

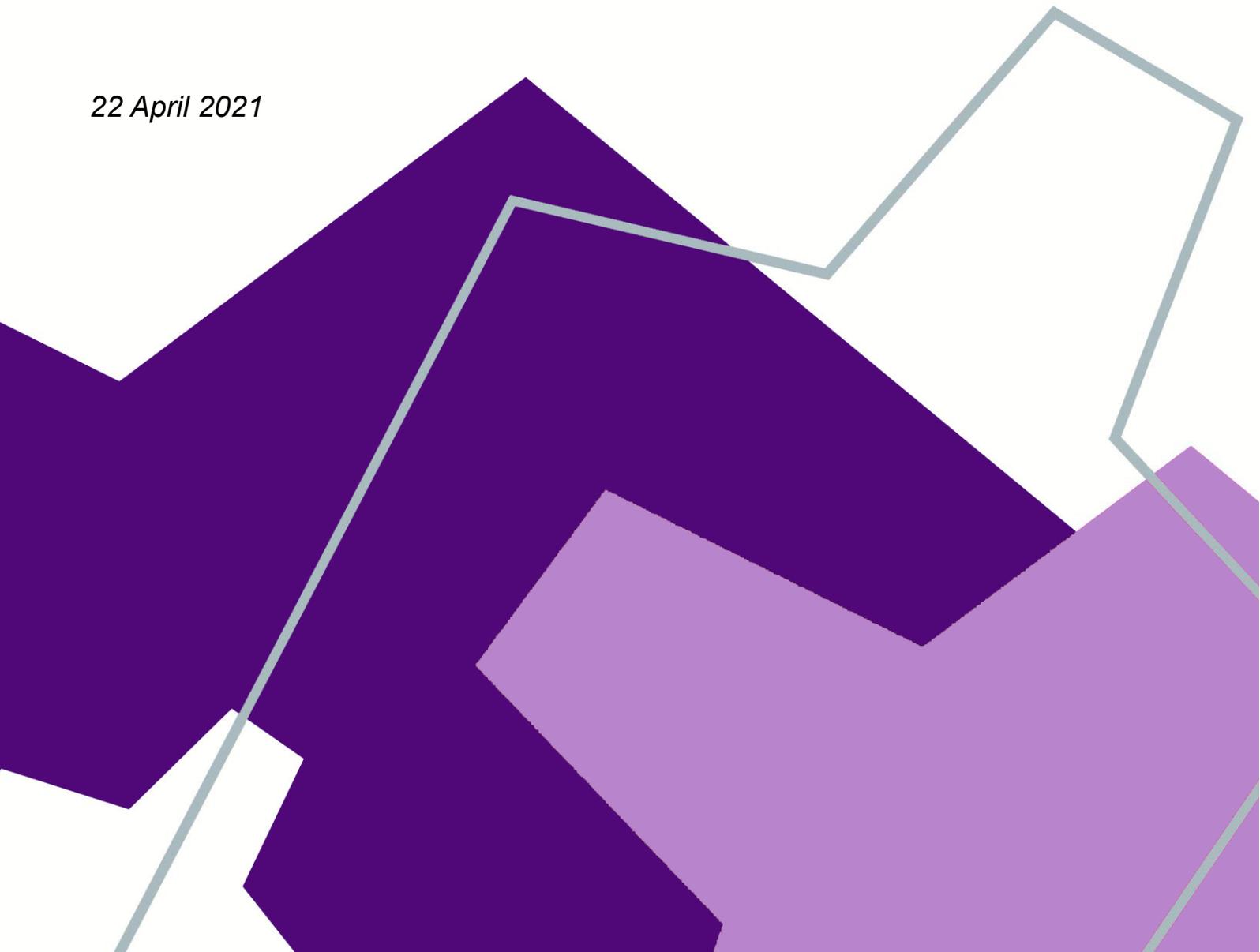


The Scottish Parliament  
Pàrlamaid na h-Alba

# Adoption Policy

## Poileasaidh Uchd-mhacachd

*22 April 2021*



# Introduction

This policy sets out the provisions in place to assist SPS staff through the stages of adoption.

The SPCB recognises that adopting a child is a special and important time and that particular needs will arise which will impact on your working life. It aims to ensure that appropriate provisions are in place to assist you. In doing so, the SPCB will not only meet legal requirements but will enhance certain provisions in particular circumstances.

This policy incorporates your statutory and contractual adoption rights.

## Further Guidance and Support

This policy is supplemented by guidance for Managers and Staff.

If you are notified that you are being matched with a child for adoption, you are encouraged to speak informally to your manager at an early stage. You can also meet with a representative from the People and Culture Office for additional advice and guidance if necessary.

The Parliament operates a Parent Mentoring Scheme which aims to guide and support staff in circumstances which include adopting a child and returning to work.

## Am I eligible to take Adoption Leave?

Adoption Leave is available to members of staff who have had a child up to 18 years of age placed with them for adoption. While either parent may be eligible, if adopting jointly, only one parent may take Adoption Leave. The other parent may be eligible to opt in to a system of Shared Parental Leave.

Adoption Leave applies only to new parents of the child including foster carers who adopt a child for whom they have already been caring. You will not qualify for Adoption Leave or pay if you:

- Arrange a private adoption;
- Become a special guardian;
- Adopt a stepchild; or
- Have a child through surrogacy.

To qualify for Adoption Leave, you must have been matched with a child by an approved adoption agency and have formally agreed that the child should be placed with you. You must also provide appropriate advance notification of your intention to take Adoption Leave.

## How much adoption leave am I entitled to?

If you meet the eligibility requirements, you are entitled to 52 weeks' adoption leave which can commence no earlier than 14 days before the expected date of placement. You may only take one period of adoption leave even if more than one child is placed with you for adoption at the same time.

Adoption leave may not normally commence after the expected date of placement but individual circumstances will be taken into consideration. You may choose your adoption leave to begin on either:

- the date on which the child is placed with you for adoption; or
- a specific date no earlier than 14 days before the expected date of placement.

Where you are adopting a child from overseas, you may choose your adoption leave to begin on either:

- the date the child enters the UK; or
- a specific date no later than 28 days after the child enters the UK.

You should specify which option you wish to follow when notifying your manager and the People and Culture Office of your intention to take adoption leave.

If you are eligible, you may choose to curtail your adoption leave and convert any remaining entitlement to Shared Parental Leave which may be used between you and your partner.

## Am I entitled to time off to support preparations for adoption?

Your manager has discretion to allow you reasonable time off with pay to attend high level contact visits, arranged on the advice of an approved UK adoption agency. Such visits are designed to prepare you and/or the child for placement. These may include:

- Attendance at training/briefing sessions;
- Appointments with your link worker; and
- Introductory visits to allow you to meet your child and begin to establish a relationship with them

You should try, where possible, to arrange your appointments at a time which will not disrupt normal Parliamentary business.

# What adoption pay am I entitled to?

Pay provisions vary according to length of service. The SPCB has made provision for contractual adoption pay for eligible staff, which is inclusive of your statutory adoption pay entitlement. You may choose whichever entitlement is more favourable to you providing you meet the qualifying conditions.

## **Contractual Adoption Pay**

You will qualify for contractual adoption pay at the following rates providing you have been in continuous employment with the SPCB for a minimum of one year at the time your adoption leave commences and you remain in our employment during your adoption leave period:

- 26 weeks will be payable at your normal contractual salary;
- 13 weeks will be payable at the flat rate of Statutory Adoption Pay (reviewed annually by the UK Government); and
- 13 weeks will be unpaid.

## **Statutory Adoption Pay**

If you do not qualify for contractual adoption pay but have:

- at least 26 weeks continuous service with the SPCB by the week you are notified that you have been matched with a child; and
- average weekly earnings at least equal to the Lower Earnings Limit (LEL) for National Insurance Contributions,

you will receive statutory adoption pay at the following rates:

- 6 weeks will be paid at 90% of your average gross weekly earnings;
- 33 weeks will be payable at the flat rate of Statutory Adoption Pay (reviewed annually by the UK Government); and
- 13 weeks will be unpaid.

In order to take advantage of your right to contractual and/or statutory adoption pay, you must ensure you provide proper advance notification of your intention to take adoption leave and comply with our adoption certification requirements.

## What notification do I have to provide of my intention to take adoption leave?

You must tell your manager and the People and Culture Office, in writing, that you intend to take adoption leave within seven days of being told by the adoption agency that you have been matched. Additionally, you must give at least seven days' notice of the date on which you would like your adoption leave to start.

Your notification should include:

- the expected date of placement (or in the case of a child from overseas, the date the child is expected to enter the UK); and
- the date you intend to commence your adoption leave.

To support your manager in planning to cover your leave, it would also be helpful if you were able to indicate at this stage how much adoption leave you wish to take and how you wish to use your annual leave entitlement.

Individual circumstances will be taken into consideration if you are unable to provide notice within the prescribed timescales.

If necessary, you may subsequently change the date on which you wish your period of adoption leave to start, by giving seven days' notice.

## Do I have to provide any supporting documentation?

You must provide the People and Culture Office with a copy of your Adoption Matching Certificate within seven days of this being issued to you by the adoption agency.

If you are adopting a child from overseas, you should provide the People and Culture Office with a copy of the official notification you receive which confirms your eligibility and suitability to adopt within 28 days of receipt. You must also complete and return Adoption Pay Form SC6.

The SPCB cannot pay you contractual and statutory adoption pay without this documentation.

After the child has been placed with you, you should advise the People and Culture Office as soon as is reasonably practicable of the actual date of placement. In the case of a child being adopted from overseas, you must provide further evidence of the child's date of entry to the UK such as copies of entrance clearance documents.



## **Will I receive confirmation of my adoption leave?**

The People and Culture Office will acknowledge your notification in writing as early as reasonably practicable but no later than within 28 days of receipt, advising you of the end date of your adoption leave. Unless you have indicated otherwise, this date will be calculated on the basis that you will take the full period of 52 weeks adoption leave available to you.

## **What will happen if there are any unanticipated changes to the placement arrangements?**

If this happens, you should discuss the situation with your manager as soon as possible.

If the placement is earlier or later than expected, we will be sympathetic to any request to change the date on which you wish your adoption leave and pay to start.

If you have already started your period of adoption leave and you are subsequently advised by the adoption agency that the placement will not be made or if the child is placed with you but then returns to the adoption agency, adoption leave and pay may continue for eight weeks after the end of the week in which the disruption to arrangements took place. You may return to work earlier than this by mutual agreement.

# **Adoption Policy (English only)**

***For further information contact:***

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