

# Scottish Negotiating Committee for Teachers

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15 February 2006

Dear Colleague

## **SNCT/43** **Adoption Leave**

The SNCT has reached agreement on Adoption Leave for teachers. The terms of this circular shall apply with effect from 1 March 2006 and are set out in Appendix 1 to this circular.

The terms of this circular shall also apply to Music Instructors, Educational Psychologists, Quality Improvement Officers and Educational Support Officers.

Yours sincerely

Lynne Dickson (Employers' Side)  
Drew Morrice (Teachers' Panel)  
Stephanie Walsh (Scottish Executive)

**Joint Secretaries**

## **ADOPTION LEAVE**

### **Application**

1. These provisions shall apply to all teachers regardless of the number of hours they work, provided the teacher is employed and meets the notification requirements set out below.
2. Where a couple jointly adopt a child, the couple must choose one person (the adopter) to take leave under the provisions of this circular. The partner may be entitled to paternity leave and where they are employed by a council may also be entitled to support leave, as set out in SNCT/44.

### **Adoption Leave Entitlement**

3. A teacher who has less than 26 weeks continuous service prior to the week in which she/he is notified of being matched with a child for adoption will be entitled to 26 weeks Ordinary Adoption Leave.
4. A teacher who has acquired 26 weeks continuous service prior to the week in which she/he is notified of being matched with a child for adoption will be entitled to 26 weeks Ordinary Adoption Leave and a further period of 26 weeks Additional Adoption Leave immediately following the period of Ordinary Adoption Leave.
5. The leave may begin:
  - a. from the date of the child's placement; or
  - b. from a fixed date up to 14 days before the expected date of placement.
6. Where more than one child is placed as part of the same adoption arrangement, only one period of leave will be granted.
7. Where the adoption placement ends, for any reason, during the adoption leave, the adopter will notify the council. The adopter will be entitled to remain absent on adoption leave for up to eight weeks after the end of the placement, except where the placement ends during additional adoption leave. In that circumstance the leave shall end at the expiry of the additional adoption leave period or eight weeks after the placement ends whichever is sooner. Notice of the intended date of return should be given in accordance with paragraph 23 below.

### **Adoption Pay Entitlement**

8. A teacher who has less than 26 weeks continuous service prior to the week in which she/he is notified of being matched with a child for adoption is entitled to Ordinary Adoption Leave without pay.
9. A teacher who has 26 weeks continuous service prior to the week in which she/he is notified of being matched with a child for adoption will be entitled to

a maximum period of 26 weeks of adoption pay from the date the adoption leave starts.

10. A teacher who returns to work for all or part of any week before the end of the Ordinary Adoption Leave period is exhausted will have the adoption pay period reduced by a week for each week in which she/he works, and will receive her/his normal salary for that week.
11. Adoption pay is comprised of the following:
  - a. for the first 13 weeks of Ordinary Adoption Leave the teacher shall receive adoption pay and Statutory Adoption Pay (SAP). Taken together these payments will be equal to the teacher's normal salary; and
  - b. provided that the teacher's average weekly earnings are not less than the lower earnings limit for National Insurance contribution liability, she/he shall also be entitled to Statutory Adoption Pay for the remaining 13-week period.

### **Accrual of Annual Leave During Adoption Leave**

12. Where a teacher gives written notice to the council that she/he does not intend to return to work at the end of her/his adoption leave period, the council will make payment to the teacher in lieu of leave accrued during the first 26 weeks of leave.
13. Where a teacher notifies the council that she/he intends to return to work following adoption leave and where the first 26 weeks of adoption leave incorporates at least four weeks of the school summer vacation or incorporates in full another school vacation of at least one week's duration, the Teacher will accrue credit of two days' special leave entitlement in respect of each complete week of the vacation period, subject to a maximum of 10 such days credit in respect of any one leave year.

### **Accrual of Personal Incremental Credit**

14. Periods of Adoption Leave count in full as credited service in the determination of placement on the Main Grade Salary Scale in accordance with the salary placement regulations (SNCT/35).

### **Pre-adoption Meetings**

15. Teachers who are adopting will be allowed to take such reasonable time off without loss of pay as is required to attend pre-adoption meetings, on production, if required by the council, of evidence of appointments.

## **Notification Requirements**

16. Adopters must inform the council in writing of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, where this is reasonably practicable.
17. Such notification must include:
  - a. the expected date of placement; and
  - b. the date on which they intend to start their adoption leave; and
  - c. a matching certificate from the adoption agency.
18. Adopters who wish to change the date on which their leave starts must give the council 28 days' written notice, where this is reasonably practicable.
19. The council will respond in writing to the adopter within 28 days, stating the latest date on which the adopter is expected to return to work.

## **Right to Return to Work**

20. A teacher has the right to return to the post in which she/he was employed under the original contract of employment and on terms and conditions not less favourable than those which would have been applicable to her/him had she/he not been absent.
21. Where it is not practicable by reason of redundancy for the council to permit the teacher to return to work in her/his post the teacher is entitled to be offered a suitable alternative vacancy where one exists.
22. Suitable alternative employment may also be offered in exceptional circumstances other than redundancy (eg a general reorganisation) which would have occurred if the teacher had not been absent, and necessitate a change in the post in which she/he was employed prior to her/his absence.
23. Adopters wishing to return to work prior to the end of the adoption leave period must give the council 28 days' notice. If the appropriate notice is not given, the council may postpone her/his return for up to 21 days or to the end of the adoption leave period if this is earlier.