

ADVISORY NOTE

ADOPTION LEAVE

The HR Services Team and the Employment and Payroll Services Team must be fully conversant with all aspects of Perth & Kinross Council's policy and procedures before conducting adoption briefings and must adhere to the following guidelines:

1. Employees to inform HR Services/Line Manager that they have been matched with a child for adoption/will require adoption leave.
2. Adoption Guidelines and Application Form issued to employees by EPST. Employee informed that adoption briefing is available from EPST upon request.
3. If adoption briefing is required, HR Services should arrange time, date and venue with an appropriate degree of privacy, for confidential discussion.
4. Following receipt of the application for adoption leave and Matching Certificate from the adoption agency, EPST will issue Standard Letter A (found in [Appendix A](#)).
5. Where entitled to 52 weeks' Adoption Leave, the employee should be contacted at the end of the Ordinary Adoption Leave period using Standard Letter B (found in [Appendix B](#)).
6. If the employee gives notice of their intention to return to work before the end of their full leave entitlement, EPST should be informed immediately.
7. EPST to ensure that all correspondence relating to adoption leave is kept in the employee's personal file.

Adoption Briefings

HR Services/Line Manager should use the adoption briefing checklist enclosed in [Appendix C](#) to assist them in the administration of Adoption Leave for employees.

Although line managers will not necessarily conduct adoption briefings, it is important to stress to employees that they keep their line manager informed of when they intend to commence adoption leave, when they intend to return (if they intend to return before the end of their full leave entitlement) and to liaise with their line manager in relation to taking accrued leave.

Employee may request that the 20 weeks at half pay be held in a suspense account pending their return from adoption leave. If they fail to return to work for at least three months, this sum or a proportion thereof will be retained by the Council.

Fixed Term Contracts

Care must be taken when providing advice to employees who are on a fixed term contract. If the employee meets the criteria under the Guide to Adoption Provisions, they are eligible for adoption leave. Entitlement to paid leave will be dependent upon service.

KIT days

KIT days have been designed to help ease employees' eventual return to work from adoption leave and make it easier for them to keep in touch with their employer during this period. They provide employees with the option to work up to 10 days during their adoption leave without bringing their leave to an end or affecting their adoption pay.

Should an employee work beyond the 10 days, they will lose their Statutory Adoption Pay (SAP) for any week in which they undertake any further work.

KIT days can only be arranged by mutual agreement between the line manager and the employee. KIT days may be worked before or after the matching process is complete. An employee's adoption leave will not be extended due to the fact that the employee has carried out some work during this period. There is nothing preventing an employee and line manager agreeing that the employee may work from home on any of their KIT days. However, they may find it useful to attend team and service briefings.

KIT days do not need to be consecutive. Whether an employee only works a few hours or a whole day, it will still be counted as one day for "KIT" purposes. For example, it cannot be agreed that the employee will work 20 half days. Employees will only be paid for the hours actually worked.

Depending on the stage the employee has reached during the adoption leave while taking a KIT day, will determine what they are entitled to:

□ Full Pay

If an employee attends for work on a KIT day during the full pay period, the employee would receive Time off in Lieu for any hours worked on their return to work following maternity/adoption leave.

□ Half Pay Period

If an employee attends for work on a KIT day during the half pay period, the employee is paid full pay, less any Occupational Adoption Pay (OAP) and SAP due for the same period. As an alternative, the employee also has the option to take Time off in Lieu for hours worked on their return to work following adoption leave.

□ Statutory Adoption Pay Period (13 Weeks' Additional)

If an employee attends work for a KIT day during the SAP period, the employee will be paid full pay, less any SAP due for the same period. As an alternative, the employee also has the option to take Time off in Lieu for hours worked on their return to work following adoption leave.

□ No Pay Period

If an employee attends work on a KIT day during the unpaid period, they are paid the equivalent of their normal rate of pay for the hours worked, to a maximum of a day's pay. As

an alternative, the employee also has the option to take Time off in Lieu on their return to work following adoption leave.

> Effect on Pension

KIT days are pensionable.

> Expenses

The Council will not reimburse the costs of any expenses, eg. childcare, during KIT days.

Monitoring of KIT Days

Line managers are responsible for recording KIT days. Line managers should complete the form attached as [Appendix D](#) on every occasion KIT days are agreed once all KIT days are completed, managers can upload this directly into their employee's personal file on MyView. If the line manager does not have access then the form should be sent direct to EPST

Where employees are being paid for KIT days, line managers should also complete the form attached as [Appendix E](#) and forward to EPST.

Monitoring of KIT days should be undertaken by line managers to ensure that the appropriate payment/TOIL is given to employees on KIT days and that no employee undertakes more than 10 KIT days.

Employees undertaking KIT days may accrue TOIL, as per the Corporate TOIL Scheme. However, TOIL must be taken within 3 months upon return. The maximum level of TOIL for KIT purposes is 72 hours.

Reasonable Contact

The Council has the right to make reasonable contact with the employee during adoption leave. Managers are therefore encouraged to maintain reasonable contact with the employee. Such contact could involve talking about return to work plans or updating staff about what has been happening in the workplace.

In addition the /line managers should forward copies of any newsletters etc. and notify the employee of any significant changes that may impact on their return. Examples of significant changes would include organisational changes within the Service, changes in the team/section and changes to working practices.

Salary Payments

Employees who qualify for pay during Additional Adoption Leave and who intend to return to work may elect to receive payment of 50% salary during adoption leave for up to 20 weeks or suspend payment until their return.

Should the employee elect to receive payment of 50% salary during their adoption leave and subsequently decide not to return or they return for less than 3 months, they will be required to refund to the Council a proportion of the amount of half pay paid to them for the 20 week

period. The proportion will be determined with reference to the percentage of the period worked in the three-month period.

Parental Leave

Parental Leave may be linked onto the end of adoption leave following the end of the employee's unpaid Additional Adoption Leave. If the employee has received payment of 50% salary during their adoption leave they are not required to pay this amount back prior to the commencement of their Parental Leave. The 3-month period is however tagged onto the end of their Parental Leave.

Career Breaks

Career breaks may be linked onto the end of a period of adoption leave. However, employees who choose to take a career break following the end of their unpaid Additional Adoption Leave and have received payment of 50% of their salary during this period will be required to return to work for the 3-month period prior to the commencement of the career break or refund the Council, as detailed above under salary payments.

Pension

Please note that Local Government Pension Scheme payments will not be made if you are on a period of authorised unpaid leave. If you are in the 50/50 section of the LGPS and you go onto authorised unpaid leave, you will be placed in the main section of the LGPS from the beginning of the next pay period.

If your authorised unpaid leave lasts less than 31 days, your member contributions will be deducted as normal from your salary in that calendar month and the relevant employer's contributions will be paid. There is no need for you to complete any paperwork.

If your authorised unpaid leave lasts more than 30 days, you have the option to buy back any lost pension when you return to work. You should complete an [Additional Pension Contribution Form](#) which is available on our [Retirement and Pensions page](#) on the Council's website and submit it to payrollandreward@pkc.gov.uk in order to obtain a written statement showing the total amount of lost pensionable pay during your period of absence. If you complete this process within 30 calendar days of your 'return to work' date, Perth & Kinross Council will contribute to the cost of missed pension contributions, with the split being 1/3rd employee, 2/3rds employer. Your 'return to work' date for this purpose is the first working day after the period of unpaid leave so it is important that you act early to benefit from the cost sharing provision. To start this process, please read the [guidance notes](#) and send the completed Application to the Payroll & Reward Team.

It is possible to complete this process outwith the 30-calendar day period, however no contribution will be made by Perth & Kinross Council, resulting in you being liable for the full amount.

STANDARD LETTER A – ON RECEIPT OF APPLICATION FOR ADOPTION LEAVE

Congratulations and thank you for informing me that you will be adopting a child. I am writing to confirm the arrangements for your adoption leave and pay.

As you have discussed with a member of the Employment and Payroll Service, you are eligible for

- a) 26 weeks' Ordinary Adoption

OR

- b) 52 weeks' adoption leave (26 weeks' Ordinary Adoption Leave plus 26 weeks' Additional Adoption Leave)

You have told me you would like to begin your adoption leave on * (*insert date*).

If you would like to change this date, can you please notify the EPST of your new intended start date as soon as it is reasonably practical, ideally within 28 days of your intended start date.

You have also told me that you intend to return to work and I will therefore expect you to return at the end of your full entitlement. Given your chosen start date, this will be * (*insert date*).

If you wish to come back to work before this date, you must notify the EPST two months before your new intended return date or, as soon as reasonably practical. If you do not provide this notice, your return date may have to be postponed by up to two months.

As discussed with a member of the EPST, you are **(select appropriate paragraph from options a-e)**

(Use for all employees with less than 26 weeks' qualifying service)

- a) Eligible for 26 weeks' unpaid leave. You will be given form SAP1 which explains why you do not qualify for Statutory Adoption Pay.

OR

(Use only for employees with at least 26 weeks' qualifying service who resign and complete Option 2 on the Application Form for Adoption Leave and/or Pay)

- b) eligible for 39 weeks' paid leave consisting of Statutory and Occupational Adoption Pay comprising 6 weeks at full pay followed by Statutory Adoption Pay, comprising 33 weeks at £148.68 (as at April 2019 – subject to annual increase every April), or 90% of your average earnings if this is less. The remaining period of your Adoption Leave will be unpaid.

OR

(Use only for employees with at least 26 weeks' qualifying service who intend to return to work)

- c) eligible for 52 weeks' adoption leave. This is broken down into 26 weeks' Ordinary Adoption Leave comprising 6 weeks at full pay, followed by 20 weeks at both half pay and Statutory Adoption Pay at £148.68 (as at April 2019 – subject to annual increase every April), or 90% of your average earnings if this is less.

Additional Adoption Leave is also for 26 weeks' comprising Statutory Adoption Pay for a further 13 weeks. The remaining period of your Additional Adoption Leave is unpaid.

If you do not return to work and remain at work for at least three months, you will be required to refund to the Council a proportion of the amount of half pay paid to you for the 20 week period. The proportion will be determined by reference to the percentage of the period worked during the three month period.

OR

NB – For those who have been continuously employed by any local authority since 30 June 1999 – at least one year's reckonable service by the week in which they are notified of being matched with a child but who are excluded from SAP (e.g. less than 26 weeks' qualifying service with Council), and who resign and complete Option 2 on the Application Form for Adoption Leave and/or Pay)

- d) Eligible for Occupational Adoption Pay comprising 6 weeks at full pay. The remaining period of your Adoption Leave will be unpaid. You will be given form SAP1 which explains why you do not qualify for Statutory Adoption Pay.

OR

NB – For those who have been continuously employed by any local authority since 30 June 1999 – at least one year's reckonable service by the week in which they are notified of being matched with a child but who are excluded from SAP (e.g. less than 26 weeks' qualifying service with Council), and who intend to return to work.

- e) Eligible for Occupational Adoption Pay comprising 6 weeks at full pay. You will be given form SAP1 which explains why you do not qualify for Statutory Adoption Pay.

In addition, if you intend to return to work after adoption leave, you will also receive payment equivalent to half pay, payable from week 7 for 20 weeks, i.e. until the end of the 26th week.

If you do not return to work and remain at work for at least three months, you will be required to refund to the Council a proportion of the amount of half pay paid to you for the 20 week period. The proportion will be determined by reference to the percentage of the period worked during the three month period.

It would be helpful if you could advise me of the date of birth of your adopted child for record purposes. Please note however that your latest return date is calculated based on the date you commence your adoption leave and not your child's date of birth.

(For fixed term employees whose contract expires before their entitlement to adoption leave is exhausted - insert appropriate paragraph)

- a) You are entitled to a further period of unpaid leave which can extend until the termination of your fixed term contract on * *(insert date)*. You will be kept informed of any developments relating to the temporary nature of your position.

OR

- b) I can also confirm that, as you have chosen not to return to work following your adoption leave, your last day as a paid employee will be * *(insert date)*. You will be kept informed of any developments relating to the temporary nature of your position.

You can work up to 10 days during your adoption leave without bringing your leave to an end or affecting your adoption pay. These Keeping in Touch (KIT) Days can only be arranged by mutual agreement between you and your line manager. The payment you receive for a KIT day will be determined by the stage you have reached during your adoption leave.

The Council has the right to make reasonable contact with you during your adoption leave. You are therefore encouraged to maintain reasonable contact with your line manager.

If you have any queries or require any further advice or information, please contact * *(insert name)*.

Yours sincerely

Executive Director of *

The Employment and Payroll Services Team

STANDARD LETTER B – ISSUE AT END OF 26 WEEKS' ORDINARY ADOPTION LEAVE

Dear *

Adoption Leave

I am writing to remind you that your adoption leave will expire on * and that you are expected to return to work on (*insert date – refer to Standard Letter A*). May I also take this opportunity to remind you that, should you wish to return before the end of your full leave entitlement, you should notify the Employment Services Team (EPST) ideally two months in advance of your intended return to work date.

No Local Government Pension Scheme payments are made during unpaid adoption leave. If you wish to repay any missed contributions when you return to work, you must complete the enclosed Pension Contribution Form and return it to the Employment and Payroll Services Team for the necessary arrangements to be made.

If you have any queries or require any further information, please contact *.

Yours sincerely

Executive Director of *

cc The Employment and Payroll Services Team

ADOPTION BRIEFING NOTES - CHECKLIST

Name	
Designation	
Division/Section	
Hours of Work	
Length of Service	
Matching certificate received and issued to Finance	Yes/ No
Application for Adoption Leave/Pay Form received	Yes/ No
Advised Line Manager	
Expected week of Placement	Due date –
Earliest Date Adoption Leave can begin	
Preferred date of commencement of Adoption Leave SAP will be triggered on	
Last Working Day	
Adoption Pay: 6 weeks @ 100% of salary 20 weeks @ 50% of salary Plus (£148.68 per week as at April 2019) 13 weeks SAP only	Paid up to:
20 weeks of 5/10 th pay held in a suspense account until return to work.	Yes/ No
Earliest Return Date	
Return date after additional 13 weeks' SAP	
Latest Return Date (maximum 52 wks total)	
Advised on Local Government Pension Scheme Payments	Yes/ No
Pension Contribution Form issued	Yes/ No
Salary Sacrifice Arrangements	
Annual Leave Entitlement Accrued Leave for paid period (can be taken prior to commencement of adoption leave) Accrued Leave for additional leave period	

<p>Authorised Public Holiday Entitlement (In paid period of MAT leave) Can only be taken upon return to work</p>	
<p>Reasonable Contact:</p> <p>Advise on Staff Vacancy Lists and any Newsletters to be issued.</p>	Yes/ No
<p>Keeping in Touch Days:</p> <p>Advise on options for KIT days Advise on what is paid during KIT days</p>	
<p>Health & Safety</p>	
<p>Return to Work</p> <p>Flexible Working options Discussed</p>	<p>Yes/ No</p> <p>Yes/ No</p>

<p>STANDARD LETTER A – ISSUED</p> <p>(On receipt of application for Adoption Leave/Pay)</p>	
<p>STANDARD LETTER B – issued (28 days prior) (issue at end of 26 weeks OML)</p>	<p>Date of end of OML – (Diary date to issue letter)</p> <p>Date issued -</p>
<p>Any other comments</p>	

PERTH & KINROSS COUNCIL

RECORD OF KEEPING IN TOUCH DAYS FORM

The form should be completed by the line manager of the employee on maternity or adoption leave and forwarded to the Employment and Payroll Services Team (EPST) to retain in the employee's personal file. The form should be completed on every occasion a KIT day is requested.

Employee Name:Employee Number:

Service Employee Base.....

KIT Days

Please detail each KIT day taken. A single KIT day is any day where work-related activity is undertaken for a period up to the employee's normal hours of work. A maximum of 10 KIT days can be taken during the maternity/adoption leave period.

	Date of KIT day	Status of Maternity / Adoption Pay	Hours Worked	TOIL Taken	Paid	Date EPST Notified Hours to be worked
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
	TOTAL					

I confirm that:

- The above KIT days have been mutually agreed by the line manager and employee;
- The KIT days do not occur within the 2 weeks following childbirth for maternity leave; and
- The total number of KIT days taken by this employee does not exceed 10 days.

Line Manager's Name:

Signature: Date

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PAYMENT OF KEEPING IN TOUCH DAYS

Employee Name:Employee Number:

Service..... Employee Base

Claim for Month Ended.....

Date of Kit Day	Status of Maternity / Adoption Pay * Delete as necessary	Hours Worked
	Full / Half / SMP / SAP / No Pay	
TOTAL for month		

I confirm that:

- The above KIT days have been mutually agreed by the employee and their line manager;
- The KIT days do not occur within the 2 weeks following childbirth for maternity leave; and
- The total number of KIT days taken by this member of staff does not exceed 10 days.

Line manager's name:

Signature:

Designation Date:

Authorised Signatory:

Print name: Date

ADDITIONAL PENSION CONTRIBUTION FORM

You should complete this form if you are returning/have returned from a period of authorised unpaid leave and wish to buy back any lost pension contributions.

Name	
Job Title	
Service	
Employee Number	
Start Date	
Type of Leave	

Please supply me with a written statement showing the value of lost pensionable pay during my period of absence.

If your authorised unpaid leave lasts less than 31 days, your member contributions will be deducted as normal from your salary in that calendar month and the relevant employer's contributions will be paid. There is no need for you to complete any paperwork.

If your authorised unpaid leave lasts more than 30 days, you have the option to buy back any lost pension when you return to work.

I understand that I must complete an [Application for a Lost Pension APC](#) which is available on www.scotlgpsmember.org and then submit this to payrollandreward@pkc.gov.uk within 30 days of my return to work in order for the Council to pay $\frac{2}{3}$ of the cost. If I submit an [Application](#) after 30 days of my return to work, I understand that I will be liable for the full amount.

Signature

Date

Please email this form to payrollandreward@pkc.gov.uk.

Process for buying back lost Pension

I am returning/have returned from a period of authorised unpaid leave and wish to buy back my lost pension. What do I do?

If your authorised unpaid leave lasts less than 31 days, your member contributions will be deducted as normal from your salary in that calendar month and the relevant employer's contributions will be paid. There is no need for you to complete any paperwork.

If your authorised unpaid leave lasts more than 30 days, you have the option to buy back any lost pension when you return to work.

Complete an [Additional Pension Contribution Form](#) which is available on our [Retirement and Pensions page](#) on the Council's website and submit it to payrollandreward@pkc.gov.uk in order to obtain a written statement showing the total amount of lost pensionable pay during your period of absence.

You will receive a letter from the Payroll & Reward Team which will detail your lost pensionable pay and explain the next steps on how to obtain an [Application](#) by accessing www.scotlgpsmember.org. Payroll & Reward will also confirm which section of the scheme you are in (main scheme or 50/50).

Complete your Application and submit it to Payroll & Reward Team who will then process your request.

If you choose to pay by regular additional contributions or by a one-off lump sum deduction from pay, PKC will deduct the additional pension contributions from your pay from the next available pay period. Employment & Payroll Services will also forward your Application to the Tayside Pension Fund.

Please note that, if you submit your Application to Payroll & Reward within 30 days after the date you return to work, PKC will contribute $\frac{2}{3}$ towards the cost of the lost pension. It is possible to complete this process outwith the 30-calendar day period, however no contribution will be made by Perth & Kinross Council, resulting in you being liable for the full amount.