



ADOPTION AND SURROGACY POLICY FOR EMPLOYEES

Document history

Notes of changes	Version No.	Date of approval and adoption
Adoption and Surrogacy Policy	1	6 th December 2023
Reviewed – change made to reflect new amount for Statutory Adoption pay.	2	5 th April 2025
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THIS ADOPTION AND SURROGACY POLICY FOR EMPLOYEES IS PUBLISHED AS APPROVED BY CUMBRIA ASSOCIATION OF LOCAL COUNCILS ON 11th APRIL 2026



Scope

This policy covers all CALC employees. In the case of the Chief Officer, Adoption Leave and Pay will be managed by the Chair of CALC.

Introduction

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

There are some important things that the employee needs to know and do to help CALC make all the arrangements for the employees Adoption Leave and pay.

If an employee is adopting/entering into a surrogacy arrangement jointly with their partner, only the Primary Adopter will get Adoption Leave and the other partner (known as the Co-Adopter) may be able to take Paternity/Non-Pregnant Parent/Co-Adopter Leave. It is up to the employee and their partner to decide who will be the Primary Adopter and Co-Adopter.

CALC understands that things can move very quickly when adopting through fostering/concurrent planning, and that it can be a difficult and stressful time. An employee may get very little notice of a fostering to adopt/concurrent planning placement. Equally, the placements may not work out, and/or may not progress to adoption. Please talk to the Chief Officer about support.

Please note, if an employee is fostering a child, but not as part of a “fostering to adopt” or “concurrent planning” arrangement, then they won’t be eligible for Adoption Leave.

Adoption Leave

If the employee is the Primary Adopter, and a child has been placed with them for adoption, or they are adopting through fostering for adoption/concurrent planning, or they are having a baby through a surrogacy arrangement, they can take up to 52 weeks of Adoption Leave – it doesn’t matter how long they have worked for CALC or how many hours they work. Adoptions must take place through a UK or overseas adoption agency - private adoptions won’t qualify. An employee also can’t take Adoption Leave if the child is not being newly matched with the employee, like adopting a stepchild.

An employee can only take one period of Adoption Leave for each adoption placement/surrogacy arrangement, even if it is in respect of more than one child.



Starting and ending Adoption Leave

An employee can start Adoption Leave on any day of the week either during the week that the child is placed with them, or up to 14 days before the adoption placement.

If adopting through fostering to adopt/concurrent planning, the employee can start adoption leave at the start of the fostering to adopt/concurrent care placement or can wait and take it at the point an adoption placement order is granted. If the employee wants to wait until an adoption placement order is granted, the employee should talk to the Chief Officer to see how else they can support you in the meantime. The Chief Officer manager may be able to agree some unpaid leave, a flexible working arrangement or annual leave. However please be aware, this may affect the employee's entitlement to Statutory Adoption Pay as this is calculated based on earnings during the eight weeks ending on the week that the fostering to adopt/concurrent placement is confirmed rather than when the placement order is granted.

If an employee is having a baby through a surrogacy arrangement, Adoption Leave can begin the day the baby is born, or the following day if the employee was at work.

The employee does not have to use the 52 weeks Adoption Leave but they must take a minimum of two weeks Adoption Leave.

If an employee is adopting or entering a surrogacy arrangement jointly with their partner, subject to eligibility requirements they can end their Adoption Leave early and take Shared Parental Leave instead. This allows the employee 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 the Shared Parental Leave Policy for more details.

It is important that an employee follows the steps below for telling CALC about their adoption. If the employee doesn't inform then Chief Officer, they might not be able to start and/or end their Adoption Leave when they want.

- Where adopting, within seven days of being told by the adoption agency/Local Authority that a child's going to be placed with an employee or receiving notification of a fostering to adopt/concurrent planning placement, the employee needs to tell the Chief Officer that they are adopting and want to take Adoption Leave. Let the Chief Officer know when the adoption placement will start and also when the employee would like their Adoption Leave to begin



- Where entering into a surrogacy arrangement, an employee must tell the Chief Officer no later than the 15th week before the baby is due that they intend to take Adoption Leave
- The employee must complete an Application for Adoption Leave Form and send it to the Chief Officer with either:
 - a copy of the Matching Certificate (for standard adoption),
 - written notification of fostering to adopt/concurrent planning placement or adoption placement order (if adopting through fostering to adopt or concurrent planning), or
 - a copy of the Surrogacy Agreement

If the employee is adopting/entering into a surrogacy arrangement jointly with their partner CALC will ask you to confirm on the application that their partner isn't taking Adoption Leave for this placement, even if they work for a different employer.

- The chief Officer will then confirm your Adoption Pay and when the 52 weeks' Adoption Leave entitlement will end. The employee does not have to take the full 52 weeks of leave – if they want to come back to work before this, they can agree an earlier return date with the Chief Officer.
- If an employee changes their mind and wants to come back on a different date to the one agreed, they will need to write to the Chief Officer at least eight weeks before the due to return to work date. If the employee wants to come back earlier and doesn't give CALC this notice, CALC may need to delay their return for up to eight weeks, but it won't be past the original agreed return date.
- If the Adoption Leave's disrupted, for example if the child isn't placed with the employee or the placement ends early, then the employee must tell the Chief Officer straight away and send them a letter to confirm this. The employee will still get Adoption Leave and pay for up to eight weeks after the disruption happens, although not if this is beyond the original end date of their Adoption Leave. The Chief Officer will write to the employee to confirm when they should return to work. If a further child is placed with the employee for adoption during or shortly after a period of Adoption Leave, the employee will be entitled to Adoption Leave again.

Adoption Pay

CALC pay Statutory Adoption Pay (SAP).

Statutory Adoption Pay is paid for up to 39 weeks. The employee will get

- 90% of their average weekly earnings for the first 6 weeks
- £194.32 or 90% of their average weekly earnings (whichever is lower) for the next 33 weeks.

Average earnings are based on what the employee has been paid during the eight weeks ending on the week that their adoption placement is confirmed, or in the case



of a surrogacy arrangement, what the employee has been paid during the eight weeks ending on the 15th week before the baby is due.

To get Statutory Adoption Pay, an employee must:

- have been continuously employed by CALC for at least 26 weeks by the week the employee was matched with a child.
- earn on average at least £129 a week in an eight week period (before tax).
- give the correct notice.
- give proof of the adoption or surrogacy.

If an employee qualifies for SAP this will be paid for the first 39 weeks of their Adoption Leave, through the normal pay run. Tax and National Insurance will be deducted.

Eligibility - There are different eligibility rules for leave and pay.

Adoption Leave

To qualify for Statutory Adoption Leave the following criteria must be met:

- be an employee.
- give the correct notice.
- give proof of the adoption or surrogacy if CALC asks for it.

Pre-adoption/Antenatal appointments

If the employee is the Primary Adopter, they can take time off work to go to up to five adoption appointments – it doesn't matter how long the employee has worked for CALC or for how many hours they work. Adoption appointments are those that have been made by an adoption agency or Local Authority relating to a child being placed for adoption, or for a fostering for adoption/concurrent care placement.

An employee can take up to 6.5 hours' leave for each appointment, including travelling, waiting and attendance time, but calc expect that most appointments won't last more than half a day. It would be helpful if the employee could try to arrange these outside their normal working hours if they can. If not, then the employee will be paid time off to attend. Let the Chief Officer know when these appointments take place.

If the employee is the Co-Adopter, they can take unpaid time off work to go to two adoption appointments.

If the employee is having a baby using a surrogate and applying for a parental order, they 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.

For both the above, the employee should try to give the Chief Officer as much notice or their appointments as possible. The employee can take up to 6.5 hours leave for each appointment, including travelling, waiting and attendance time, but we expect that most appointments won't last more than half a day. Although this time off is unpaid, CALC will try to limit the effect like agreeing for the employee to make up the time where it's possible or agreeing to annual leave.

Adopting from overseas

If the employee is adopting a child from overseas, the criteria for getting Adoption Leave and pay are the same for adoptions from within the UK. But there are differences in how the employee needs to inform CALC that they are adopting and want to take leave.

Within 28 days of getting the Official Notification that the adoption's been approved by the relevant UK authority, the employee should tell the Chief Officer the date of this notification and when the child is expected to arrive in the UK. Then, within 28 days of the child arriving in the UK, the employer will need to let the Chief Officer know the actual date that they arrived.

The employee must give the Chief Officer at least 28 days' notice of when they want their Adoption Leave to start and how much leave they want to take. The employee can start their Adoption Leave when their child arrives in the UK, or up to 28 days after.

Pensions

If the employee is a member of the CALC pension scheme (NEST) then they will continue to be a member during their Leave. While they are getting SAP their pension contributions will be based on the actual pay they receive each period, but CALC's contributions will be based on normal full pay. During any unpaid period of Adoption Leave all pension contributions will stop.

Holidays

Annual leave and bank holiday entitlement will continue to accrue while the employee is on Adoption Leave.

Talk to the Chief Officer before the start of the Adoption Leave about taking holidays either before or at the end of the leave period and agree dates with them.

Keeping in touch



CALC will keep employees updated about any important changes or other things they need to know while they are away from work. Agree with the Chief Officer the best way of keeping in touch.

An employee can have up to 10 Keeping in Touch (KIT) days during their Adoption Leave, which let an employee work without losing their entitlement to SAP. KIT days need to be agreed with the Chief Officer first and can be used for anything that would normally be part of the job, including training courses and announcements. They can be taken at any point during Adoption Leave, apart from during the first two weeks after the baby is born. An employee does not have to arrange any KIT days, and CALC will never insist that an employee has to work a KIT day.

On a KIT day the employee will get paid their full contractual rate of pay for the hours they work. If this is in the SAP period of your leave, or the period of unpaid leave after the 39 weeks the employee's pay will be 'topped up' to their normal hourly rate. This means that payment for a KIT day won't ever be more than a normal day's pay. Note, even if an employee doesn't work a full day, this will still count as one of their 10 KIT days.

Returning to work after Adoption Leave

Unless there's a business reorganisation – in which case CALC would consult with the employee about what this means for them – the employee will usually be able to come back to the same role and with the same terms and conditions of employment that they had before their Adoption Leave.

The Chief Officer will get in touch with the employee before they are due to come back to work to talk about the arrangements for their return.