



# Adoption and Surrogacy Policy

Full Council Approved: March 2022  
Last Reviewed: Feb 2026  
Due for next Review: Feb 2029

## Policy Elements (Principles and Scope)

### 1. Policy Statement

Fleet Town Council is committed to supporting employees who are adopting a child or who are intended parents in a surrogacy arrangement. The Council recognises the importance of family life and aims to ensure employees are treated fairly, consistently, and in accordance with their legal entitlements.

This policy sets out the Council's commitment to meet, as a minimum, all statutory obligations relating to adoption and surrogacy leave, pay, and associated rights. In addition, the Council provides enhanced adoption and surrogacy pay provisions which exceed statutory requirements, as set out in the associated procedure.

### 2. Legal Framework

This policy is governed by, and will be applied in accordance with, the following legislation and statutory guidance (as amended from time to time):

- Employment Rights Act 1996
- Children and Families Act 2014
- Statutory Adoption Leave and Pay provisions
- Human Fertilisation and Embryology Act 2008
- Shared Parental Leave Regulations 2014
- Equality Act 2010

Where legislation or statutory guidance changes, the Council will apply those changes even where this policy has not yet been formally updated.

### 3. Scope

This policy applies to:

- All employees of Fleet Town Council.

It does not apply to:

- Agency workers, contractors, or elected Members.

### 4. Principles

The Council will:

- Ensure employees are not treated less favourably because they are adopting or becoming parents through surrogacy.
- Apply this policy consistently and without discrimination.
- Respect confidentiality and data protection requirements.
- Consider flexible working requests in line with the Council's Flexible Working Policy.

## Procedural Elements (How the Policy Works in Practice)

### 5. Eligibility

Employees may be entitled to adoption or surrogacy leave and pay where they:

- Are matched with a child through an approved adoption agency; or
- Are an intended parent in a surrogacy arrangement and meet the criteria to apply for a parental order.

Eligibility for statutory and enhanced pay is determined by length of continuous service and earnings, in line with statutory requirements and Council policy.

### 6. Entitlement to Leave

Eligible employees may take up to 52 weeks' adoption or surrogacy leave, comprising:

- Up to 26 weeks' Ordinary Adoption/Surrogacy Leave; and
- Up to 26 weeks' Additional Adoption/Surrogacy Leave.

Only one parent may take adoption/surrogacy leave in respect of the same child. Parents may choose to convert leave to Shared Parental Leave, subject to eligibility.

### 7. Pay During Leave

Statutory adoption or surrogacy pay will be paid in accordance with current government rates and eligibility criteria.

#### Enhanced Adoption and Surrogacy Pay

In addition to statutory entitlements, the Council provides enhanced adoption and surrogacy pay. These arrangements are a local provision and are not required by legislation.

Employees who have completed at least one year's continuous service with the Council by:

- the 26th week before being matched with a child (adoption); or
- the 15th week before the Expected Week of Childbirth (surrogacy)

will be entitled to enhanced adoption or surrogacy pay as follows:

- **First six weeks:** 90% of normal weekly pay, offset against any statutory adoption or surrogacy pay received.
- **Following 12 weeks:** half pay plus statutory adoption or surrogacy pay, subject to the total not exceeding full pay.

Enhanced payments beyond the first six weeks are conditional upon the employee confirming in writing their intention to return to work and to remain in the Council's employment for a minimum period of three months following their return.

If an employee does not return to work for the required period, the Council may require repayment of the enhanced element of pay, but not any statutory pay received.

Payroll will provide confirmation of pay entitlements once notice and evidence requirements are met.

### 8. Notice and Evidence

Employees must notify the Council in writing of their intention to take adoption or surrogacy leave within statutory timescales.

Employees will be required to provide appropriate evidence, such as:

- A matching certificate from an adoption agency; or
- A declaration and documentation confirming eligibility for a parental order in surrogacy cases.

The Council will confirm leave dates and the expected return-to-work date in writing.

## **9. Time Off for Adoption Appointments**

Employees are entitled to time off to attend adoption appointments in accordance with statutory provisions.

Paid or unpaid entitlement will depend on whether the employee is the primary adopter or the secondary adopter, as defined in legislation.

Employees must provide reasonable notice and evidence of appointments when requested.

## **10. Rights During Leave**

During adoption or surrogacy leave:

- All contractual terms and conditions will continue, except for normal pay.
- Annual leave will continue to accrue.
- Pension contributions will be maintained in line with scheme rules.

## **11. Contact During Leave and Keeping in Touch (KIT) Days**

The Council may maintain reasonable contact with employees during leave to:

- Discuss return-to-work arrangements.
- Provide workplace updates; or
- Agree attendance at training or meetings.

Employees may undertake up to 10 Keeping in Touch (KIT) days by mutual agreement, without bringing leave to an end.

## **12. Returning to Work**

Employees may return to work at any time during adoption/surrogacy leave, subject to statutory notice requirements.

On return:

- Employees returning from Ordinary Leave are entitled to return to the same job.
- Employees returning from Additional Leave will return to the same job, or where not reasonably practicable, to a suitable alternative role on no less favourable terms.

Flexible working requests will be considered in line with Council policy.

## **13. Failure to Return**

If an employee decides not to return to work following adoption or surrogacy leave, they must give notice in accordance with their contract of employment.

Where enhanced pay has been provided, repayment provisions may apply in line with the Council's pay arrangements.

Related Policies:

- Maternity and Paternity Policy
- Shared Parental Leave Policy
- Flexible Working Policy
- Equality and Diversity Policy