

Adoption and Surrogacy Policy

Contents

1.	Introduction and values.....	2
2.	Purpose.....	2
3.	Legislative context	2
4.	Scope	2
5.	Adoption and surrogacy – what is the same / different.....	3
6.	Eligibility.....	4
7.	Policy details	4
7.1	Entitlements - Primary Adopter.....	4
7.2	Entitlements – Secondary Adopter	6
	Summary of Pay and Leave – Statutory and QMUL Schemes	7
8.	UK and Overseas Adoption	8
9.	Other available leave	9
9.1	Shared Parental Leave	9
9.2	Special Leave.....	9
9.3	Ordinary Parental Leave	9
10.	Being away on Adoption Leave	9
11.	Returning to Work	10
12.	Roles and responsibilities.....	11
13.	Associated information.....	11
	Appendix	12

1. Introduction and values

This Guide forms part of a suite of materials setting out QMUL 's legal duties, and additional organisational support for employees who have parental / guardian responsibilities. Additional materials and policies linked to parental, carer and special leave are available on the intranet ([Family Friendly Policies](#)).

We want to ensure that employees are fully aware of, and supported through, our parental leave policies and guidelines. Further questions can be sent to the [HR Operations Team](#).

2. Purpose

This policy sets out the rights, responsibilities, and procedures for employees who are adopting a child, or becoming legal parents through surrogacy. It ensures compliance with UK statutory law and reflects updated employment rights effective from 2026.

3. Legislative context

In addition to setting out our support and provisions it ensures that we are legally compliant, with key legislation including:

- The Equality Act 2010
- Employment Rights Act (and amendments)
- Statutory Adoption Pay & Leave Regulations
- Paternity & Shared Parental Leave rules
- Employment Rights Act 2025.

4. Scope

The Schemes apply equally to all university employees with a QMUL contract of employment. This includes part time employees. Eligibility for leave and pay may be affected by the length of a Fixed Term Contract.

For this policy, adoption and surrogacy arrangements are treated in the same way. All definitions of, and rights and entitlements to adoptive parents also apply to intended parents in a surrogacy arrangement, ensuring consistency and equitable support for all families.

This policy applies to all employees, regardless of length of service, as adoption leave is a day one employment right. However, pay entitlements vary depending on their length of service, earnings and whether they are defined as a Primary or Secondary Adopter (see below).

Employees are eligible for Statutory Adoption Leave and pay if they:

- are legally classed as an employee.

- have been matched with a child through an approved adoption agency.
- provide the employer with the correct notice and documentation (e.g., matching certificate).
- have 26 weeks service by date of matching (for Statutory Adoption Pay).

Additional benefits are available through the QMUL enhanced Scheme for Primary Adopters. This will be dependent upon having at least 52 weeks continuous service at QMUL Details is set out below

Only one parent may take adoption leave; the partner, named as the Secondary Adopter for the purposes of this policy, may access Statutory or QMUL Paternity or Shared Parental Leave.

5. Adoption and surrogacy – what is the same / different

Adoption eligibility starts when parent(s) are matched with a child via an adoption agency. Surrogacy eligibility is based on an intention to apply for a parental order (or adoption order). Adoption, therefore, is an agency match and Surrogacy is a legal parenthood process.

Surrogacy: The surrogate is the legal mother at birth and gets maternity leave/pay. Intended parents only become legal parents after a parental order. This affects paperwork and proof for employers.

- Adoption evidence requires provision of a matching certificate from an agency
- Surrogacy will require evidence of expected birth date and a declaration about applying for a parental order
- For adoption, employees will be entitled to paid time off for adoption appointments (up to 5 for the main adopter).
- For surrogacy, employees can have time off for up to 2 antenatal appointments with the surrogate.

For both adoption and surrogacy:

- Only one person gets adoption leave/pay
- The other partner typically gets:
 - Paternity leave/pay, or
 - Shared parental leave
- The same payment rates and structure remain the same.
- One main parent gets adoption leave and a partner gets paternity/shared leave

There are some differences, namely:

- Surrogacy eligibility depends on intention to become legal parent (parental order)
- Adoption depends on agency matching
- Surrogacy involves extra legal steps and different evidence
- Different pre-birth appointment rights
- A surrogate (not the intended parent) gets maternity leave/pay

6. Eligibility

This policy applies to all employees, as taking Adoption Leave and Surrogacy Leave is a day one right.

However, the amount of adoption leave and pay will depend upon several factors:

6.1 Primary or Secondary Adopter.

Provisions for the *Primary Adopter* are modelled on *maternity* leave and pay. The Primary Adopter is someone who is adopting as an individual or nominated as the *Primary Adopter* from a couple adopting jointly (it is up to the couple which of them takes the role).

Provisions for the *Secondary Adopter* are modelled on *paternity* leave and pay. The *Secondary Adopter* is the partner of an individual who adopts, or the “other” member of a couple who are adopting jointly.

Both schemes apply only when a child is newly placed for adoption. You will not qualify, for example, if you are a stepparent adopting your partner's child.

6.2 Length of service and earnings

This will determine the amount of paid leave and amount payable set out in Section 6.

6.3 UK and International adoption arrangements

Details and requirements are set out for both domestic (UK) arrangements and international adoptions. Additional and different paperwork will be required for international adoption and surrogacy arrangements. Travel leave will be subject to certain restrictions in terms of paid leave.

7. Policy details

All employees are entitled to unpaid adoption leave from day one of their employment. More detailed entitlements to pay and leave are set out below.

7.1 Entitlements - Primary Adopter

Statutory Adoption Leave

To be entitled to Statutory Adoption Pay, or the Enhanced QMUL Pay and Leave Scheme, certain factors will be needed (see below). Primary Adopter entitlements mirror Statutory and QMUL Maternity Leave and pay entitlements.

Adoption Leave **as a Primary Adopter**, can be taken as a day one right for up to 52 weeks unpaid leave and employees should:

- earn at least £129 a week, before tax, for at least 8 weeks before the week, you are matched with a child
- Inform your line manager and HR and give them the correct notice
- give [proof you're adopting, or fostering to adopt](#)

- be classed as employed for tax purposes

Employees are entitled to up to 52 weeks of adoption leave:

- 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave

Leave can begin:

- Up to 14 days before the child's placement, or
- From the date the child moves in.

In both cases we ask that employees notify their line manager and HR within 7 days of being matched with a child.

Primary Adopter Pay - Statutory

Employees who are Primary Adopter's and meet statutory pay criteria are entitled to up to 39 weeks of Statutory Adoption Pay (SAP). This breaks down as:

- first 6 weeks: 90% of average weekly earnings.
- remaining 33 weeks: Paid at the statutory rate set by the Government. Up to date information can be found on <https://www.gov.uk/adoption-pay-leave>
- the Primary Adopter can remain on unpaid leave for the remainder of the 52 weeks

Enhanced Primary Adopter Adoption Pay – The QMUL Scheme

The QMUL Enhanced Adoption Scheme is more generous but with additional requirements. To be eligible for the QMUL Scheme, as the Primary Adopter, employees must be:

- newly matched with a child (under 18) by an approved adoption agency. and
- have at least 52 weeks continuous service with the University by the end of the week of notification of your match with the adoption agency.; and
- return to work for at least three months after your adoption leave ends.

For Primary Adopters, the QMUL enhanced Scheme provides for 52 weeks leave for which you will be paid:

- full pay for the first 18 weeks and then
- half pay for the next 8 weeks, then
- Statutory Adoption Pay for the next 13 weeks then
- nil pay for the final 13 weeks if you choose to remain on leave.

7.2 Entitlements – Secondary Adopter

The other parent is the **Secondary Adopter**.

The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and pay. They will be entitled to take unpaid two weeks leave from day one of their employment.

For paid Paternity Leave of two weeks Secondary Adopters must have:

- a partner matched with a child.
- responsibility for the upbringing of the child
- been continuously employed by the university for at least 26 weeks, ending with the week in which notification of the adoption occurs.

Secondary Adopters must notify employer within 7 days of the match for UK adoptions, confirming:

- date of match and Expected Placement date
- that that they are the partner of the main adopter and responsible for upbringing
- For pay entitlements, must give notice at least 28 days before pay starts.

Documentation requirements are set out in Primary Adopter's section. Further support and unpaid Parental Leave is set out in Section 9.

Summary of Pay and Leave – Statutory and QMUL Schemes

Entitlement	Primary Adopter (Main Adopter) Statutory Adoption Leave	Primary Adopter QMUL Enhanced Adoption Leave Scheme	Secondary Adopter (Partner) Statutory Paternity Leave	Secondary Adopter QMUL Enhanced Scheme
Length and pay	Up to 52 weeks (26 weeks Ordinary + 26 weeks Additional) 2026 SAP Rates First 6 weeks: 90% of your average weekly earnings (no cap) Remaining 33 weeks: The lower of: 90% of your average weekly earnings, or the weekly statutory amount .	Up to 52 weeks leave. Same as Maternity leave 18 weeks full pay plus 8 weeks half pay Plus 13 weeks SAP Plus Nil pay up to 52 weeks	1 or 2 weeks (can be consecutive; can be taken in one or two blocks depending on rules)	2 weeks SAP Full pay
When it can start	Up to 14 days before placement or on day of placement		From placement date or a chosen date after placement; must be within 52 weeks of placement	14 days before
Day one right?	Yes – no minimum service required		Yes, SPP becomes available from day one of employment (still must meet adoption related rules)	26 weeks continuous service for QMUL paid leave
Other requirements		Must plan to return to the workplace for at least 3 months after leave ends		

8. UK and Overseas Adoption

Notice and evidence requirements for adopting in the UK and abroad differ. HR should provide guidance on a case by case.

Adopting within the UK

Employees must inform their line manager within seven days of being notified by the adoption agency that they have been matched with a child, if they intend to take a period of adoption leave (unless it is not reasonably practicable to do so). The employee should complete the Adoption leave planner for UK adoptions form and forward it to HR. If the employee decides to change the date of the placement, they must give at least 28 days' notice in writing of the date they intend to start the adoption leave period.

In addition, the matching certificate stating the expected date of the placement of the child should be sent to HR as soon as it has been issued to the employee by the relevant approved adoption agency.

Overseas adoptions

In the case of adoption from outside The UK statutory adoption leave is not meant to be used to cover the period employees spend travelling overseas to arrange the adoption or visit the child.

Employees in this situation should talk to their line manager in the first instance and may be required to take time off without pay. Annual leave may be used for this purpose; employees should contact HR for further guidance.

Any time off must be agreed with the employee's line manager and employees may be asked to provide evidence of the appointment.

Employees should complete the [form](#) in appendix 1 and forward it to HR within 28 days of receiving official notification or within 28 days of the employees' completion of 26 weeks' continuous service, whichever is later. Whilst the right to adoption leave is a day one right, the reference to the 26-week qualifying period remains in relation to when employees must provide the above

Where employees have obtained official notification before they began employment with the University, or before they have completed 26 weeks' continuous employment with the University, they must complete the form and forward it to HR within 28 days of completing 26 weeks' employment. A copy of the official notification must be appended by the employee to the completed

In all cases, employees must then give the University at least 28 days' notice of the actual date they want the adoption leave and SAP (if applicable) to start. (If the date is known, this notice can be added to the [form](#).) Employees can vary the date on which they want their leave to start, providing they give at least 28 days' notice in advance of the new date, or as soon as reasonably practicable.

Within 28 days of the child's entry into the UK, the employee must notify HR of the date of entry including a copy of the official notification and evidence of the child's date of

entry into The UK (e.g. a plane ticket or copies of entry clearance documents), which will be kept for the record. Employees must complete **form SC6** to confirm adoption leave choice. Additional information is available at <https://www.gov.uk/government/publications/statutory-adoption-pay-and-leave-adopting-a-child-from-abroad-sc6>.

9. Other available leave

9.1 Shared Parental Leave

Adopters will also be entitled to Shared Parental Leave, where one partner's entitlement can be shared with their partner if the first partner returns early and does not use their entitlement. This can seem complex, so more information is available in our [Shared Parental Leave](#) policy.

9.2 Special Leave

Additional support is set out in our Special Leave policy. This includes Neo natal and child bereavement leave entitlements, should they be needed to support employees.

In the case of a primary adopter dying in the first year of adoption, The Bereaved Partner's Paternity Leave Regulations 2026 introduce a new statutory right to 52 weeks of unpaid bereaved partner's paternity leave (BPPL) for eligible employees. This is a day one right for all employees.

Details of these and other unplanned events are set out in our [Special Leave Policy](#).

9.3 Ordinary Parental Leave

Ordinary Parental Leave is unpaid leave of up to 4 weeks granted to parents up to when a child is 18 years old. This is a Day one legal right for employees.

10. Being away on Adoption Leave

As with our Maternity and Paternity Leave policies the following applies:

Keeping in Touch (KIT) days

During adoption leave, employees are entitled to up to 10 paid KIT days. They can include training, meetings etc. They are paid as full days but are not compulsory.

Annual Leave

Annual Leave will accrue during leave. Annual leave entitlement as stated in the relevant contract of employment will continue to accrue as normal for the entire period of adoption leave. All accrued annual leave must be taken within three months of returning to work following adoption leave

Protection

An employee who is on adoption leave and who is at risk of redundancy is legally entitled to be offered a suitable alternative vacancy where one exists before it is offered to other employees (including those who are also at risk of redundancy).

This additional protection starts at the beginning of adoption leave and lasts for 18 months from that date. In the case of overseas adoptions, this protection starts from the date of entry into Great Britain and lasts for 18 months from that date.

The alternative role should in all cases be offered before the end of the original contract and begin the day immediately following the day on which their original contract ends. The new post must be suitable and appropriate for the employee in the circumstances, and the new contractual provisions must not be substantially less favourable than those of the previous contract.

Pension contributions

The following paragraphs give general information about the procedures operating in the pension schemes available to staff in the University. However, this does not cover all individual circumstances and any member of staff who have any queries regarding their pension entitlement should contact the Pensions Office for information.

For pension members, contributions continue during paid adoption leave, based on normal salary rather than reduced pay. During the first 39 weeks of paid adoption leave, employee contributions are made on actual adoption pay received (e.g. SAP or enhanced pa), not full salary. The employer will continue to make contributions based on the full, normal salary that would have been earned if the employee were not on leave, making up for the shortfall and ensuring pensionable service remains uninterrupted. During unpaid leave, contributions pause, but the employee can buy back this "missing" service upon returning. Members paying Additional Voluntary Contributions can maintain these but should contact the Pensions Team.

11. Returning to Work

For Primary Adopters, employees on the QMUL enhanced Adoption paid scheme must return to work for a 3-month period so as not to forfeit any difference between the Statutory Scheme and the QMUL Scheme.

This does not apply to ordinary paternity leave for the second carer.

Return to Work dates are set out in the planning before taking leave. However, if circumstances change and a change in return dates is proposed, employees should contact their line manager as early as possible and up to 8 weeks in advance if possible.

12. Roles and responsibilities

Employees are required to:

- Comply with the notice periods outlined in this policy to inform line manager and HR
- Provide the appropriate proof documentation of adoption from an approved agency and additional documentation for overseas adoption
- Agree and use up to KIT paid days if they choose to do them
- Agree return to work dates if choosing to return
- Inform line manager as soon as possible if circumstances change.

Line managers are required to:

- Adhere to the notice periods set out
- Confirm start, return, and KIT days with employee
- Arrange cover as appropriate
- Inform Fixed Term Contract staff of notice where required
- Formally consult with employee during organisational change and comply with protection laws if role is considered at risk.
- Support employee through Special Leave initiatives if required.

13. Associated information

Other policies that are relevant are:

- Paternity Leave Policy
- Shared Parental Leave Policy
- Special Leave Policy

14. Review

This policy will be reviewed at least every three years or before if legislation changes.

Minor updates to this policy that do not affect the rules, principles or intent of this policy may be approved by the HR Director on behalf of The Policy Scrutiny Group.

Appendix

[Adoption leave, Pay and Guidance \[PDF 152KB\]](#)

Policy title	<i>Adoption and Surrogacy Policy</i>
Version number	<i>3.0</i>
Related policies and procedures	<i>Paternity Leave Policy Shared Parental Leave Policy Special Leave Policy</i>
Superseded policies	<i>Adoption policy now Adoption and Surrogacy policy.</i>
Approval level	<i>HR Lead Louise Lester</i>
Approval date	<i>April 2026</i>
Effective date	<i>6 April 2026</i>
Next review due	<i>April 2029 or before if legislative changes</i>
Policy owner	<i>Anne O'Donnell</i>
Policy contact	<i>Lesley Haddow HR</i>

Version control

Version	Date	Reason for updates/Summary of key changes
1.0	<i>April 2007</i>	<i>First issue</i>
2.0	<i>April 2024</i>	<i>Updated</i>
3.0	<i>April 2026</i>	<i>Surrogacy explicitly added to Scheme and similarities / differences outlined Carer replaced with Adopter in definitions Employment Rights Act 2025 – Day one rights to Paternity and unpaid parental leave. Overseas adoptions- details Bereaved Parental Paternity Leave legislation 2026 New format / style using QMUL Policy Template. Pension Contribution section updated</i>