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Adoption

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2.00	Eligibility to qualify for OAP and to claim TOIL for KIT days changed for officers to reflect PNB agreement.	19/11/20

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1 Overview

1.1 What is this about?

1.1.1 We recognise the importance of supporting adoptive parents at or around the time of placement to allow them to spend time with the child. The following provides information about adoption leave and pay and also the support that is available before, during and after the adoption leave period.

1.2 Who is this for?

1.2.1 This is for all officers, authority/police staff and managers.

1.3 Key information

- Up to 52 weeks adoption leave is available to the main adoptive parent when taking time off at or around the date of adoption.
- Up to two weeks adoption/maternity support leave and pay may be available to the second adoptive parent (refer to Adoption/Maternity Support procedure for further information).
- Depending on length of service there may be an entitlement to adoption pay (refer to table – adoption pay or financial support).
- The manager should be told of the intention to adopt.
- There is an entitlement to time off for pre-adoption appointments.
- A letter will be issued outlining entitlements and other important information.
- If the full entitlement to adoption leave and statutory pay has not been used, it may be possible to transfer the balance as Shared Parental Leave, to a spouse, partner or the biological father of the child.
- There is no entitlement to leave or pay when a private adoption is arranged or to become a special guardian or kinship carer.

1.4 Adoption leave

- 1.4.1 Adoption leave is available when adopting a child through a registered adoption agency. Proof of the adoption is required.
- 1.4.2 Adoption leave is not available where the child is not newly matched e.g. where a step-parent adopts a partner's child or foster parents adopt a child through a court order.

Additional Information	
How much is available?	Up to 52 weeks for the main adoptive parent.
To be eligible	No service requirement but only one person can take adoption leave, even if more than one child is adopted at the same time.
When can it start?	14 days before the placement of the child.
When will it start?	On the requested start date or the date of the placement whichever is earlier.
When does it end?	No later than 52 weeks after the start date.

1.5 Adoption pay or financial support

1.5.1 There may be an entitlement to adoption pay depending on length of service. When eligible for Statutory Adoption Pay (SAP) and Occupational Adoption Pay (OAP) only the higher of the two is paid. SAP is paid for up to 39 weeks and the current rate can be found on GOV.UK .

Length of Service	Entitlement	
Less than 26 weeks	You may be eligible for financial support from your local council. Note: Officers are also entitled to one week’s adoption leave on full pay.	
More than 26 weeks by the week you were matched with a child.	Officers	SAP is 90% of your average weekly earnings for the first six weeks followed by 33 weeks at the lower rate of SAP (or 90% of your average earnings, whichever is lower).
	Authority/ Police Staff	OAP is 90% of your average weekly earnings for the first six weeks followed by 20 weeks at half pay plus the lower rate of SAP followed by 13 weeks at the lower rate of SAP. Note: After receiving 90% of your average weekly earnings for the first six weeks you also have the option to spread the remaining entitlement: 20 weeks at half pay plus the lower rate of SAP, followed by 13 weeks at the lower rate of SAP. Or, you could choose 33 weeks at 25% pay plus the lower rate of SAP followed by seven weeks at 25% pay.
At least 52 weeks by the week you were matched with a child.	Officers	OAP can be paid as either 18 weeks’ full pay or 13 weeks’ full pay followed by 10 weeks’ half pay. There is also an entitlement to SAP at the lower rate following OAP. Note: If an officer does not return to work following adoption leave, for at least one month, they will be required to reimburse the difference between OAP and SAP.

2 Officer/Staff

2.1 What you need to do:

- Tell your manager of your intention to adopt.
- Talk over any work related concerns or issues with your manager.
- Let us know about any time off you need for pre-adoption appointments.
- Tell us when you want your adoption leave (and pay) to start and end.
- Let us know if you want to change the adoption leave period or if the placement date changes.
- Update Dependents tab on SCoPE (officers only).
- Keep in contact when on adoption leave and consider if you want to work a 'keeping in touch' (KIT) day.
- Read the 'Team Members To Do List' which tells you everything that you need to know (and do):
 - Before adoption leave
 - During adoption leave
 - On return to work

2.2 Notification

2.2.1 You are encouraged to tell your manager as soon as possible, about your intention to adopt, so that any necessary adjustments or support can be considered.

2.3 Fostering for adoption

2.3.1 If you are eligible for adoption pay and leave, you will receive them from the time the child comes to live with you.

2.4 Pre-adoption appointments

- 2.4.1 You are entitled to time off work to attend up to five pre-adoption appointments. If you are adopting a child on your own, the time off will be paid. If you and a partner are adopting together, then one of you can choose to take the time off as paid and the other will be entitled to unpaid time off to attend up to two appointments. Unpaid time off for the partner is capped at six and a half hours for each appointment for officers and capped at the number of hours for a standard working day for authority/police staff.
- 2.4.2 You should try to arrange appointments at the beginning or end of the working day, wherever possible and let your manager know the details as soon as you can.
- 2.4.3 After you have attended the first appointment, you may be asked to provide details of any scheduled meetings, so that your manager can record the time off.

2.5 Applying for leave

- 2.5.1 If you are applying for leave, you need to complete Application for Adoption or Maternity Leave Form (089-002) and send it onto your manager to approve. This should be done within seven calendar days of being notified that you have been matched with a child (or as soon as possible). You have to send proof of the adoption with the form e.g. a letter from the adoption agency.
- 2.5.2 For an overseas adoption you have to send in your application within 28 days of receiving official notification. You should also tell us the date the child is expected to enter the UK.
- 2.5.3 If you do not give us the correct notice we may have to delay the start of your leave and pay, however, it would not be delayed beyond the date of placement.

2.6 Changing leave start date

- 2.6.1 If you want to change when your adoption leave starts you have to give at least 28 days' notice. You can do this by writing to your manager (or by email) with details of the new start date.

2.7 Maintaining contact on adoption leave

- 2.7.1 Talk to your manager and agree how much contact you would like to have during adoption leave. This lets you keep up to date with what's happening at work including job vacancies, other important developments or training events.

2.8 Notification of adoption (officers only)

- 2.8.1 You should add the details of your new child onto the Dependents tab on SCoPE as soon as it is practical to do so. Your Personal Record can be updated via the Self Service function prior to you starting adoption leave.
- 2.8.2 If it is not possible to do this prior to starting adoption leave then you need to let your manager know when the child has been placed with you, so that your Dependents tab can be updated on SCoPE.

2.9 Keeping in touch days

- 2.9.1 You can request to work up to 10 KIT days without it affecting your entitlement to adoption pay and leave.
- 2.9.2 KIT days must be mutually agreed between you and your manager and should be for a meaningful purpose such as:
- for an approved training course;
 - to attend a team meeting; or
 - carrying out work that would assist your return to work at the end of the adoption leave period.
- 2.9.3 If you work a KIT day you have to complete KIT or SPLIT Days Form (089-006) to claim payment for any hours worked. There is also the option to claim TOIL (officers must use TOIL within three months from the date they return to work). Any requests for TOIL should be submitted using SCoPE.
- 2.9.4 **Authority/police staff** will receive the hourly rate of pay for the hours actually worked (plus any entitlement to SAP, up to the equivalent of a days' pay).

2.10 Returning to work

- 2.10.1 It is important that you plan for your return to work. Your manager should be able to help you with this.
- 2.10.2 If you want to change when your adoption leave ends you have to give at least eight weeks' notice. You can do this by writing to your manager (or by email) with details of the new end date. If the correct notice is not given the return to work date may be delayed. Your manager may accept less notice where they are satisfied that it is not reasonably practicable for you to provide the required notice.
- 2.10.3 You should think about any refresher training or support you may need and talk it over with your manager.
- 2.10.4 Annual leave does not have to be taken in full prior to returning to work.

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You may want to think about using some of it to support a phased return to work.

2.11 Not returning to work

2.11.1 If you decide not to return to work you will need to give the correct notice of your resignation.

3 Manager

3.1 What you need to do:

- Take into account requests for pre-adoption appointments and make sure the team member is able to be released from duty.
- Approve requests for adoption leave.
- Discuss and agree amount of contact during adoption leave.
- Agree when accrued annual leave and public holidays will be taken.
- Consider any requests for 'keeping in touch' (KIT) days.
- Arrange refresher training.
- Read the 'Managers To Do List' which tells you everything that you need to know (and do):
 - When notified of an adoption
 - During adoption leave
 - Before the team member returns to work

3.2 Pre-adoption appointments

- 3.2.1 Encourage the team member to arrange appointments at the beginning or end of the working day, where possible.
- 3.2.2 You need to take into account requests and make sure the team member can be released from duty to attend pre-adoption appointments.
- 3.2.3 You should record any time off on SCoPE in the duty roster.

3.3 Application form

- 3.3.1 When you receive Application for Adoption or Maternity Leave Form (089-002), make sure the form has been completed correctly.
- 3.3.2 After approving the adoption leave period you should forward the completed form and proof of the adoption to People Direct as soon as possible.

3.4 Change of leave start date

- 3.4.1 The team member has to give you at least 28 days' notice if they wish to change when their adoption leave is to start. You can accept less notice if you believe it was not practical for the team member to provide the required

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notice. The start date must not be postponed beyond the date of placement. You have to forward any requests to change the leave start date on to People Direct.

3.5 Agree adoption leave contact

- 3.5.1 Before the team member starts their adoption leave you should discuss and agree how much contact they want during the adoption leave period. Leave Contact Form (089-010) should be used to record what you have agreed.
- 3.5.2 You should also agree which form(s) of contact would be best e.g. phone, email, letter, a visit to the workplace, or other ways.
- 3.5.3 Keep the team member up to date with what's happening at work including job vacancies, other important developments or training events which could be included as part of 'keeping in touch' (KIT) days.

3.6 Notification of adoption (officers only)

- 3.6.1 If the team member was unable to update their Dependents tab on SCoPE prior to their adoption leave starting, you would need to notify the SCoPE National Employee Moves (SNEM) Team of the adoption so that the Dependents tab can be updated. This can be done by [email](#).

3.7 Annual leave and public holidays

- 3.7.1 Annual leave entitlement for the current leave year should normally be taken before the start of the adoption leave period.
- 3.7.2 Annual leave and public holidays will continue to accrue through the full adoption leave period and can be taken when the team member returns to work or after their adoption leave has ended.

3.8 KIT days

- 3.8.1 The team member can request to work up to 10 KIT days without losing their entitlement to adoption pay and leave.
- 3.8.2 If you agree to a KIT day it should be for a meaningful purpose such as
 - for an approved training course;
 - to attend a team meeting; or
 - carrying out work that would help the team member's return to work.

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- 3.8.3 Requests should not be unreasonably refused as they can be of great benefit to both the team member and the organisation. If you do not agree to a KIT day request you must explain the reason for this to the team member.
- 3.8.4 KIT days should be added to the team member's duty roster on SCoPE and must be updated if there are any changes to the date requested.
- 3.8.5 You should approve and forward KIT or SPLIT Days Form (089-006) to People Direct to arrange payment, for any hours worked.
- 3.8.6 The team member also has the option to claim TOIL for any hours worked. They would have to submit the claim for TOIL using SCoPE for you to approve.

3.9 Returning to work

- 3.9.1 The team member has the right to return to the same role if the total leave taken is less than 26 weeks. In exceptional circumstances where this is not possible you should consult with senior management and People Direct to review the available options, before discussing it with the team member
- 3.9.2 If the team member wishes to return before the end of their requested leave period they have to give you at least eight weeks' notice before their chosen return date. You have to forward any requests to change the return to work date on to People Direct.
- 3.9.3 If the correct notice is not given the return to work date may be delayed. You may accept less notice if you are satisfied that it is not reasonably practicable for the team member to provide the required notice.
- 3.9.4 You should arrange a meeting with the team member to discuss any support they may need. This could include refresher training or new Officer Safety Training (OST) or Personal Protective Equipment (PPE) Training, if required. Discuss any changes to working procedures and provide any relevant updates that they should be aware of.
- 3.9.5 Schedule further one-to-ones to make sure they receive any required support in the early weeks after returning to work.

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4 Resources

Forms

- Application for Adoption or Maternity Leave Form (089-002)
- Claim for Attendance at Court Form (089-008)
- KIT or SPLIT Days Form (089-006)
- Leave Contact Form (089-009)

Reference Documents

- Additional Adoption Rights
- Further Information and Support
- Managers To Do List
- Team Members To Do List

Related Procedures

- Adoption/Maternity Support Leave
- Allowances and Expenses (Officers)
- Shared Parental Leave
- Special Leave
- Surrogacy

Useful Links

- Fathers Network
- GOV.UK



Additional Adoption Rights

Terms and conditions protection

You are protected from suffering a detriment or unfavourable treatment when pregnant or when on adoption, maternity, parental or shared parental leave. All terms and conditions, with the exception of salary, will apply throughout the whole period of adoption leave. There is also an entitlement to pay rises and any improvements to terms and conditions.

Annual leave and public holidays

Annual leave will continue to accrue during the full period of adoption leave and can be used before or after the adoption leave period. There is also entitlement to a day in lieu for any public holidays that fall within the leave period.

Keeping in touch days

Up to 10 days can be worked during the adoption period without it affecting any entitlement to pay. These days are called 'keeping in touch' (KIT) days and are optional - both the team member and organisation need to agree to them. KIT days cannot be taken during the compulsory adoption leave period (2 weeks following the placement). If less than a full day is worked it will still count as 1 of the 10 KIT days used.

Returning to work

You have the right to return to your role if you take only 26 weeks of adoption leave. If you take more leave you have the right to return to your role or a similar role (if it's not possible to give you your old role). Similar means the job has the same or better terms and conditions.

Death of a child or child returned to adoption agency

In the unfortunate circumstances that a child dies or is returned to the adoption agency after the leave has started, the entitlement to adoption leave (and pay) will continue for up to a further eight weeks following the week that the event occurs. Where the end date of the adoption leave period occurs within the eight week period then the adoption period will end on the earlier date.



Further Information and Support

Tax-free childcare

Tax-Free Childcare is a new government initiative that was rolled out in April 2017 to replace the Childcare Voucher Scheme. For eligible parents Tax-Free Childcare offers to cover 20% of childcare costs, up to £2000 per child per year, for children up to the age of 12. If your child is disabled you may get up to £4000 a year for children up to the age of 17. Further information is available at www.gov.uk.

Court attendance

If you are cited to attend court you must do so unless a doctor certifies you unfit to attend. You will receive payment or TOIL equivalent to a full working day irrespective of the number of hours you spend at court. Claim for Attendance at Court Form (089-008) should be used to claim payment. If you are in receipt of Statutory Adoption Pay (SAP) and are required to attend court it could be more beneficial to claim TOIL. You will lose entitlement to one week's SAP if you claim payment for any day or part of a week that you have attended court.

Pension contributions

No pension contributions will be made during periods of unpaid adoption leave except for KIT days worked. You have to make arrangements if you want to make back payments and this must be done within the following timescales:

- officers – within 3 months of returning to work
- authority/police Staff – within 30 days of returning to work

For further information please refer to the relevant pension scheme.

Subscriptions

Before you go on leave you should consider any contributions that are taken direct from your salary. It is up to you cancel subscriptions or make alternative arrangements if the funds are not going to be available to cover the cost e.g. during a period of unpaid adoption leave.

Useful Contacts

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Childcare and Parenting	www.gov.uk
Employee Assistance Programme	EAP
Health and Wellbeing Team	[REDACTED]
HM Revenue and Customs (Child Benefit)	0300 200 3100
People Direct	[REDACTED]
Scottish Family Information Service	www.scottishfamilies.gov.uk
Scottish Police Federation	www.spf.org.uk
Scottish Women's Development Forum	[REDACTED]
Unison	www.unison.org.uk
Unite	www.unitetheunion.org
Working Families	www.workingfamilies.org.uk



Appendix C

Managers To Do List

When informed of adoption

- Signpost team member to the Adoption procedure and make sure the guidance is followed when relevant.
- Ask the team member what support, if any, they require from you.
- Consider requests for pre-adoption appointments and make sure team member is able to be released from duty.
- Record any time off on SCoPE under the appropriate headings.

Before team member starts adoption leave

- Make sure team member completes Application for Adoption or Maternity Leave Form (089-002) correctly and forward to People Direct within seven days. Proof of the adoption should be sent in at the same time.
- Discuss and agree the frequency of contact throughout adoption leave. Leave Contact Form (089-010) should be used to record what you have agreed.
- Discuss when any accrued annual leave will be used.
- Remind the team member to update their Dependents tab on SCoPE as soon as they have details of the placement.

Team member on adoption leave

- If the team member was unable to update their Dependents tab on SCoPE before starting their leave you will need to notify the SCoPE National Employee Moves (SNEM) Team of the adoption (for officers only), so that the Dependents tab can be updated.
- Keep up agreed contact and provide updates as required including training or job opportunities.
- Consider any requests for KIT days, if appropriate.
- Authorise any relevant forms, if appropriate, and forward to [People Direct](#) to make sure correct payments are made.
- Manage any annual leave requests and public holiday entitlement by talking it over with team member.

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- Discuss whether any refresher training is required to support return to work.

Team member returning to work

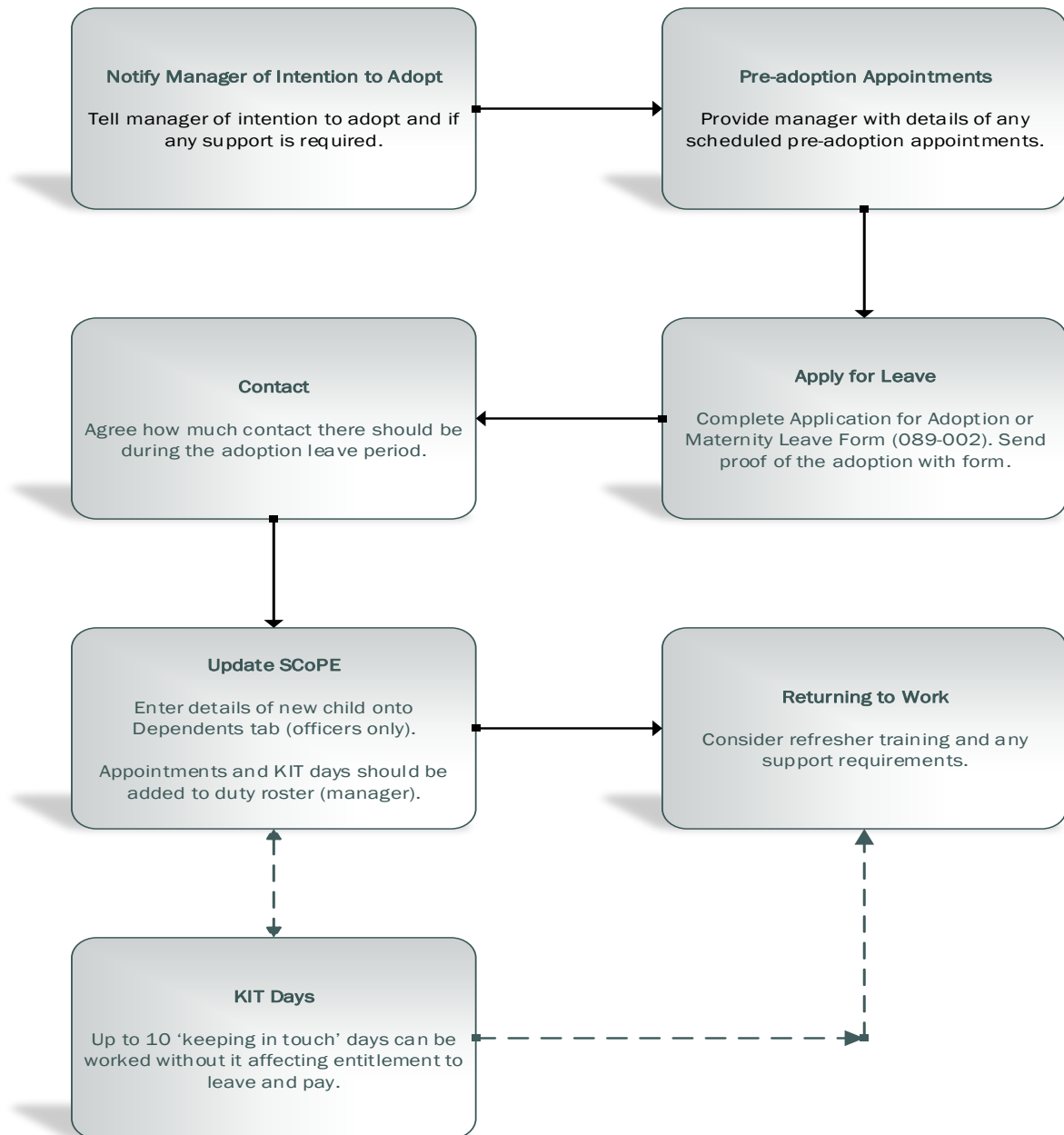
- Consider any requests for flexible working, if applicable.
- Arrange refresher training as appropriate.
- Arrange new PPE or OST training as required.
- Discuss any changes to working procedures and provide any relevant updates that team member should be aware of.
- Arrange one to ones to make sure the team member receives any required support in the early weeks after returning to work.

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Appendix D

Process Map





Appendix E

Team Members To Do List

Before adoption leave

- Tell your manager about your intention to adopt.
- Give your manager notice of pre-adoption appointments.
- Attend pre-adoption appointments.
- Submit Application for Adoption or Maternity Leave Form (089-002) to manager within seven calendar days of being notified that you have been matched with a child. You have to send proof of the adoption with the form e.g. a letter from the adoption agency.
- Talk to your manager and agree how much contact you would like to have throughout adoption leave.
- Consider when you would like to use any accrued annual leave.
- Update the Dependents tab on SCoPE as soon as it is practical to do so (officers only).

During adoption leave

- Let your manager know when the child has been placed with you, if you were not able to update the Dependents tab on SCoPE before starting your adoption leave (officers only).
- Keep up agreed contact with manager.
- Think about whether you want to take a 'keeping in touch' (KIT) day and if appropriate discuss with your manager.
- Submit KIT or SPLIT Days Form (089-006) so that the correct payments are made, if appropriate.
- Attend court if cited.
- Submit Claim for Attendance at Court Form (089-008) if attendance at court is required.
- Consider flexible working, childcare provisions etc.

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- Tell your manager of any refresher training that you may require or any other support you may need.
- Write (or email) your manager if you wish to return prior to the end of full adoption leave or change the date of return.
- Consider when you would like to use any accrued annual leave and discuss this with your manager.

On return to work after adoption leave

- Meet with your manager and discuss refresher training and any other support you may need.
- Consider whether you want to make back payments for pension contributions for any period of unpaid adoption leave, if applicable.
- Request to take any outstanding annual leave.