

Adoption and Surrogacy Leave Policy

South Oxfordshire and Vale of White Horse District Councils





Change Record

Change Record	
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Version Number	1
Owner(s)	People and Culture
Author(s)	People and Culture
Change Detail	Included the equalities email for those who require a different format. Separated out different types of child related leave into individual policies to make it easier to read and find info.
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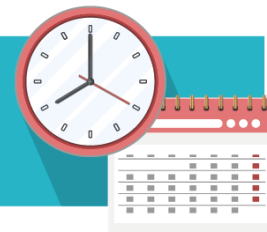
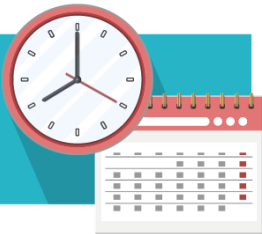
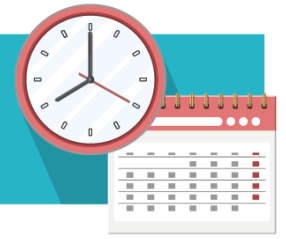


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1 Vision and Values

Our Vision

We are customer focused and approachable. We are honest and open and are committed to providing high quality cost-effective public services.

Our Values



Working Together

We are a committed professional team, who embrace change and help one another improve



People and Planet

We care about each other and the environment we share



Respect

We act with integrity, and champion diversity and inclusivity



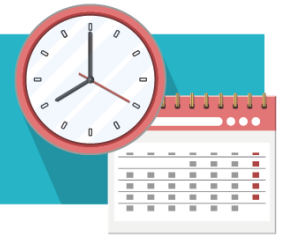
Accountability

We take ownership, do what we say, strive for clarity and welcome feedback



Approachability

We are open, honest and accessible



2 Introduction

2.1 Purpose

Our Adoption and Surrogacy Policy outlines the statutory rights and responsibilities of employees who are new parents and details arrangements relating to adoption, and surrogacy. It has been updated to reflect the employment requirements in accordance with the Employment Rights Act (2026).

2.2 Scope

This policy applies to all permanent and temporary employees of the councils, excluding Contractors/Agency Workers who are the employees of third parties.

The councils reserve the right to revise, withdraw or replace policies at any time and to introduce new policies from time to time to reflect the changing needs of the organisations.

This policy document supersedes any previously existing or alternative policies, agreements or arrangements relating Adoption and Surrogacy at the councils.

2.3 Contractual Status

This policy is non-contractual, and the councils are entitled to introduce minor and non-fundamental changes to this policy by notifying you of these changes in writing. The councils will consult all employees on any major changes to the policy.

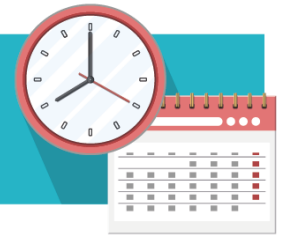
2.4 Relevant legislation

- [Employment Rights Act 2025](#)
- [Employment Rights Act 1996](#)
- [Civil Partnership Act 2004](#)
- [Work and Families Act 2006](#)
- [Maternity and Parental Leave etc Regulations 1999 and all subsequent amendments](#)
- [Equality Act 2010](#)
- [Additional Paternity Leave Regulations 2010](#)
- [Human Embryology and Fertilisation Act 2008](#)
- [The Protection from Redundancy \(Pregnancy and Family Leave\) Act 2023](#)
- [Maternity Leave, Adoption Leave and Shared Parental Leave \(Amendment\) Regulations 2024](#)



2.5 Alternative formats

Please do not hesitate to contact a member of the Equalities Team if you would like this policy in an alternative format, via: equalities@southandvale.gov.uk.



3 Adoption and Surrogacy

3.1 Adoption Leave

If you are due to be the adoptive parent of a child from the UK or overseas, you are entitled to take 52 weeks' adoption leave (26 weeks ordinary adoption leave and 26 weeks additional adoption leave) providing:

- you are newly matched with a child for adoption by an approved adoption agency
- you are a parent in a surrogacy arrangement who is entitled to and intends to apply for a Parental Order under the Human Embryology and Fertilisation Act 2008.

If you and your spouse/partner meet these criteria and adopt a child together, only one person is entitled to take adoption leave. If you choose to take adoption leave, your spouse/partner can take paternity leave or vice versa.

You can choose to start your leave either from the date of the child's placement or from a fixed date that can be up to 14 days before the expected date of placement. Leave can start on any day of the week. Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

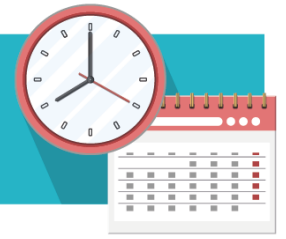
If the child's placement ends during the adoption leave period, employees will be able to continue adoption leave for up to eight weeks after the end of the placement, provided this does not extend beyond the expiry of additional adoption leave.

Within seven days of being notified by your adoption agency that you have been matched with a child you will need to inform your manager and HR Business Partner in writing:

- the date on which the child is to be placed with you
- the date you wish your adoption leave to begin
- the date you would like your statutory adoption to pay (SAP) to begin.

You will need to show your HR Business Partner a matching certificate or a letter from the adoption agency before your pay and leave can be authorised. Your HR Business Partner will also ask you to complete an HMRC form SC4.

On receiving your letter, the HR team will write to you within 15 working days detailing arrangements for your adoption leave and pay. A meeting will also be arranged with your HR Business Partner to discuss these arrangements.



3.2 Time off for antenatal/adoption appointments

If you are going to be a surrogate parent, you are entitled to take unpaid leave to attend up to two antenatal appointments with the birth mother during working time if you meet the eligibility criteria. You may prefer to use annualised hours or use your well-being hour.

If you are eligible for adoption leave, you are also entitled to take paid time off from work to attend up to five adoption appointments after you have been matched with a child, to have contact with the child you are adopting. For additional appointments you can request to take annualised hours or use your wellbeing hour.

3.3 Statutory Adoption Pay (SAP)

To qualify for SAP, you must:

- have at least 26 weeks' service when you receive formal notification of the adoption from an approved adoption agency
- earn over the [National Insurance Lower Earnings Limit](#) in the relevant earnings period (average of 8 weeks before your qualifying week)

If you qualify for SAP, it will be paid for 39 weeks as follows:

- SAP can start up to two weeks before the expected date of the placement or from the date of the child's placement and reflects SMP. See Government website for [current rates](#)

If you have less than 26 weeks' service when you receive formal notification of the adoption from an approved adoption agency and / or your average weekly earnings are below the lower earnings limit for National Insurance, you will not qualify for SAP. Please go to [Government website](#) for current rates. Further advice is also available on this website.

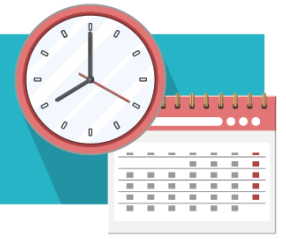
3.4 Occupational Adoption Pay (OAP)

To qualify for OAP, you will need to meet the following criteria:

- qualify for SAP, as above
- have more than one year's continuous service when you receive formal notification of the adoption from an approved adoption agency.

If you qualify for OAP, you will be entitled to be paid 12 weeks OAP, as follows:

- 12 weeks half pay, in addition to the 39 weeks SAP entitlements outlined above
- OAP will be paid from week 7 of your adoption leave until week 18 of your adoption leave.



You will need to complete the [occupational maternity /adoption pay declaration form and maternity/adoption calculation request form](#) and return this to your HR Business Partner to ensure you receive your occupational adoption pay.

3.5 Surrogacy pay

To qualify for Statutory Adoption Pay (as a result of adoption due to surrogacy), you must have worked continuously for the councils for at least 26 weeks by the 15th week before the baby's due. All the other conditions for qualifying for pay and leave are the same as for adoptive parents. If you are genetically related to the child (i.e., the egg or sperm donor), you can choose to get paternity leave and pay instead. You cannot get both.

3.6 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 or stepchild

3.7 Pay increases during adoption leave

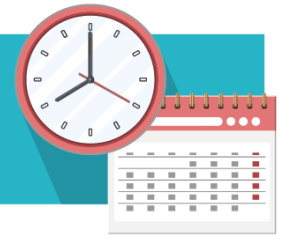
The benefit of any general pay increase awarded when you are on adoption leave will be reflected in your 12 weeks half pay (where applicable); unless it takes effect after the entitlement to such has run out.

3.8 Contact during adoption leave

Before your adoption leave starts, your manager will discuss arrangements for you to keep in touch during your leave, if you wish to do so. This may be to discuss your plans for returning to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence. The councils reserve the right to maintain reasonable contact with you from time to time during your adoption leave, including advising you of any job vacancies or learning & development opportunities and to consult with you in the event of organisational change.

3.9 Keeping in touch days

If you wish, and your manager agrees, you can work on up to ten “keeping in touch” days (KIT days) during your adoption leave without bringing your adoption leave to an end or affecting your Statutory Adoption Pay (or Occupational Adoption Pay if applicable).



Each “keeping in touch” day is paid at your normal daily rate of pay (pro-rata if you work less than a full day), less any adoption pay you receive for that week. If you are not due to receive adoption pay in the week you work your KIT Day(s) you will be paid at your standard hourly rate without a reduction for adoption pay. This will usually be the case from week 40 onwards of your adoption leave as you are likely to receive 39 weeks of Statutory Adoption Pay (SAP).

Working for part of the day will count as one full “keeping in touch” day, for example if you work half your normal working day, you will have nine KIT days remaining, not nine and a half. Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purpose of keeping in touch with the workplace. This does not include social contact such as lunch/coffee.

When you work on a KIT Day you or your manager needs to email the HR team, confirming the date and hours that you worked on the KIT Day and the HR team will arrange any payment you are due to receive.

3.10 Benefits during adoption leave

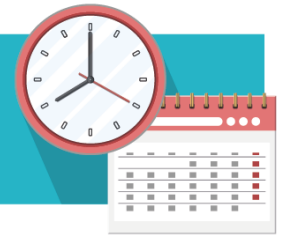
Your contract of employment continues during your adoption leave and you are therefore entitled to receive all benefits except pay (please see adoption pay section of this policy for more details). During your adoption leave you are entitled to the benefit of the councils’ implied obligation of trust and confidence and any terms relating to notice of termination by the councils, redundancy and disciplinary or grievance procedures. During your adoption leave you remain bound by your implied obligation of good faith and any terms such as to notice of termination by you, disclosure of confidential information, acceptance of gifts or other benefits and participation in any other business.

Statutory and contractual payments other than those relating to adoption are not affected by the salary sacrifice schemes for bike loans and childcare vouchers.

3.11 Annual leave

Your annual leave entitlement will continue to accrue during adoption leave and there will be flexibility about carrying over annual leave from one year to the next. Where possible only one contractual week’s leave should be carried over. Where this is not possible then more leave may be carried forward, as agreed with your manager.

You will need to consider when you will take the leave you are accruing. You may decide to take some of your accrued annual leave (or annual leave that will be accrued during adoption leave) before you go on adoption leave or alternatively you may opt to take it at the end of your adoption leave period (subject to the carry over arrangements). You should agree this with your manager before commencing your adoption leave.



You are unable to remain on adoption leave whilst taking a period of annual leave. If you would like to take a block of annual leave, either in the paid or unpaid period of your adoption leave, this would bring your adoption leave to an end. You would not be able to re-instate your adoption leave following a block of annual leave.

If you are full-time and agree to return to work on a part-time basis (in line with the flexible work policy), your leave will be pro-rated from the date you return.

If you decide not to come back to work and have taken more leave than was due, you will be required to repay this via a deduction in your final salary. In the case where your final salary does not cover the total owed, you will be required to pay directly to the council via bank transfer. If you have not taken your full entitlement and have leave remaining this will be paid to you in your final salary.

3.12 Annualised hours

Wherever possible you must ensure that when you start your adoption leave your annualised hours are at a zero balance. If, in exceptional circumstances, you have a deficit or credit when you go on adoption leave then the starting point when you return from adoption leave will be the deficit or credit you had when you started your adoption leave. If you do not return from adoption leave the councils' reserve the right to deduct payment for excessive negative hours. You will not be paid for annualised hours you have in credit at the point of leaving.

3.13 Local government pension scheme

During the 26-week ordinary adoption leave period the councils will continue to pay your pension contributions based on the pay you would have received if you had been working normally. This will apply whether you receive any pay or not during this period. If you do receive some pay (SAP) during this period, you will pay contributions at the same pension percentage as you did before your adoption leave, but this percentage will be based on the amount of pay you actually receive.

If you receive SAP in any part of your additional adoption leave, the councils will pay pension contributions based on the pay you would have received had you been at work normally and you will pay contributions based on the SAP you receive. No employee pension contributions will be deducted throughout the period in which you receive no pay. From April 1 2026 any periods of unpaid child related leave will have pension contributions paid by the employer using Assumed Pensionable Pay (assumes that an employee has been paid as if they were at work) so that employees are not disadvantaged by being on leave

To discuss your pension in more detail you can contact the pension team at Oxfordshire County Council on 01865 797125 or 01865 797134.



3.14 Childcare vouchers

This scheme is no longer open to new members (following changes in legislation) but some staff who are already in the scheme can continue with the vouchers providing they have remained and paid into the scheme since it was closed. If you receive childcare vouchers through the councils' childcare salary sacrifice scheme, your 12 weeks half pay (where applicable) will be calculated based on what you are paid in the relevant earnings period i.e., your adjusted salary. The relevant earnings period is the eight-week period before you receive formal notification of the adoption from an approved adoption agency.

You may want to consider reducing your monthly childcare salary sacrifice amount just before your relevant earnings period so that your 12 weeks half pay is calculated on your full salary. However, if you choose to stay in the scheme you can continue to receive childcare vouchers during your adoption leave. During the adoption leave period your salary can only be sacrificed from the 12 weeks half pay (where applicable). The remainder of the cost of the childcare vouchers during adoption leave is met by the councils.

Please note that you can reduce your monthly childcare salary sacrifice amount to £0 for up to 11 months, however, if you don't have any salary deductions in the 12 months, you will be removed from the councils' scheme, and the only option would then be to join the government scheme.

3.15 Bike loans

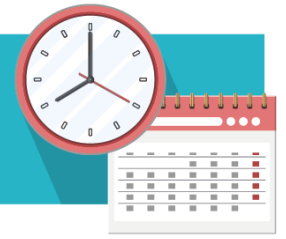
During adoption leave you will continue to have the bike and equipment on hire. Your salary can only be sacrificed from the 12 weeks' half pay (where applicable) and therefore you will accrue a debt which will be recovered as soon as you return to work. If you resign, you will need to pay the balance of the bike loan due.

3.16 Fixed term contracts during adoption leave

If you are employed on a fixed-term contract which is due to expire during your adoption leave, your manager will contact you to discuss the options available to you. This may be an extension to your contract, redeployment, or redundancy. The councils will apply the managing organisational change policy when dealing with redeployment or redundancy. If your post is made redundant your adoption leave will cease, and your contract and benefits will end automatically. If you qualify for SAP, the councils will continue to pay your SAP.

3.17 Redundancy protection during adoption leave

Employees on adoption leave have a right to be offered a suitable alternative role, where one is available, in a redundancy situation during their leave period. This gives them priority over



other employees that are at risk of redundancy (in line with the [Organisational Change](#) and [Redundancy policies](#)).

The period of priority protection will extend, the protected period ends 18 months after the child's placement for adoption or the date they enter Great Britain (in the case of overseas adoptions).

3.18 Return to work

During your adoption leave, it would be helpful if you could confirm that you will be returning to work as expected as soon as convenient.

If you decide to return to work before the end of your adoption leave you should notify your manager in writing giving at least eight weeks' notice. If you do not give full notice, the councils may postpone your return date, which will ensure that full notice is given, but cannot postpone your return date beyond the expiry of the adoption leave period itself.

If you return to work during or at the end of ordinary adoption leave you have the right to return to the same job in which you were employed under your contract of employment and on terms and conditions no less favorable than those, which would have been applicable, if you had not been absent. If you return to work during or at the end of additional adoption leave, you have the right to return to the same job, unless this is not reasonably practicable, in which case you will be offered a suitable alternative position.

Wherever possible the councils support requests for employees to work part time or job share. If you wish to request this in advance of you returning from your adoption leave you should refer to the councils' flexible working policy.

If you decide not to return to work you should write a letter of resignation to your manager in the normal way, giving contractual notice, as detailed in your contract of employment. If you intend to work for another organisation, who did not employ you during the week in which you were notified of the match of adoption, your SAP will stop from the date you begin working for this other employer. Your last day of employment will be the final day that you receive SAP or, if you are not receiving any form of adoption pay the date at the end of your notice period.



4 Other child related leave policies

Policies relating to maternity, paternity, parental leave, and shared parental leave entitlements can be found on the [policies section](#) on OurSpace.