

## Your adoption leave, pay and other rights

You might be eligible for Statutory Adoption Leave or Statutory Adoption Pay if you're:

- adopting a child
- fostering a child permanently and becoming their legal parent ('fostering to adopt')

'Statutory' means the legal minimum your employer must give you.

Your employer might offer a better adoption leave and pay scheme. Check your contract or speak to your employer.

### 1. If you're having a child through surrogacy

You might be entitled to adoption leave, pay and other rights but you must apply to become the legal parent within 6 months of the child's birth.

You must apply for:

- a parental order – if one intended parent is genetically related to the child
- an adoption order – if the intended parents are not genetically related to the child

If you apply for a parental order, the rules for surrogacy are different.

[Find out your rights to leave and pay when you have a child through surrogacy.](#)

If you apply for an adoption order, you'll be eligible for adoption leave and pay.

[Find out how to become the child's legal parent on GOV.UK.](#)

### If you're in a couple

If you're in a couple, only one of you can get adoption leave and pay. You should decide between yourselves who will get it.

The partner who does not get adoption leave and pay might be able to get [paternity leave and pay](#).

Both of you might also be able to use [Shared Parental Leave and Pay](#) to take time off.

### Adoption leave

Statutory Adoption Leave lasts for up to 52 weeks. This is the same as for [maternity leave](#).

You have the right to adoption leave from the first day of your employment.

## Eligibility for adoption leave

To be eligible for adoption leave, you must:

- be [legally classed as an employee](#)
- [tell your employer](#) and give them the correct notice
- give [proof that you're adopting or fostering to adopt](#), if your employer asks for it

You must also have been matched with a child through an adoption agency.

You're not entitled to take adoption leave for a private adoption, for example, if you're adopting or fostering to adopt a relative.

## Adoption pay

Statutory Adoption Pay is paid for 39 weeks. This is the same as for [maternity pay](#).

Adoption pay starts when you take your adoption leave.

### For the first 6 weeks

You get 90% of your average weekly earnings.

### For the following 33 weeks

You get whichever is lower:

- Statutory Adoption Pay – currently £151.20 a week
- 90% of your average weekly earnings

## Eligibility for adoption pay

To get Statutory Adoption Pay, you must:

- be continuously employed by your employer for at least 26 weeks
- earn at least £120 a week, before tax, for at least 8 weeks before the week you're matched with a child
- [tell your employer](#) and give them the correct notice
- give [proof you're adopting, or fostering to adopt](#)

Agency workers might also be able to get Statutory Adoption Pay.

If you're not eligible for Statutory Adoption Pay, you may still qualify for adoption leave without pay.

## 2. When you must tell them

You must tell your employer you're adopting, within 7 days of either:

- being matched with a child for adoption
- your adoption placement being confirmed, if you're fostering a child permanently and becoming their legal parent ('fostering to adopt')

If you're not able to tell them within 7 days, you must tell them as soon as you can.

It's a good idea to give your employer the information at least 28 days before the date you want your adoption pay to start.

## What you must tell them

You must tell your employer:

- the date the child will be placed with you
- when you want your leave to start

It's a good idea to provide this information in writing.

## How your employer must respond

After you've told your employer, they must:

- reply in writing
- reply within 28 days
- confirm the date your adoption leave will run to

## Telling your employer sooner

You can tell your employer sooner if you wish. Having an early and informal conversation can:

- be a good opportunity for you and your employer to talk about when you'd prefer to take leave
- help your employer plan for your leave

Your employer might also offer you support and you could discuss your flexible working options with them.

[Find out how to make a flexible working request.](#)

## Time off for appointments

If you're eligible for adoption leave, you have the right to paid time off work for 5 adoption appointments after you've been matched

with a child.

If your employer asks for it, you'll need to show them an appointment card or other proof.

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You must give your employer proof to get adoption pay.

You do not have to provide proof of the adoption or placement to get adoption leave, unless your employer asks for it.

For UK adoptions, the proof must show:

- your name and address
- the name and address of the agency
- the date you were matched with the child
- the expected date of placement

For overseas adoptions, the proof must show the:

- relevant UK authority's 'official notification' confirming the parent is allowed to adopt
- date the child arrived in the UK, for example a plane ticket

## If you're fostering to adopt

If you're fostering to adopt, you must give your employer evidence of a placement (for example, a letter from the adoption agency).

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For UK adoptions, and placements where you foster a child permanently to become their legal parent ('fostering to adopt'), you can start adoption leave either:

- when you've been matched with a child
- up to 14 days before the expected placement date

For overseas adoptions, you can start adoption leave either:

- when the child arrives in the UK
- within 28 days of the child arriving in the UK

To work out the dates for your adoption leave, you can use the [adoption leave planner on GOV.UK](#).

## 4. Holiday entitlement

You still build up ('accrue') your holiday entitlement as normal during adoption leave, even if this means carrying it forward into a new holiday year.

This means you could return to work with a lot of holiday to take. So it's a good idea to agree with your employer before you go on adoption leave how you're going to take your holiday.

If your employer agrees, you can add holiday to the beginning or end of your adoption leave.

## Changing the date you start your adoption leave

If you want to delay starting your your adoption leave, you must tell your employer at least 28 days before the date it's currently due to start.

If you want to start your adoption leave earlier than planned, you must tell your employer at least 28 days before the date you want to change it to.

## Working during adoption leave

You can choose to work for up to 10 days during your adoption leave without it affecting your leave or pay. These are called keeping in touch (KIT) days.

You can use a KIT day to keep up to date with your workplace and to help you return to work.

It's up to you to agree with your employer:

- if you want to work KIT days
- how many KIT days you want
- what type of work you'll do on the days
- how much you'll get paid for the work

Half or part days worked still count as a full KIT day.

If you work more than 10 KIT days, your adoption leave and pay automatically end by law.

## If you adopt or foster to adopt 2 or more children

If you adopt or foster to adopt 2 or more children on the same placement, you're only entitled to one period of adoption leave.

If it's a separate placement, you're entitled to a second period of adoption leave. Your adoption leave restarts when the second placement begins.

## If the child's placement ends during adoption leave

Your adoption leave will end 8 weeks after the placement ended if:

- you've started your adoption leave and the agency tells you the placement cannot happen
- the child dies during adoption leave
- the child is returned to the adoption agency

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## 5. Telling your employer when you'll return

You do not need to tell your employer when you'll return to work. But if you know the date you want to return, you can let your employer know before you leave. This will help your employer plan for your return.

### If you do not tell your employer about a return date

If you're not sure when you want to return or you do not give your employer a return date, they'll assume you'll return to work after 52 weeks.

### Changing the date you return

If you want to return to work early, you must give your employer 8 weeks' notice.

It might be possible to agree a return date with less than 8 weeks' notice but only if your employer agrees.

### Not returning to work

If you do not want to return to work after your adoption leave, you must give your employer notice. Check your employment contract to find out how much notice you must give.

### Return to work rights

#### **If you've taken adoption leave of up to 26 weeks**

You have the right to return to the same job.

#### **If you've taken adoption leave of more than 26 weeks**

You have the right to return to the same job unless your employer has a good reason to offer you another one. For example, if the job no longer exists or there have been changes to the organisation, your employer must offer you a suitable alternative job.

In this case, the job cannot be worse for you than your previous job. For example, the job cannot be in a worse location and your employer cannot decrease your:

- pay
- benefits
- holiday entitlement
- seniority

### **If you think your employer is not being fair**

Your employer should not sack ('dismiss') you or treat you unfairly just because you're taking adoption leave.

If you're selected for redundancy during adoption leave, your employer must offer you a suitable alternative job.

[Check your redundancy is fair.](#)

## **Flexible working**

You might want to change your hours or working arrangements when you return to work. This is called 'making a flexible working request'.

[Find out how to make a flexible working request.](#)

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