

Adoption Support Leave and Pay Policy

November 2019

Policy control

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Approving Bodies	HR Committee, Board Governors
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Supporting policy	Adoption Leave and Pay Policy and Shared Parental Leave Policy
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ADOPTION SUPPORT LEAVE AND PAY POLICY

1 Purpose and Scope

- 1.1 This policy sets out the provisions for adoption support to allow time for a partner of a newly adoptive parent to be with a newly placed child.
- 1.3 This policy reflects the Glasgow School of Art's (GSA's) commitment to establishing family friendly policies. GSA recognises the importance of supporting all staff in their obligations to their families and as such this policy provides enhanced entitlements to those contained within the statutory provisions.
- 1.4 This policy incorporates GSA's company adoption support pay together with entitlements to statutory paternity leave.
- 1.5 This policy applies to all staff who have not previously received any entitlements in accordance with GSA's Adoption Policy for the same child.
- 1.6 Staff have the right not to be subjected to a detriment, unfair treatment, or dismissal due to taking adoption support leave irrespective of hours of work or length of service.

2 Adoption Support Leave

2.1 Eligibility

- 2.1.1 In order to qualify for adoption support leave a member of staff must have 26 weeks' continuous service with GSA by the end of the week in which formal notification is received from an approved adoption agency that your partner has been matched with a child for adoption and you are the adoptive parent's husband/wife, partner or civil partner.

For these purposes, "partner" in relation to a child's adopter, means a person (whether of the same or opposite sex) who lives with the adopter and the child in an enduring family relationship, but is not an immediate relative. In all cases, staff would have or expect to have responsibility (along with the primary adopter) for the upbringing of the child.

- 2.1.2 Staff seeking to take adoption support leave may be required to produce evidence of the Expected Placement Date (EPD).
- 2.1.3 Staff who do not have sufficient continuous service to be eligible for adoption support leave should apply for annual leave or unpaid leave instead.

2.2 Timing of Adoption Leave

- 2.2.1 Eligible staff can choose to take either 1 or 2 consecutive weeks' adoption support leave (not odd days). Staff can choose to start their leave on any day of the week on or following the child's placement, but must complete it within 56 days of the actual date the child was placed for adoption.
- 2.2.2 Only one period of leave is available to staff regardless of whether more than one child is adopted as a result of the same adoption process.

2.3 Statutory Paternity Pay (SPP)

- 2.3.1 Staff who have the required length of service and have average weekly earnings that exceed the lower earnings limit for National Insurance contributions are entitled to receive Statutory Paternity Pay (SPP).
- 2.3.2 In the absence of a Company Adoption Support Pay scheme SPP would be paid at a rate set by the Government for the relevant tax year or 90% of average weekly earnings, whichever is lower.
- 2.3.3 Staff who have average weekly earnings below the lower earnings limit for National Insurance purposes do not qualify for SPP.
- 2.3.4 Staff who do not qualify for SPP may be entitled to claim state benefits whilst on adoption support leave. This can be claimed via the individual's local Jobcentre Plus office.

2.4 GSA Company Adoption Support Pay

- 2.4.1 Staff will be eligible to take advantage of the enhanced terms for adoption support under GSA company adoption support pay scheme where they have been employed by GSA for more than 26 weeks by the end of the week in which formal notification is received from an approved adoption agency that their partner has been matched with a child for adoption.
- 2.4.2 GSA company adoption support pay will be paid for a maximum of 2 weeks (pro-rata for part time staff) at the staff member's normal rate of weekly pay inclusive of any entitlement to Statutory Paternity Pay (SPP).
- 2.4.3 All payments made under the company adoption support pay scheme will be subject to deductions in respect of PAYE and National Insurance.

2.5 Applying for Adoption Support Leave and Pay

2.5.1 Staff seeking to take adoption support leave should inform their line manager of their intention to take adoption support leave no more than 7 days after the date on which the adopter is notified by an approved adoption agency that they have been matched for adoption, or as soon as is reasonably practicable.

2.5.2 Staff should complete form SC3 'Statutory Paternity Pay/Paternity Leave' and initially submit it to their line manager, in order to apply for adoption support leave. The employee should request the dates via online self service also. This is recorded as 'Other' leave. The SC3 Form is available here:

<https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-a-birth-parent-sc3>

2.5.3 Staff will be required to confirm:

- the date the child is expected to be placed;
- whether they wish to take 1 or 2 weeks' leave;
- when they want the leave to start.

2.5.4 Staff should ensure that the SC3 form is returned to the Payroll Officer at least 28 days in advance of the start date of adoption support leave, or as soon as is reasonably practicable.

2.5.5 If a member of staff wishes to change the date their adoption support leave will begin they should notify their line manager and the Payroll Officer 28 days prior to the new start date, or as soon as is reasonably practicable.

3. Shared Parental Leave and Pay

3.1 Under the Shared Parental Leave Regulations, a newly adoptive parent who has adoption leave rights may choose to end this early and exchange a proportion to an eligible partner. This allows parents to flexibly decide how they share caring responsibilities in the child's first year.

Please refer to the Shared Parental Leave Policy for further information and guidance.

4 Contractual benefits

4.1 During the period of adoption support leave, staff are entitled to the benefit of their normal terms and conditions of employment. Therefore, the absence shall be regarded as continuous service with GSA for the purposes of pension, annual leave, sickness entitlement and other similar rights.

5 Returning to work

5.1 Staff who have taken adoption support leave will be entitled to:

- return to the same job with the same terms and conditions following adoption support leave;
- request unpaid parental leave.

5.2 Whilst returning to work on the basis of an alternative working pattern or hours of work is not a right, GSA will give serious consideration to such requests on either a temporary or permanent basis, from staff returning to work following adoption support leave. Staff should submit a request in writing as early as possible. Any change will be discussed with the member of staff at a meeting within 28 days of the request being received