAP at least 28 days before the date they want their SAP to begin
- Average weekly earnings at or above the lower earnings limit for National Insurance contributions which applied at the end of the matching week.

5.2 In addition to SAP detailed below, employees with at least 1 year's service before the beginning of the week when they have been matched with a child will also be entitled to payment of Occupational Adoption Pay (OAP). Payment of OAP is made irrespective of an employee's entitlement to SAP.

5.3 In circumstances where the placement does not take place after the employee has commenced their adoption leave or there is some disruption to the adoption leave, e.g. the child returns to the adoption agency, the payment of adoption pay will continue for eight weeks after the end of the week in which the disruption took place or until the end of the employee's 39 week adoption pay period if that is earlier.

**5.4 Payment of Statutory Adoption Pay (SAP)**

The Human Resources Department should be contacted for confirmation of the rate of Statutory Adoption Pay which is advised by the Inland Revenue and subject to revision on an annual basis. Payment of SAP begins on the date when SAL commences and runs for 39 weeks (unless SAL comes to an end before the expiry of this 39-week period).

**5.5 Payment of Occupational Adoption Pay (OAP)**

Employees who have at least 1 year's service before the beginning of the week when they have been matched with a child who provide the relevant notice and documentation requirements are entitled to payment of OAP. This will be payable at the following rates:

- 18 weeks at full pay and 8 weeks at half pay.  
(N.B. This rate is inclusive of SAP)
- A further 13 weeks at the lower rate of SAP.

In circumstances where the OAP payment of 8 weeks at half pay equates to a rate which is below the lower rate of SAP, then the lower rate of SAP will apply.



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Summary of Adoption Leave and Pay Entitlement			
	Less than 26 weeks reckonable service before the beginning of the week when matched with a child for adoption	More than 26 weeks and less than 1 year before the beginning of the week when matched with a child for adoption	1 year or more reckonable service before the beginning of the week when matched with a child for adoption
<b>LEAVE</b>	No entitlement	26 weeks OAL & up to 26 weeks AAL	26 weeks OAL & up to 26 weeks AAL
<b>PAY</b>	No entitlement	6 weeks SAP @ 9/10 <sup>ths</sup> of average weekly earnings & up to 33 weeks at the lower rate of SAP	18 weeks OAP @ full pay & 8 weeks at half pay (both inclusive of SAP) & up to 13 weeks at the lower rate of SAP

**6 Applying for Statutory Adoption Leave and Pay**

6.1 An employee must provide the Human Resources Department with written notification of their intention to take adoption leave no more than 7 days after the date they are notified of having been matched with the child. If this is not possible, the employee must provide such notification as soon as reasonably practicable and must also advise of the date of commencement of the leave as set out in paragraph 4.3.

6.2 It is requested, to facilitate the planning of a period of potential adoption leave, that employees notify the Human Resources Department of their intention to take adoption leave when they or their partner are approved for adoption. This is before an employee has received or needs to submit their documentary evidence, as detailed below.

6.3 Evidence

To apply for Statutory Adoption Leave and Pay, the employee will be required to complete a Statutory Adoption Leave Form (See Appendix 3). Completion of this form will ensure that all necessary qualifying information, as detailed below, is provided. Statutory Adoption Leave forms can be obtained from the Human Resources Department.

Information required from the employee is as follows:

- Notification of their intention to take statutory adoption leave and pay
- The expected date of placement of the child
- The date they intend to commence their statutory adoption leave
- The date they have chosen for the commencement of Adoption Pay
- A declaration that the employee has chosen to receive SAP rather than statutory paternity pay



6.4 Supplementary information is also required from the adoption agency. This information can either be obtained in the form of letter(s) from the agency or through the completion of a Matching Certificate – Statutory Adoption Leave and Pay form (See Appendix 3). The information required from the adoption agency is detailed below:

- The name and address of the adoption agency
- The name and date of birth of the child
- The name and address of the person claiming Adoption Pay
- The date they were notified of having been matched with the child
- The date on which the child is expected to be placed for adoption or the date of placement if this has already taken place.

6.5 Applications for SAL and Adoption Pay cannot be processed until receipt of both the Statutory Adoption Leave Form and the Matching Certificate. Upon receipt of this documentation, the Human Resources Department will issue a letter to the employee, within 28 days of receipt of this notification. This letter will advise the employee of their entitlement to SAL, SAP and OAP, where appropriate, and will also advise the employee of their expected return to work date following their full period of Statutory Adoption Leave.

6.6 As soon as reasonably practicable after placement, the employee must also provide confirmation to the Human Resources Department, in writing, of the actual date on which the placement took place.

## **7 Formal Contact whilst on Adoption Leave**

7.1 Whilst on adoption leave, your Line Manager should maintain reasonable contact with you, and try to keep you updated with any work related issues. Ministries Council staff would also keep in touch should there be any relevant matters. However, it is recognised that you may also want to undertake some of the responsibility in keeping in touch with both your colleagues and the workplace and this can be facilitated via the agreed Keeping in Touch (KIT) days as outlined in Section 8 below. This, along with regular liaison with an HR Representative, is actively encouraged.

7.2 You can choose how you would like to be kept informed by completing the Liaison Contact Form (Appendix 3).

## **8 KEEPING IN TOUCH (KIT) DAYS**

8.1 Employees can attend work for up to 10 days – known as KIT days – within their Adoption Leave period. The purpose of KIT days is to give employees the opportunity to keep up to date with developments in the workplace, and if they wish, to attend meetings, participate in training, or carry out any work. They are not however obliged to attend work at any time during Adoption Leave. If they attend work on a KIT day they will receive their normal hourly rate of employment i.e. not exceeding their normal pay, but any SAP or OAP received for the week in which a KIT day is worked will count towards the employee's contractual pay for that day.



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8.2 KIT days should be agreed in advance between an employee and their Line Manager. Accordingly, employees must complete the KIT day Attendance at Work form (Appendix 4) if they wish to attend work during their Adoption Leave.

### 9 Annual Leave

With the exception of the nine Public Holidays, annual leave will continue to accrue throughout the period of both OAL and AAL but will remain subject to the normal rules in respect of the holiday year (See Annual Leave policy).

### 10. Pension Rights

Throughout the period of adoption leave, the Ministries Council will continue to contribute the employer rate, as it was at the last working day prior to adoption leave during the period of both ordinary and additional adoption leave.

### 11. Returning from Statutory Adoption Leave

- 11.1 Employees will be expected to return to work on the first working day 52 weeks after their Adoption Leave began. If they wish to return earlier, the employee must provide the Human Resources Department with 8 weeks notice of the date on which they intend to return.
- 11.2 If the employee does not provide 8 weeks notice the employer is entitled to postpone the date of their return for 8 weeks, although it cannot be postponed beyond the date on which the leave would normally have expired.
- 11.3. At the end of the OAL or AAL, an employee is entitled to return to the same job on the same terms and conditions of employment as if they had not been absent, unless a redundancy situation has arisen.
- 11.4 If an employee decides that following a period of either OAL or AAL, they do not wish to return to work, they must provide the appropriate written notice of resignation as stipulated within their contract of employment.
- 11.5 If an employee does not return to work following their Adoption Leave, they will ONLY be entitled to 39 weeks Statutory Adoption Pay (SAP). If they have 1 year or more reckonable service and received the OAP of 18 weeks full pay and 8 weeks half pay this will be **CLAIMED BACK**, less the Statutory Adoption, should an employee not return to work or resign within 3 months of returning from Adoption Leave.

### 12. Training Needs

- At the time you notify an HR Adviser of your return to work, they, or your Line Manager, will telephone you to discuss any training needs you may have, any outstanding KIT days you may wish to utilise and agree a re-familiarisation plan in relation to your return to work arrangements.
- Your Line Manager or an HR Representative should have kept you up to date with any changes in the workplace and will assist you in identifying any additional training, which may be required.





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- Arrangements will be made for you to have a meeting with your Line Manager or an HR Representative, in order to identify any training needs. The discussion will focus on local changes to policy, procedure, equipment etc. and should leave you with a clear idea of what training will be given.
- It is accepted that time is required to accommodate the above training and for you to find your feet again.

### **13. Requesting Flexible Working**

13.1 Applications can be made to amend your working pattern under the Flexible Working Policy at any time, not just upon return from adoption leave.

13.2 Full details of the scheme and an application form are available from HR. The application should be discussed between yourself and your Line Manager to reach agreement but any request must also be sent to HR.

### **14. Risk Assessment**

Caring for a newborn baby or child may interfere with the adoptive parent's attempts to recover their own strength and stamina. This can often be characterised by poor sleep, fatigue and significant life-style changes for the whole family. Shift work, overtime and the degree of physical activity at work may contribute to increased stresses for the new parent.

### **15. Additional Policies for Reference**

This policy is one of a number of policies designed to assist parents balance their work responsibilities with child care arrangements. Additional policies for consideration which are also included in the Employee Handbook are:

- Maternity Policy
- Shared Parental Leave Policy
- Time off for Dependents Policy
- Paternity Policy
- Flexible Working Policy

### **16. Review**

This policy will be reviewed on a regular basis by HR, The Hub and Faith Action senior managers to ensure adherence to best practice, and any related legislation. If necessary, the policy will be taken to the Faith Action Programme Leadership Team (Ministries Council is the employing body of FAPLT) as part of a consultation process.