

Adoption Leave and Pay Policy

Committee Personnel

Date of meeting 25 April 2025

Date of report 2 April 2025

Report by Director of Finance & Corporate Support

1. Object of report

To request the committee approve the revised Adoption Leave and Pay Policy, which has already been through formal consultation with the recognised Trade Unions.

2. Background to report

- 2.1 The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024 came into force in Scotland, England and Wales on 6 April 2024.
- 2.2 SPT's Adoption Leave and Pay Policy complies with the revised Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024.
- 2.3 SPT's recognised Trades Unions have been consulted on the new Adoption Leave and Pay Policy and Guidance prior to implementation.

3. Outline of proposals

- 3.1 The Adoption Leave and Pay Policy confirms that it applies to all employees of Strathclyde Partnership for Transport who intend to adopt a child, provided they meet the specific conditions as set out in Section 2.
- 3.2 The Adoption Leave Policy does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.
- 3.3 The policy has been updated to reflect the increased redundancy protection for those employees who intend to adopt a child. Protection now begins whilst employees are in the process of adopting, during adoption leave, or in the 18 months following the expected date of placement.
- 3.4 The policy confirms that any holiday entitlement for the year that is not taken before starting adoption leave can be carried over to the next holiday year but must be taken immediately before returning to work or within three months of returning to work.

3.5 A summary of the recommended changes is attached at Appendix 1 with the full revised Adoption Leave and Pay Policy attached at Appendix 2.

4. Committee action

The committee is recommended to approve the attached Adoption Leave and Pay Policy, which has already been through formal consultation with the recognised Trade Unions.

5. Consequences

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| Policy consequences | <i>The revised Maternity Leave and Pay Policy and Guidance documents to be implemented to ensure SPT complies with the Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024.</i> |
| Legal consequences | <i>Adoption Leave and Pay Policy and Guidance comply with legislation.</i> |
| Financial consequences | <i>None.</i> |
| Personnel consequences | <i>HR to ensure the changes are communicated to all SPT employees.</i> |
| Equalities consequences | <i>None envisaged.</i> |
| Risk consequences | <i>Not introducing revised Adoption Leave and Pay Policy and Guidance may result in non-compliance with the Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024.</i> |
| Climate Change, Adaptation & Carbon Consequences | <i>None directly.</i> |

Name Lesley Aird

Title **Director of Finance & Corporate Support**

Name Valerie Davidson

Title **Chief Executive**

For further information, please contact *Lesley Aird, Director of Finance & Corporate Support*, on 0141-333 3380 or *Janice Morgan, Head of HR*, on 0141-333 3414.

APPENDIX 1

Summary of Changes to Adoption Leave and Pay Policy

| Current Section No. | New Section No. | Contents | Reason for Changes | Revised/Key features |
|---------------------|-----------------|-------------------------------------|--------------------|---|
| 1. | | Introduction | | |
| | | | Update / review | <p>Line 2 insert “The purpose of this policy is to outline the statutory rights and responsibilities of employees who intend to adopt a child and sets out the arrangements for adoption leave.”</p> <p>“This policy complies with relevant legislation.”</p> <p>Becomes new paragraph 2 Insert “This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time.”</p> <p>Para 2 “This Scheme applies to all employees of Strathclyde Partnership for Transport provided they meet the eligibility criteria” deleted as covered in newly inserted Point 2 “Who does this policy apply to?”</p> <p>Para 3, line 3 after “afterwards” insert “provided they comply with the notification requirements set out in Paragraph 3.”</p> <p>Para 6, updated Intranet Guidance link.</p> |
| 2. | 6. | SPT’s Adoption Leave and Pay Scheme | | |
| | | | Renumbered to 6 | Point 2 in entirety moved to Point 6 |
| 3. | 14. | Reckonable Service | | |

| Current Section No. | New Section No. | Contents | Reason for Changes | Revised/Key features |
|---------------------|-----------------|---------------------------------------|--------------------|---|
| | | | Renumbered to 14 | Point 3 in entirety moved to Point 14 |
| 4. | 4. | Time Off for Meetings | | |
| | | | Update/Review | Point 4 remains point 4 due to insertions / deletions. Insert "Once an employee has informed the Human Resources Department that they intend to adopt a child," before beginning of para "Employees" which changes to "employees" |
| | 2 | Who does this policy apply to? | | |

| Current Section No. | New Section No. | Contents | Reason for Changes | Revised/Key features |
|---------------------|-----------------|---------------------|-------------------------------|---|
| | | | New Point inserted | <p>Who does this policy apply to?</p> <p>This Scheme applies to all employees of Strathclyde Partnership for Transport, who intend to adopt a child, provided they meet the eligibility criteria. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.</p> <p>You are entitled to adoption leave if all of the following conditions are met:-</p> <ul style="list-style-type: none"> (a) You are adopting a child through a UK adoption agency, or you are a local authority foster parent who has been approved as a prospective adopter; (b) The adoption agency or local authority has given you written notice that it has matched you with a child, and tells you the expected placement date; and (c) You have told the agency or local authority that you agree to the placement. |
| 5 | 3 | Notification | | |
| | | | Renumbered to 3/Update/Review | <p>Insert Line 6 after 'evidence' "(including the matching certificate)"</p> <p>Insert Line 7 after 'adoption agency "or local authority"</p> <p>Insert new para after Line 7 "We will write to you within 28 days of receiving your notification, to confirm your expected return date, assuming you take your full entitlement to adoption leave."</p> |

| Current Section No. | New Section No. | Contents | Reason for Changes | Revised/Key features |
|---------------------|-----------------|------------------------------|--------------------|--|
| 6. | 5. | Timing of Adoption Leave | | |
| | | | Renumbered to 5 | Text remains the same, no changes |
| 7 | 7 | Rights during Adoption Leave | | |
| | | | Update/Review | <p>'Rights' deleted and "Terms and Conditions" inserted</p> <p>The rest of the text in this point remains the same.</p> |
| | 8. | Annual Leave | | |
| | | | Update/Review | <p>Insert "During ordinary adoption leave and additional adoption leave, holiday entitlement will accrue at the rate provided under your contract.</p> <p>Our holiday year runs from 1st January to 31st December. Employees are encouraged to take any outstanding holiday due to them before the commencement of adoption leave. You should discuss your holiday plans with your line manager in good time before starting your adoption leave. All holiday dates are subject to approval by your line manager.</p> <p>In many cases a period of adoption leave will last beyond the end of the holiday year. Any holiday entitlement for the year that is not taken before starting your adoption leave can be carried over to the next holiday year and must be taken immediately before</p> |

| Current Section No. | New Section No. | Contents | Reason for Changes | Revised/Key features |
|---------------------|-----------------|--|--------------------------|--|
| | | | | returning to work OR within three months of returning to work. |
| | 9. | Redundancies during Adoption Leave | | |
| | | | Update/Review | Insert "If your post is affected by a redundancy situation occurring whilst you are in the process of adopting, during your leave, or in the 18 months following the Expected Date of Placement, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to redundancies." |
| 8. | 10 | Contact and Keeping in Touch Days during Adoption Leave | | |
| | | | Renumbered/Update/Review | No change to text, only renumbered. |
| 9 | 11 | Returning to work | | |
| | | | Renumbered/Update/Review | Additional para inserted after Line 6 "You are normally entitled to return to work in the position you held before starting adoption leave, on the same terms of employment. However, if you have taken AAL (or have combined your adoption leave with more than four weeks of parental leave) and it is not reasonably practicable for us to allow you to return to the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable." |

| Current Section No. | New Section No. | Contents | Reason for Changes | Revised/Key features |
|---------------------|-----------------|---------------------------------------|--------------------------|---|
| | 12. | Deciding not to return to work | | |
| | | | Update/Review | <p>Insert “If an employee does not intend to return to work, or is unsure, it is helpful if this is discussed with SPT as early as possible. If an employee decides not to return to work they should give their notice of resignation in accordance with their contract. The amount of adoption leave remaining at the time when notice is given must be least equal to the contractual notice period, otherwise the employee may be required to return to work for the remainder of the notice period.</p> <p>Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.</p> <p>This does not affect your right to receive SAP.”</p> |
| 10. | 13. | Shared Parental Leave | | |
| | | | Renumbered to 13. | No change to text, only renumbered. |
| 11. | 15. | Data Protection and UK GDPR | | |
| | | | Renumbered to 15 | No change to text, only renumbered. |
| 12. | 16. | Review and Update | | |
| | | | Renumbered/Review/Update | Line 1 delete ‘Assistant Chief Executive and HR after consultation with our recognised trade unions.’ And insert “Director of Finance & Corporate Support.” |

| Current Section No. | New Section No. | Contents | Reason for Changes | Revised/Key features |
|----------------------------|------------------------|--------------------------------------|---------------------------|--|
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| 13. | 17. | Approval (Signature and Date) | | |
| | | | Update/Review | Change from Valerie Davidson to Lesley Aird & "Assistant Chief Executive" to "Director of Finance & Corporate Support" |

APPENDIX 2

STRATHCLYDE PARTNERSHIP FOR TRANSPORT

ADOPTION LEAVE AND PAY POLICY

| Version Number | Purpose/Change | Author | Date |
|----------------|--|----------------------------------|------------|
| 0.04 | Updated to reflect current legislation and organisational changes. | Karen McGarrity, HR Advisor | 01/11/2020 |
| 0.05 | Updated to reflect changes to Data Protection legislation | Janice Morgan, Head of HR | 08/02/2021 |
| 0.06 | Updated to reflect organisational changes. | Louise Mackintosh, HR Advisor | 11/11/2024 |
| | | | |

1. Introduction

This Policy sets out Strathclyde Partnership for Transport's Scheme for Adoption Leave and Pay. The purpose of this policy is to outline the statutory rights and responsibilities of employees who intend to adopt a child and sets out the arrangements for adoption leave.

This policy complies with relevant legislation. This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time.

All employees who meet the eligibility criteria have the right to take up to 26 weeks' ordinary adoption leave and up to a further 26 weeks' additional adoption leave and to resume work afterwards provided they comply with the notification requirements set out in Paragraph 3. The employee is therefore entitled to a total period of 52 weeks' adoption leave. Additional adoption leave follows on immediately from the end of the ordinary adoption leave.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to their following the correct notification procedures.

All employees have the right not to be subjected to a detriment on the grounds of taking adoption leave, irrespective of hours of work or length of service.

Further information on adoption leave and pay can be found in SPT's Adoption Leave and Pay Guidance which is available at <https://sptcouk.sharepoint.com/sites/Intranet/SitePages/SPT-Library.aspx> or from the Human Resources Department.

2. Who does this apply to?

This Scheme applies to all employees of Strathclyde Partnership for Transport, who intend to adopt a child, provided they meet the eligibility criteria. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

You are entitled to adoption leave if all of the following conditions are met: -

- (a) You are adopting a child through a UK adoption agency, or you are a local authority foster parent who has been approved as a prospective adopter.
- (b) The adoption agency or local authority has given you written notice that it has matched you with a child, and tells you the expected placement date; and
- (c) You have told the agency or local authority that you agree to the placement.

3. Notification

The employee is required to inform the Human Resources Department in writing of their intention to take adoption leave:

- 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 employee must also provide evidence (including the matching certificate) issued by the adoption agency or local authority. Refer to SPT's Adoption Leave and Pay Guidance, Section 2. for further details.

We will write to you within 28 days of receiving your notification, to confirm your expected return date, assuming you take your full entitlement to adoption leave.

4. Time Off for Meetings

Once an employee has informed the Human Resources Department that they intend to adopt a child, employees have the right to take time off to attend meetings related to the adoption. This time off will be paid in the case of the Primary Adopter and unpaid in the case of the Joint Adopter. Refer to SPT's Adoption Leave and Pay Guidance, Section 3. for further details.

5. Timing of Adoption Leave

Ordinary adoption leave can start either:

- on the date 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.

6. Terms and Conditions during Adoption Leave

During ordinary adoption leave and additional adoption leave, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by statutory adoption pay if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid.

Employees may be required to return company mobile phones that have been allocated to them during a period of adoption leave.

7. Annual Leave

During ordinary adoption leave and additional adoption leave, holiday entitlement will accrue at the rate provided under your contract.

Our holiday year runs from 1st January to 31st December. Employees are encouraged to take any outstanding holiday due to them before the commencement of adoption leave. You should discuss your holiday plans with your line manager in good time before starting your adoption leave. All holiday dates are subject to approval by your line manager.

In many cases a period of adoption leave will last beyond the end of the holiday year. Any holiday entitlement for the year that is not taken before starting your adoption leave can be carried over to the next holiday year and must be taken immediately before returning to work OR within three months of returning to work.

8. Redundancies during Adoption Leave

If your post is affected by a redundancy situation occurring whilst you are in the process of adopting, during your leave, or in the 18 months following the Expected Date of Placement, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to redundancies.

9. Contact and Keeping in Touch Days during Adoption Leave

SPT reserves the right to maintain reasonable contact with employees during adoption leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence. Employees can agree to work for SPT, or attend training, for up to 10 days during their adoption leave. Refer to SPT's Adoption Leave and Pay Guidance, Section 5. for further details.

10. Returning to Work

The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that they give the appropriate notification. Alternatively, the employee may take their full period of adoption leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of adoption leave has elapsed, they must give at least eight weeks' notice in writing to SPT of the date on which they intend to return.

You are normally entitled to return to work in the position you held before starting adoption leave, on the same terms of employment. However, if you have taken AAL (or have combined your adoption leave with more than four weeks of parental leave) and it is not reasonably practicable for us to allow you to return to the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

11. Deciding not to return to work?

If an employee does not intend to return to work, or is unsure, it is helpful if this is discussed with SPT as early as possible. If an employee decides not to return to work, they should give their notice of resignation in accordance with their contract. The amount of adoption leave remaining at the time when notice is given must be least equal to the contractual notice period, otherwise the employee may be required to return to work for the remainder of the notice period.

Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.

This does not affect your right to receive SAP.

12. Shared Parental Leave

If an employee has returned to work or has served notice to curtail their adoption leave, their spouse, civil partner or partner may be eligible to take shared parental leave (and statutory shared parental pay) once they have returned to work. Refer to SPT's Shared Parental Leave and Pay Guidance for further details.

13. Reckonable Service

SPT complies with the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Orders with regard to reckonable service.

14. Data Protection and UK GDPR

SPT will comply with the principles for processing personal data in line with its Data Protection Policy and applicable Data Protection legislation. Any data collected from the point at which an employee informs the organisation that they are adopting will be held securely and accessed by, or disclosed to, individuals only for the purpose of managing their adoption leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with SPT's Information Security Incident reporting process immediately.

15. Review and Update

This policy will be reviewed and updated as appropriate by the Director of Finance & Corporate Support.

16. Approval (Signature and Date)

Sign: _____

Print: **Lesley Aird**

Date: _____

Designation: **Director of Finance
& Corporate Support.**