

# THE KILMARNOCK LEISURE CENTRE TRUST

T/A

## THE GALLEON CENTRE ADOPTION LEAVE AND PAY

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### The Policy

This policy sets out the provisions to which Employees may be entitled when adopting a child. The definition of “matched for adoption” includes arrangements under the “fostering for adoption” scheme, whereby a child is placed with prospective adopters by a local authority. Employees may be entitled to take paternity leave or parental leave instead of, or as well as, adoption leave. Advice should be sought from the Administration Office as to which entitlements will apply.

Employees may also be entitled to take Shared Parental Leave either in addition to or instead of adoption leave. Please see the Shared Parental Leave policy for more information.

These adoption provisions comply with relevant legislation.

### The Policy in Operation

#### **Time Off to Attend Appointments**

If an employee is adopting a child alone, they are entitled to paid time off to attend up to five adoption appointments. If an employee is adopting a child with their partner, they may elect for one of the two to take paid time off for up to five appointments while the other person may take unpaid time off to attend up to two appointments. The employee may be required to provide a signed declaration stating which of the two adopters has elected to take paid / unpaid time off.

The maximum time off for each appointment is six and a half hours, including travelling and waiting time. If possible, appointments should be made close to the beginning or end of the working day to minimise disruption, and the employee’s line manager should be given as much notice as possible of forthcoming appointments. If an employee intends to make a request, they should provide an appointment card or other relevant documentation confirming the date and time of the appointment. Requests for time off may be refused if it is reasonable to do so.

#### ***Adoption Leave (Notification and Commencement)***

Subject to the qualifying criteria, adoption leave is made up of 26 weeks ordinary adoption leave followed by 26 weeks additional adoption leave.

An Employee is entitled to adoption leave if they fulfill the following criteria;

- They are the child’s adopter. An adopter means a person who has been newly matched with the child for adoption or, in the case where two people have been matched jointly, whichever of them has elected to be the child’s adopter for the

purposes of the Regulations. Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's children.

- They have notified the agency that they agree that the child should be placed with them on the date of placement; and
- They have complied with the relevant notice requirements. Notice of the Employees intention to take adoption leave should be given, in writing, to the KLCT;
  - no more than seven days after the date on which the Employee is notified of having been matched with the child for the purposes of adoption; or
  - As soon as is reasonably practicable.

The notice should specify:

- The date on which the child is expected to be placed with the Employee for adoption; and
- The Employee's chosen adoption leave start date. This can be;
  - the date on which the child is placed with her/him for adoption; or
  - a pre-determined date no earlier than 14 days before the expected date of placement

If the Employee chooses to begin their period of leave on the date on which the child is placed with them and they are at work on that date, the period of leave will begin on the following day.

### ***Evidential Requirements for Adoption Leave***

The Employee must provide the KLCT with evidence, in the form of one or more documents issued by the adoption agency that matched the Employee with the child, of:

- the name and address of the agency;
- the name and date of birth of the child;
- the date on which the Employee was notified that he had been matched with the child; and
- the date on which the agency expects to place the child with the Employee.

### ***Variation of Start Date***

An Employee who has given notice of their intention to take adoption leave may vary the chosen start date provided that they give the KLCT 28 days' notice of the variation, or, if this is not reasonably practicable, as soon as is reasonably practicable.

## ***Employer's Notification Obligations***

If an Employee gives the KLCT notice of their chosen start date (or a variation notice), the KLCT will notify the Employee, within 28 days of his receipt of the notice, of the date on which the Employee will be expected to return to work.

## ***Returning to Work***

An Employee who returns to work at the end of their full adoption leave period need not notify the KLCT in advance of their return. If, however, the Employee wishes to return to work early, they must give 8 weeks' notice.

## ***Terms and Conditions During Adoption Leave***

During adoption leave, Employees' remain employed under their terms and conditions of employment and are entitled to the benefits of their normal terms and conditions other than remuneration. In particular, Employees will continue to accrue annual leave during adoption leave. Annual leave accrued in the leave year in which the Employee commences adoption leave should be used prior to the Employee starting adoption leave. The Employee should liaise with the Office Manager with regard to planning the dates of their annual leave.

Employees will also retain any right to use KLCT cars or mobile phones that have been allocated to them.

## ***Statutory Adoption Pay (SAP)***

Subject to the qualifying criteria below, Employees will be paid SAP for up to 39 weeks. SAP is paid at 90% of normal weekly earnings for the first six weeks, followed by thirty three weeks at the standard SAP rate. Any remaining leave is unpaid.

In order to qualify for SAP, Employees must:

- Fulfill the qualifying criteria for statutory adoption leave;
- Have been employed by the Company for a continuous period of at least 26 weeks up to and including the week the employee was informed that they had been matched with a child for adoption;
- Have normal weekly earnings of not less than the lower earnings limit for National Insurance Contributions; and
- Have commenced statutory adoption leave.

### ***Keeping In Touch***

The KLCT and the Employee are entitled to have a reasonable amount of contact with each other during adoption leave to discuss aspects such as plans to return to work, important development at work, promotional opportunities or job vacancies.

The KLCT and the Employee are also entitled to agree that the Employee will attend work for up to 10 days during maternity leave without this affecting the Employee's adoption pay. This may allow the Employee to attend training or other events that take place during the adoption leave period to allow the Employee to keep their skills up to date. The KLCT is not obliged to pay the Employee for these days. However, where payment for these days is agreed, any such payment will be agreed between the KLCT and the Employee beforehand.

### ***Overseas Adoption***

Paid leave is available whether a child is adopted from within the UK or from overseas, but some details may differ for parents adopting from outside the UK. Please contact the Office Manager for further information.