

Statutory Adoption Leave/Pay

When you take time off to adopt a child or have a child through a surrogacy arrangement you might be eligible for:

- Statutory Adoption Leave
- Statutory Adoption Pay

Your employment rights when on leave

Your employment rights are protected while on Statutory Adoption Leave. This includes your right to:

- pay rises
- build up (accrue) holiday
- return to work

Leave

Statutory Adoption Leave is 52 weeks. It's made up of:

- 26 weeks of Ordinary Adoption Leave
- 26 weeks of Additional Adoption Leave

Only 1 person in a couple can take adoption leave. The other partner could get paternity leave instead. If you get adoption leave, you can also get paid time off work to attend 5 adoption appointments after you've been matched with a child.

Start date

Adoption leave can start:

- up to 14 days before the date the child starts living with you (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (if you've used a surrogate to have a child)
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Change your dates

You must tell your employer within 28 days if the date of placement (or UK arrival date for overseas adoptions) changes.

Once you have provided your employer with a return to work date, you must give your employer at least 8 weeks' notice if you want to change it.

Statutory Adoption Pay

Statutory Adoption Pay is paid for up to 39 weeks. The weekly amount is:

- 90% of your average weekly earnings for the first 6 weeks
- £172.48 or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks

It's paid in the same way as your wages (for example monthly or weekly). Tax and National Insurance will be deducted.

Extra pay

You may get more pay if your employer has a company adoption pay scheme. Your employer cannot offer you less than the statutory amount.

Start date

Statutory Adoption Pay starts when you take your adoption leave.

Adoption leave

To get Statutory Adoption Leave, you must:

- be an employee
- give the correct notice
- give proof of the adoption or surrogacy, if your employer asks you for it
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Leave if you're adopting a child from overseas

You must also sign form SC6 if you're adopting from overseas with a partner. This confirms you're not taking paternity leave or pay.

Adoption pay

To get Statutory Adoption Pay, you must:

- have been continuously employed by your employer for at least 26 weeks by the week you were matched with a child
- earn on average at least £123 a week (before tax)
- give the correct notice
- give proof of the adoption or surrogacy

If you usually earn an average of £123 or more a week, and you only earned less in some weeks because you were paid but not working ('on furlough') under the Coronavirus Job Retention Scheme, you may still be eligible.

Pay if you're adopting a child from overseas

The requirements are the same if you're adopting from overseas, except you must have been continuously employed by your employer for at least 26 weeks when you start getting adoption pay.

You must also sign form SC6 if you're adopting from overseas with a partner. This confirms you're not taking paternity leave or pay.

Pay if you're in a surrogacy arrangement

The requirements are the same if you're in a surrogacy arrangement, except you must have been continuously employed by your employer for at least 26 weeks by the 15th week before the baby's due.

You must also:

- intend to apply for a parental order
- expect the order to be granted (for example because you do not have any convictions involving children, and the birth mother or father agree to the arrangement)

If you're genetically related to the child (the egg or sperm donor), you can choose to get paternity leave and pay instead. You cannot get both.

You're fostering for adoption

If you're eligible for adoption pay and leave, you'll receive them from when the child comes to live with you.

Exceptions

You do not qualify for Statutory Adoption Leave or Pay if you:

- arrange a private adoption
- become a special guardian or kinship carer
- adopt a stepchild
- adopt a family member