



Queen Margaret University
EDINBURGH

Adoption Policy

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1.0 Aims and Objectives

The aim of this policy is to provide Managers and staff with the procedure on adoption leave and pay arrangements to ensure that this is undertaken fairly and consistently across Queen Margaret University in accordance with equality and diversity principles.

2.0 Scope of the Policy

This policy applies to all employees taking adoption leave or pay within Queen Margaret University.

3.0 Monitor and Review

Human Resources are responsible for monitoring the effectiveness of this policy and supporting procedures and will conduct reviews at appropriate intervals.

Anyone who feels they have been unfairly treated or discriminated against should contact Human Resources.

4.0 Equal Opportunities

Queen Margaret University is committed to equality of opportunity for all staff and it is the responsibility of all QMU employees to promote “equality and diversity” in the application of this policy ensuring that there is no discrimination on the grounds of disability, race/ethnic origin, sex/gender, age, religion, marital/family status, dependency, sexual orientation, political opinion, and economic or social status.

5.0 Responsibility for this Policy

Human Resources.

Any changes to this policy and supporting procedures will be made in consultation with appropriate bodies.

QMU reserves the right to update HR Policies in line with new or updated Employment Legislation.

6.0 Eligibility

To qualify for adoption leave, the employee must:

- Be matched with a child for adoption by a UK Adoption Agency, or be in a couple who have been jointly matched with a child for adoption;

and

- Have been continuously employed by QMU for 26 weeks or more at the week in which notification of matching is given by the adoption agency.

Where a couple are adopting jointly, only one individual is eligible to receive adoption leave and pay. The individual who is not going to receive adoption leave and pay will be entitled to paternity leave and pay as long as they meet the eligibility criteria for this. Please see QMU Paternity Policy for further information. This can be accessed via the HR Intranet site.

In the case of adopting a child from overseas, the employee must also have received notification from the relevant domestic authority that they are eligible to adopt a child from abroad.

7.0 Adoption Leave

Employees who adopt a child through a UK Adoption Agency are entitled to take up to 52 weeks of adoption leave. Adoption leave consists of 26 weeks of ordinary adoption leave and 26 weeks of additional adoption leave.

The earliest date an employee may commence adoption leave is 14 days before the day of placement.

The latest date an employee may commence adoption leave is the day of the child's placement.

If the employee is adopting a child from overseas, the employee may choose to start their adoption leave either from the date the child enters the UK or from a fixed date no later than 28 days after the date the child enters the UK.

The employee may return to work at any time during adoption leave or additional adoption leave provided that they give at least eight weeks notice.

Additional Adoption Leave starts from week 27 and may continue for up to a further 26 weeks. If eligible as noted in this policy, the employee may be entitled to statutory adoption pay (and occupational adoption pay) for the first 13 weeks of Additional Adoption Leave. The remaining 13 weeks of Additional Adoption Leave are unpaid.

8.0 Adoption Pay

Employees are entitled to receive adoption pay from QMU if they have been continuously employed by QMU for 26 weeks or more as at the week in which notification of matching is given by the adoption agency.

The level of adoption pay is determined by the employee's length of service as at the week in which the employee is given notification of matching. Eligibility to adoption pay is outlined below.

If the employee has worked at QMU for at least 26 weeks but for less than one year by the week in which they have received notification of matching:

Entitled to: Statutory Adoption Pay (SAP)

Employees are entitled to Statutory Adoption Pay (SAP) if they have worked for the same employer for at least 26 weeks by the week in which they receive notification of matching and if their earnings have reached the minimum amount stipulated by the Lower Earnings Limit (currently an average of £102 per week).

SAP is paid for a maximum of 39 weeks. The first 6 weeks is paid at 90% of normal pay. The following 33 weeks is paid at £148.68 per week, from April 2011, (or 90% of normal pay if this is less than £148.68 per week).

If the employee is on a fixed term contract which comes to an end after the start of the notification of matching week then they will still be entitled to receive 39 weeks of SAP from QMU.

If the employee resigns after the notification of matching week they will still be entitled to receive 39 weeks of SAP from QMU.

If the employee has worked at QMU for at least one year by the week in which they have received notification of matching:

**Entitled to: Occupational Adoption Pay (OAP)
and
Statutory Adoption Pay (SAP)**

OAP is an additional payment made to the eligible employee during the period of adoption leave. To be eligible for OAP the employee must have one year's service with QMU at the week in which the employee is notified of a matching.

OAP is paid from week 7 to week 39 inclusive (or until the employee returns to work if this is earlier than week 39). It is calculated at 50% of normal pay. OAP is paid in addition to SAP of £148.68 per week.

If the employee does not return to work for a period of at least three months after the adoption leave period then they will be required to repay all OAP.

Upon request, payment of OAP may be deferred until the employee has resumed work for three months or until they decide they will definitely be returning for at least three months. The balance of any outstanding OAP will be paid to the employee in the next available payroll after they have informed us of their decision to definitely return for at least three months. This is often practical for those employees who do not wish to make a decision on returning to work until after their adoption placement has commenced.

If the employee is on a fixed term contract which comes to an end after the week of notification of matching then they will be entitled to receive OMP until their contract end date.

Where an employee has already had a period of adoption leave, maternity leave or paternity leave during the course of their employment at QMU, at least one year must have elapsed between their return to work after adoption leave and the notification of matching week of the subsequent adoption in order for them to be eligible for automatic occupational adoption pay. If one year has not elapsed between their return to work and the subsequent notification of matching week then occupational adoption pay will automatically be deferred until it is known that the employee will be returning to work after adoption leave for a period of at least three months. The balance of outstanding OAP will be paid to the employee in the next available payroll. QMU will continue to pay statutory adoption pay for the duration of the adoption leave.

9.0 Notice of Intention to take Adoption Leave

The employee must inform their line manager of their intention to take adoption leave as early as reasonably practicable. Notification must be given no later than seven days after the date on which notification of the match with the child was provided by the adoption agency.

Employees who are adopting from overseas must give QMU at least 28 days notice of when they wish their adoption leave to start. The employee must also inform QMU of the date the child enters the UK. This must be done within 28 days of the date of entry.

The employee should discuss with their line manager:

- The date they wish to commence adoption leave.
- How any outstanding annual leave will be dealt with.
- The date the employee expects, at this stage, to return to work.

Adoption leave and pay can only be taken upon completion and submission of the Adoption Notification Form. A copy of the Matching Certificate (provided by the adoption agency) must be attached to the form.

Upon receipt of the Adoption Notification Form and the Matching Certificate, HR will write to the employee confirming arrangements for adoption leave and pay.

Should any of the dates change the employee should inform their line manager and HR as soon as possible. The employee will be permitted to bring forward the adoption leave start date provided that they inform their line manager and HR at least 28 days prior to the new start date or as soon as reasonably practicable.

The employee may also postpone the start date of their adoption leave provided that they inform their line manager and HR at least 28 days before the start of the original adoption leave start date or as soon as reasonably practicable.

10.0 Annual Leave

Employees who are on adoption leave continue to accrue annual leave at their normal rate. This can often lead to a build up of accrued annual leave.

The line manager may wish to agree with the employee that they may carry forward annual leave in these circumstances, however, HR recommend that the employee takes at least the minimum holiday entitlement, as noted in the Working Time Directive (28 days per year for full time staff), in each holiday year.

Many employees use their accrued annual leave to extend their adoption leave on a paid basis or to facilitate a phased return to work, enabling them to return to being paid at their normal rate.

HR recommends that use of accrued annual leave is discussed and agreed between the line manager and the employee as early as possible to enable them to plan for cover of the employee's workload while they are on adoption leave.

11.0 Payment of Pension Contributions

Employees will continue to contribute to their pension scheme while on adoption leave.

Where an employee elects to take a period of unpaid additional adoption leave both they and QMU will cease to pay contributions. This period of time will not count as pensionable service. The employee must decide when returning to work if they wish to make up the difference and pay back their unpaid contributions so that this period will count as pensionable service again. These additional contributions will be calculated based on the employee's last payment before commencing adoption leave. This may be paid in instalments in agreement with Payroll. If the employee wishes to pay back these contributions then they must notify HR and Payroll upon their return to work, otherwise, they will be deemed by the pension fund to have a break in service which will effect their final pension calculation.

Further details on pension contributions while on adoption leave can be found in the guidance document at the end of this policy. Further information can also be obtained from your pension provider, contact details of which are provided below:

Lothian Pension Fund: <http://www.lpf.org.uk/>
STSS: http://www.sppa.gov.uk/scot_teachers/home.htm
USS: <http://www.usshq.co.uk/>

12.0 Childcare Vouchers

QMU are able to offer employees who have childcare costs the benefit of the Sodexo Childcare Vouchers scheme which is run through salary sacrifice so that employees can benefit financially from the Income Tax and National Insurance Contribution exemptions available. These exemptions allow parents to save on the cost of childcare (depending on the level of Income Tax and National Insurance Contributions paid). Further information can be found on the intranet at: <http://intranet.qmu.ac.uk/sites/humresources/ChiVou/default.aspx>

Some employees who intend to take adoption leave may already be enrolled in the QMU childcare vouchers scheme because they are already paying for childcare for existing children. If such an employee wishes to continue paying into the childcare vouchers scheme while they are on adoption leave then Payroll will continue to deduct the payments from their Occupational Adoption Pay. In instances where the employee is not entitled to Occupational Adoption Pay, QMU will continue to fund the provision of childcare vouchers to the same level that the employee paid before commencing adoption leave. QMU will not deduct childcare vouchers from Statutory Adoption Pay.

Where existing members of the QMU childcare vouchers scheme decide to take additional unpaid adoption leave, QMU will continue to fund the provision of childcare vouchers to the equivalent level that the employee sacrificed prior to commencement of additional unpaid adoption leave.

In cases where QMU continues to fund childcare vouchers because the employee is entitled to only Statutory Adoption Pay or is taking additional unpaid adoption leave, this provision will cease at the end of the period of adoption leave.

13.0 Keeping in Touch

13.1 General Contact

HR encourages the line manager and employee to keep in touch during the adoption leave period. Employees and line managers may find it helpful to discuss the amount of contact they wish with each other prior to the employee commencing adoption leave. Suitable methods of contact, e.g. telephone, email, etc, should be confirmed. They should also discuss reasons for making contact, e.g. to keep the employee informed of team developments, and care should be taken to ensure that contact is not forced. If it is felt necessary, contact arrangements could be recorded in writing, however, there should be flexibility to alter this if required for good reason.

13.2 Keeping in Touch Days

In addition to general contact, the employee is able to attend work for up to 10 days during their adoption leave without bringing their adoption leave or pay to an end.

These days should normally be used for the employee to keep up to date with developments in their role and their team such as attending training and development, conferences, team away days, etc, but can be used for other aspects of work if desired by both parties.

The reason for attendance should be agreed between the employee and their line manager prior to the keeping in touch day.

Any work carried out in a day constitutes one day of keeping in touch, i.e. if an employee attended work for a team meeting which lasted two hours only, this would count as one day of keeping in touch.

Where an employee attends work for a keeping in touch day, they should complete the "Keeping in Touch Days Payment Form" and submit this to Payroll. Submission of this form will enable the employee to be paid for the hours worked on the keeping in touch day. This payment is calculated on their normal hourly rate. OAP will not be paid in addition to any hours being paid at normal rate, however, QMU will continue to pay SAP on these days.

Keeping in touch days are not compulsory and are in agreement between the employee and their line manager.

Keeping in touch days should not replace a return to work induction but should be used in conjunction with this.

14.0 Additional Paternity Leave/Transfer of Adoption Leave

Additional Paternity Leave may be applicable where a couple are jointly adopting a child or where the employee is the spouse, civil partner or partner of the primary adopter. Please see the QMU Paternity Leave policy for further information. This policy can be accessed via the HR Intranet page.

15.0 Termination of Adoption Placement

If the child's adoption placement is terminated during the employee's adoption leave, the employee is entitled to continue their adoption leave and pay (if applicable) for up to eight weeks after the placement ends. As the employee is returning to work earlier than planned, the employee must provide QMU with eight weeks notice of their amended return date.

In many cases, little or no notice is provided that an adoption placement is being terminated. This may often result in the employee giving early return notice to QMU on the day the placement ends and not returning to work for a further eight weeks.

16.0 Return to Work

HR will write to the employee one month prior to their proposed date of return requesting that the employee completes the "Return to Work after Adoption Leave Form". This will enable HR and Payroll to make any necessary adjustments to the employee's salary should they decide to amend their return date while on maternity leave.

17.0 Contractual Rights

Normal employment terms and conditions continue throughout the period of adoption leave, with the exception of salary, which is modified, as explained above. The employee is entitled to return to the same role following a period of adoption leave.

Should you have any outstanding queries following review of this policy please do not hesitate to contact a member of the HR Team to discuss.



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Adoption Notification Form

Employee Details		Additional Notes
Employee Name		
Line Manager Name		
Department/School		
QMU Start Date		
Maternity Leave		
Date child is being placed with me for adoption		(The proposed return date is not binding at this stage).
Proposed date of commencement of adoption leave		
I expect to return to work at the end of my Ordinary Adoption Leave (26 weeks)	Yes/No	
I intend to take Additional Adoption Leave (up to 26 weeks)	Yes/No	
Proposed date of return after Additional Adoption Leave		
I would like to have my OAP payment deferred until I have returned to work for three months after my adoption leave	Yes/No/Not applicable	

Declaration	
I declare I have been matched with a child for adoption and I want to claim adoption leave and pay as detailed in this application form.	
Employee signature	
Date	

I have discussed and agreed the dates as provided in this application form.	
Line Manager signature	
Date	

For HR use only		Additional Notes
Matching Certificate received	Yes/No	
Length of service at QMU		
Entitled to SAP	Yes/No	
Entitled to OAP	Yes/No	



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**Return to Work after Adoption
Leave Form**

Employee Details

Employee Name	
Department/School	

Return to Work Details

I intend to return to work at the end of my Adoption Leave	Yes/No
Last day of Adoption Leave (This is the day before your full salary should be reinstated)	
I intend to use annual leave to delay my return to work or to facilitate a phased return to work	Yes/No
Details of use of accrued annual leave	
Return Date (This is the date you will be back "in the office")	
Details of return to work induction required	

Declaration

Employee Signature		Date	
Head of Department/School Signature		Date	



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**Keeping In Touch Days
Payment Form**

Section A: Employee Details	
Employee Name	
Department/School	

Section B: Details of Work Carried Out	
Date(s) of Work	
Total Hours Worked	
Budget Code	

Section C: Authorisation			
Employee Signature		Date	
Head of Department/School Signature		Date	
You must now forward this form to Payroll.			

Section D: For Payroll Use Only	
Rate of Pay	
Amount Due	£

Pension Contributions – Additional Guidance

Universities Superannuation Scheme (USS)

If an employee is not entitled to any SAP or OAP payment

Where an employee is entitled to no pay the employer will pay the full employee contribution and the normal employee contribution during the 26 weeks of ordinary adoption leave. This period will count as pensionable service.

If an employee is receiving maternity/paternity/adoption pay (less than normal full pay)

Employee contributions will be based on the salary during the period of leave however the employer will be obliged to make this payment up to the normal full salary as well as continue to pay the employer contributions. Employers are obliged to do this for the full 39 weeks or when leave payments cease.

If an employee goes on to zero pay whilst on child related leave

When an employee goes into unpaid child related leave they will cease making contributions to the pension. Their membership will be suspended and the period will not count as pensionable service. When the employee returns they will have the option to pay additional contributions so that all or part of the suspended period can count as pensionable service, the employer would also have to pay the appropriate employer contributions in this case.

If an employee does not wish to make contributions during child related leave

An employee may elect not to contribute to the pension scheme whilst on child related leave, membership of the pension scheme will therefore be suspended and will not count as pensionable service. The employee will have the option on return from leave to pay additional contributions so that all or part of the suspended period can count as pensionable service, the employer would also have to pay the appropriate employer contributions in this case.

If an employee is paid for Keeping In Touch Days

The same rules will apply as above if an employee takes any KIT days during maternity leave. If the KIT day is taken during paid maternity leave the employer will be obliged to make up the shortfall in the employees contributions to the normal full salary. Where the employee takes a KIT day while on unpaid leave no pension deduction will be taken and the employee will have the option to make up the contributions when they return to work.

The Local Government Pension Scheme/Lothian Pension Fund (LGSS)

If an employee is receiving maternity/paternity/adoption pay (less than normal full pay)

The employee will pay pension contributions on the actual pay they are receiving (including statutory pay if applicable). Credit for the period will be given at full length. Employer continues to make contributions based on the employee's normal rate of pay.

If an employee enters an unpaid period whilst on child related leave

The employee can elect to pay the contributions over the period of unpaid leave. It is the responsibility of the employer to advise the employee of their right to do this within one month of their return from leave. The contributions must then be paid within 30 days of returning to work or a longer period upon agreement with the employer. The contributions can be paid either by lump sum or by instalments over a reasonable period of time, to be agreed with the employer. If an employee elects to re-pay the contributions the employer will be obliged to pay the employer contributions also. If the employee elects not to re-pay the contributions for the period of unpaid leave this will not count as pensionable service.

Scottish Public Pensions Agency (SPPA)/Scottish Teachers Superannuation Scheme (STSS)

If an employee is receiving maternity/paternity/adoption pay (less than normal full pay)

In this case the employee contributions should be calculated on the actual salary during the period of leave and not on the normal pensionable earnings. The employer contributions should be calculated based on the pensionable earnings immediately before the period of leave.

If an employee enters an unpaid period whilst on child related leave

The employee must have the opportunity to pay contributions whilst on unpaid child related leave. If the employee wishes the period of unpaid leave to count as service for pension purposes they must pay their pension contributions based on their normal earnings prior to the period of unpaid leave.