

**Cyngor Cymuned
Trefriw
Community Council**

ADOPTION POLICY

This policy was adopted at a meeting on
17th January 2023
and will be reviewed in January 2026
or sooner should legislation dictate

Trefriw Community Council (TCC) offers statutory adoption pay and leave to qualifying employees as per the relevant UK employment law.

These entitlements can be found online at <https://www.gov.uk/adoption-pay-leave/print>

A Welsh (Cymraeg) version is available at: <https://www.gov.uk/tal-absenoldeb-mabwysiadu>

1. Overview

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

There are rules on [when and how to claim](#) your paid leave and if you want to [change your dates](#).

You may also be eligible to take [Shared Parental Leave and Pay](#).

This guide is also available [in Welsh \(Cymraeg\)](#).

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

2. 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. Use the [planner](#) to work out the dates for your adoption leave.

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)

Change your dates

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

You must give your employer at least 8 weeks' notice if you want to change your return to work date.

3. 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
- £156.66 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.

Start date

Statutory Adoption Pay starts when you take your adoption leave.

Problems and disputes

Speak to your employer (via the TCC Staffing Committee) in the first instance if you disagree with the amount of Statutory Adoption Pay you get or your employer cannot pay it, for example because they're insolvent. If the problem cannot be resolved, [contact the Statutory Payment Disputes Team](#).

4. Eligibility

There are different eligibility rules for leave and pay.

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

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

If you're not eligible

Your employer must give you form SAP1 explaining why you cannot get Statutory Adoption Pay. You may get support from your [local council](#) instead, if you're adopting a child.

5. How to claim

The rules are slightly different if you're adopting from overseas or you're having a child through a surrogacy arrangement.

Statutory Adoption Leave

Within 7 days of being matched with a child you must tell your employer:

- how much leave you want
- your leave start date
- the 'date of placement' - the date the child is placed with you

Your employer can ask for this in writing and for proof of the adoption.

Your employer must confirm your leave start and end dates within 28 days.

[Use the planner](#) to work out when you must claim your adoption leave.

Statutory Adoption Pay

Tell your employer you want to stop work to adopt a child and when you want your Statutory Adoption Pay to start. You must give them at least 28 days' notice. They can ask for this in writing and for proof of the adoption.

Your employer must confirm within 28 days how much Statutory Adoption Pay you'll get and when it will start and stop.

If they decide you're not eligible, they must give you form SAP1 within 7 days of making their decision and explain why.

Proof of adoption

You must give your employer proof of adoption to qualify for Statutory Adoption Pay. Proof is not needed for Statutory Adoption Leave unless they request it.

The proof must show:

- your name and address and that of the agency
- the match date - for example the matching certificate
- the date of placement - for example a letter from the agency
- the relevant UK authority's 'official notification' confirming you're allowed to adopt (overseas adoptions only)
- the date the child arrived in the UK - for example a plane ticket (overseas adoptions only)

Overseas adoptions

Tell your employer the date of your 'official notification' and when you expect the child to arrive in the UK. You must usually do this within 28 days of getting the notification.

You can only take longer if you've worked for your employer for less than 26 weeks. Tell them within 28 days of the Sunday in your 26th week.

You must also tell them:

- the actual date the child arrives in the UK - within 28 days of this date
- how much leave you want and your start date - giving your employer 28 days' notice

Surrogacy arrangements

If you use a surrogate to have a baby, tell your employer the due date and when you want to start your leave at least 15 weeks before the expected week of birth. They may ask for this in writing.

Your employer may also ask for a written statement ('statutory declaration') to confirm you've applied or will apply for a [parental order](#) in the 6 months after the child's birth. You must sign this in the presence of a legal professional.