

Adoption leave and pay

Leave and pay

You might be eligible for statutory adoption leave or statutory adoption pay if you're:

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

'Statutory' means the legal minimum your employer must give you.

Your employer might offer a better adoption leave and pay scheme. Check your contract or speak to your employer.

If you're having a child through surrogacy

You might be entitled to adoption leave, pay and other rights but you must apply to become the legal parent within 6 months of the child's birth.

You 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

If you apply for a parental order, the rules for surrogacy are different.

[Find out your rights to leave and pay when you have a child through surrogacy](#)

If you apply for an adoption order, you'll be eligible for adoption leave and pay.

[Find out how to become the child's legal parent on GOV.UK](#)

If you're in a couple

If you're in a couple, only one of you can get adoption leave and pay. You should decide between yourselves who will get it.

The partner who does not get adoption leave and pay might be able to get [paternity leave and pay](#).

Both of you might also be able to use [shared parental leave and pay](#) to take time off.

Adoption leave

Statutory adoption leave lasts for up to 52 weeks. This is the same as for [maternity leave](#).

You have the right to adoption leave from the first day of your employment.

Eligibility for adoption leave

To be eligible for adoption leave, you must:

- be [legally classed as an employee](#)
- [tell your employer](#) and give them the correct notice
- give [proof that you're adopting or fostering to adopt](#), if your employer asks for it

You must also have been matched with a child through an adoption agency.

You're not entitled to take adoption leave for a private adoption. This is where no adoption agency is involved, for example if you're adopting a relative or stepchild.

Adoption pay

Statutory adoption pay is paid for 39 weeks. This is the same as for [maternity pay](#).

Adoption pay starts when you take your adoption leave.

For the first 6 weeks

You get 90% of your average weekly earnings.

For the following 33 weeks

You get whichever is lower:

- £184.03 a week
- 90% of your average weekly earnings

Eligibility for adoption pay

To get statutory adoption pay, you must:

- be continuously employed by your employer for at least 26 weeks
- earn at least £123 a week, before tax, for at least 8 weeks before the week you're matched with a child
- [tell your employer](#) and give them the correct notice
- give [proof you're adopting, or fostering to adopt](#)

Agency workers might also be able to get statutory adoption pay.

If you're not eligible for statutory adoption pay, you may still qualify for adoption leave without pay.