

Adoption leave and pay

If you're taking time off work to have a child through surrogacy, you might be eligible for:

- statutory adoption leave
- statutory adoption pay

This is 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 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 can last for up to 52 weeks. This is the same as [maternity leave](#).

Eligibility

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 of surrogacy, if your employer asks you for it

[Find out how to tell your employer and give proof of surrogacy](#)

Adoption pay

Statutory adoption pay is 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:

- £187.18 a week (£194.32 from 6 April 2026)
- 90% of your average weekly earnings

Eligibility

To get statutory adoption pay, you must:

- be [legally classed as an employee](#)
- have been continuously employed by your employer for at least 26 weeks for the same employer before your 'qualifying week'
- earn at least £125 a week, before tax, in the 8 weeks before your 'qualifying week' (£129 from 6 April 2026)
- tell your employer and give them the correct notice
- give proof of the surrogacy, if your employer asks you for it

If you're not eligible for paid leave, you can ask your employer if you can take unpaid leave.

Your qualifying week

You need to work out when your 'qualifying week' is so you know:

- when you need to give notice to your employer to get adoption leave and pay
- whether you'll get statutory adoption pay

To work out your qualifying week, use a calendar to count 15 weeks back from the week your baby is due.

If your baby needs neonatal care

If your baby needs neonatal care, you might be eligible for neonatal care leave and pay. This is in addition to adoption leave.

Employees have the right to neonatal care leave from their first day of starting a job. Eligible parents can take neonatal care leave once their child has been in neonatal care for at least 7 consecutive days.

Employees can take up to 12 weeks leave and pay depending on how long their baby needs neonatal care for.

[Find out more about neonatal care leave and pay](#)