



Adoption & Surrogacy Policy

We understand that adopting a child or having a baby through surrogacy is a significant and joyful experience. SKDC is committed to supporting employees through this journey.

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Relevant forms and letters:

- [Adoption leave form](#)
- [KIT day record form](#)

Related policies:

- [Paternity Leave Policy](#)
- [Shared Parental Leave Policy](#)
- [Maternity Leave Policy](#)

If you have any questions about this policy or require any further support, please contact the HR team by emailing hr@southkesteven.gov.uk

For independent support, our Employee Assistant Support service offer a completely confidential helpline for employees. Call 0800 716 017 to receive support for mental health, legal signposting, practical help, manager coaching and much more.

1.0 Policy Statement

This policy sets out employees' entitlements to Adoption Leave, pay, and time off to attend appointments.

We understand that for colleagues adopting a child or having a baby through surrogacy can be an emotional and challenging, but exciting time. We are committed to supporting employees and encourage them to be open with their manager about what they are experiencing and the support they need.

2.0 Scope

This policy applies to all employees of South Kesteven District Council, regardless of length of service. Employees on fixed-term or temporary contracts are covered by this policy for the duration of their contract. The policy does not apply to casual workers or agency staff.

This policy is supported by similar guidance:

- Paternity Leave Policy
- Shared Parental Leave Policy
- Maternity Leave Policy

3.0 Guiding principles

This policy is based on the following guiding principles:

- SKDC aims to support the holistic wellbeing of our employees and acknowledge the significance of family life
- We recognise and value the diversity of our workforce and the different family structures and needs of our employees
- We aim to facilitate a smooth transition for our employees who return to work after adoption leave and to provide them with the necessary support and resources
- Managers and HR will ensure confidentiality and provide advice and guidance throughout the process

4.0 Adoption Leave and Pay

Employees might be eligible for adoption leave and adoption pay if they are:

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

Having a child through surrogacy

Employees must apply to become the legal parent within 6 months of the child's birth.

Employees 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

Please see here for further details on surrogacy and legal rights: [Become the child's legal parent.](#)

Adopting as a couple

For employees adopting or entering into a surrogacy arrangement jointly with their partner, only one person in the couple can get adoption leave and pay (the Primary Adopter). The other partner might be able to get paternity leave and pay.

Subject to eligibility requirements, employees can end their Adoption Leave early and take Shared Parental Leave instead. This allows them to share their Adoption Leave entitlement with their partner during the first year of adoption/surrogacy birth. Both the employee and their partner need to be eligible – see SKDC's Shared Parental Leave Policy for more details.

4.1 Adoption Leave

Employees can take up to 52 weeks of adoption leave, regardless of their length of service or number of contracted hours. This includes:

- employees who are the Primary Adopter, and a child has been placed with them for adoption
- employees who are adopting through fostering for adoption/concurrent planning
- employees who are having a baby through a surrogacy arrangement

Adoptions must take place through a UK or overseas adoption agency; private adoptions, special guardian or kinship orders and adoption of a stepchild or family member do not qualify.

Eligibility for adoption leave

To be eligible for adoption leave, employees must:

- be legally classed as an employee
- tell their employer and give them the correct notice
- give proof they are adopting or fostering to adopt
- have been matched with a child through an adoption agency
- give proof they are having a baby through surrogacy

Starting and ending Adoption Leave

Adoption leave can start:

- up to 14 days before the date the child starts living with the employee (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child is born or the day after (if the employee has used a surrogate to have a child)

4.2 Adoption Pay

The Council offers Enhanced Adoption Pay (EAP) for employees who qualify for Statutory Adoption Pay (SAP). To read the eligibility for SAP, please see the Government guidance [HERE](#).

Employees in surrogacy arrangements must have been continuously employed by the Council for at least 26 weeks in the 15th week before the baby is due.

The following table outlines the level of Enhanced Adoption Pay (EAP) an employee is entitled to receive:

Weeks 1 - 6	Weeks 7 - 18	Weeks 19 - 39	Weeks 40 - 52
90% of average weekly earnings	Half pay, in addition to SAP	SAP or 90% of average weekly earnings (whichever is lower)	These weeks will be unpaid

Employees will be required to repay the enhanced adoption pay if they do not return to work after adoption leave, or if they give notice to leave within the first three months of their return to work (this requirement may be varied at the discretion of the Council in extenuating circumstances).

Periods of holiday or parental leave which are “tagged on” to the end of a period of adoption leave will not count towards the return-to-work period.

5.0 Notice period

Statutory Adoption Pay

Employees must give the Council 28 days' notice before they want to be paid Statutory Adoption Pay, unless the time between the child being matched and placed is less than that.

Statutory Adoption Leave

Within 7 days of being matched with a child, employees must tell the Council:

- how much leave they want
- their leave start date
- the 'date of placement' – the expected or actual date the child is placed with them

The Council will write to the employee to confirm the start and end dates of their leave.

Leave for employees adopting a child from overseas

Within 28 days of getting their 'official notification', employees adopting from overseas must tell the Council the date of the notification and when they expect the child to arrive in the UK.

Employees must also tell the Council:

- the actual date the child arrives in the UK - within 28 days of this date
- how much leave they want and when they want it to start - giving 28 days' notice

The Council will write to the employee to confirm the start and end dates of their leave.

Leave for employees in surrogacy arrangements.

At least 15 weeks before the due date, employees in surrogacy arrangements must tell the Council when the baby is due and when they want to start their leave. They must also notify the Council of the actual date of birth as soon as is reasonably practicable after birth.

The Council will write to the employee to confirm the start and end dates of their leave.

Changes to leave dates

Employees must tell the Council about changes to leave dates at least 28 days before their original start date or the new start date - whichever is earlier. During adoption leave, employees must give 8 weeks' notice if they want to change the date they return to work.

The Council will write to the employee to confirm the amended dates.

6.0 Proof of adoption/surrogacy

Proof of adoption

Employees must give proof of adoption to qualify for Statutory Adoption Pay. The proof must show:

- name and address of the agency and employee
- date the child was matched, for example, the matching certificate
- expected or actual date of placement, for example, a letter from the agency
- relevant UK authority's 'official notification' confirming the parent is allowed to adopt (overseas adoptions only)
- date the child arrived in the UK, for example, a plane ticket (overseas adoptions only)

The Council will make copies of the evidence provided.

Surrogacy arrangements

Employees must provide a written statement ('statutory declaration') to confirm that they:

- intend to apply for a [parental order](#) in the 6 months after the baby's birth
- expect the order to be granted (for example, because they do not have any convictions involving children, and the birth mother or father agrees to the arrangement)

7.0 Time off for adoption appointments

Employees are entitled to paid time off work for 5 adoption appointments after they've been matched with a child. This right is only for appointments that the adoption agency has arranged or asked for. Only the person who is taking adoption leave has the right to paid time off.

Employees are entitled to take up to 6.5 hours for each appointment. This time includes travel to and from the appointment.

Employees need to show their employer an appointment card or other proof of the appointment.

The partner who is not taking adoption leave has the right to unpaid time off work for 2 adoption appointments. If they wish to attend more appointments, they should speak to their line manager, who will consider the request at their discretion.

Employees having a baby using a surrogate and applying for a parental order can take unpaid time off work to go to two antenatal appointments with the surrogate. These include medical appointments, relaxation and parentcraft classes which have been recommended or made on the advice of a GP, midwife, or nurse.

8.0 Keeping in Touch (KIT) days

Employees can work for up to 10 days during their adoption leave period without losing statutory payments for that week or ending their entitlement to leave.

Any work carried out on any day, even just an hour's work, is deemed to constitute "a day's work". Any days' work done under this provision will not have the effect of extending the total duration of the adoption leave period.

You will be paid at your normal rate of pay for a KIT day.

It is beneficial for the employee to maintain contact during Adoption Leave. The Council will aim to keep the employee informed of any significant updates or changes that may be relevant while they are away from work. The most appropriate method and frequency of communication should be agreed upon between the employee and their manager in advance.

Employees are entitled to take up to 10 Keeping in Touch (KIT) days during their adoption leave. These days allow the employee to carry out work without affecting their entitlement to adoption pay. KIT days must be mutually agreed in advance with the manager and can be used for any normal work activity, including attending training or team meetings. KIT days can be taken at any point during adoption leave. There is no obligation for the employee to take KIT days, and the Council will not require them to do so.

On a KIT day, the employee will receive their normal contractual rate of pay for the hours worked. If the employee is receiving Statutory Adoption Pay (SAP) at the time, this will be topped up to their usual hourly rate, ensuring the total payment does not exceed their standard daily pay. Please note that even if the employee works only part of a day, it will still count as one of the 10 allowable KIT days.

9.0 Annual leave

The employee's holiday entitlement will continue to accrue while they are on adoption leave. The employee will also receive days in lieu of any bank holidays that fall during their adoption leave.

Employees should talk to their manager before they start their Adoption Leave about taking their holidays either before or at the end of their leave and agree on dates. Employees who return to work too close to the end of the holiday year to take all their holidays should speak to their manager about carrying forward any remaining days.

10.0 Returning to work after adoption leave

Employees will normally return to the same role and on the same terms and conditions of employment that applied before the adoption leave. However, if there's a reorganisation affecting this, the Council will consult with the employee about any potential impact.

The employee's manager will make contact before the employee is due to return to work to discuss arrangements for the return. The employee may wish to arrange a Keeping in Touch (KIT) day in advance, providing an opportunity to attend the workplace and have a conversation with their manager about the return to work.