

Adoption

When a couple adopt a child, one person is the 'main adopter' and one is the 'secondary adopter'.

The main adopter can take [adoption leave and pay](#). The secondary adopter can take paternity leave.

They cannot change or swap which one they're taking once they have informed their employers.

Eligibility for statutory paternity leave

For someone to be eligible for statutory paternity leave for adoption, they must:

- be married to, the civil partner or partner of the child's main adopter – this includes same-sex partners
- be taking the leave to care for the child or support their partner
- [have the legal status of employee](#)

They must also have been employed continuously by the same employer for at least 26 weeks. The 26 weeks must end with:

- the week the employee is notified that they've been matched with a child – for UK adoptions
- the week the child enters Great Britain (England, Scotland or Wales) or when the employee wants the pay and leave to start – for overseas adoptions

Important: From 6 April 2026, employees will be eligible for paternity leave from the first day of employment. This applies to parents of children placed for adoption on or after 6 April 2026.

Giving notice to take paternity leave

From 6 April 2026, employees will be eligible for paternity leave from the first day of employment. Parents who will become eligible when the law changes can give notice from 18 February 2026. The notice period for paternity leave for adopting fathers and partners is not changing.

An employee must give their employer the correct notice to take statutory paternity leave.

The notice requirements will depend on whether it is a UK or overseas adoption.

If it's a UK adoption placement

An employee must tell their employer:

- the date they were notified of being matched with the child
- when they expect the placement to start, or when it started if it's already started

They must also tell their employer in writing that:

- they have, or expect to have, responsibility for bringing up the child
- they are married to, the civil partner or partner of the child's main adopter

For each period of paternity leave the employee wants to take, they must give their employer:

- the date they want the period of leave to start and how long it will last
- confirmation in writing that the purpose of the leave is to care for the child or the child's main adopter, or both

An employee must give their employer all the above information within a specific timeframe. This is within 7 days of being notified that they've been matched with a child.

If it's an overseas adoption placement

An employee must tell their employer:

- the date the child's main adopter received an official notification of the adoption
- the date the child is expected to enter Great Britain, or if they have already entered Great Britain, the date they entered

They must also tell their employer in writing that:

- they have, or expect to have, responsibility for bringing up the child
- they are married to, the civil partner or partner of the child's main adopter
- the child's main adopter has received an official notification of the adoption

They must give their employer this information within 28 days of either:

- the date of the official notification
- the date they complete 26 weeks of working for their employer

They must use whichever of these dates is later.

Giving paternity leave dates for overseas adoptions

For overseas adoption placements, an employee must give their employer their leave dates.

For each period of paternity leave the employee wants to take, they must give their employer:

- the date they want the period of leave to start and how long it will last
- confirmation in writing that the purpose of the leave is to care for the child or child's main adopter, or both

They must give this to their employer at least 28 days before they want their paternity leave to start.

If an employee cannot give information in the required time

There might be a good reason why an employee cannot give their employer information within the required time. In this case, the employee must provide the information as soon as possible.

If the employer asks for proof

If the employer asks for proof of adoption, the employee must provide within 28 days either:

- a letter from the adoption agency

- the 'matching' certificate

It might not always be possible for an employee to give notice or proof in the required time. The employer should talk with them to check why and the employee must give the notice without any further delay.

Eligibility for statutory paternity pay for UK adoptions

Important: These requirements will not change when paternity leave becomes a 'day one right' on 6 April 2026.

To be eligible for [statutory paternity pay](#), an employee or worker must be:

- married to, the civil partner or partner of the child's main adopter – this includes same-sex partners
- taking the leave to care for the child or support their partner

They must have worked for the same employer continuously:

- for at least 26 weeks ending with the 'relevant' or 'matching' week – the week they're notified of being matched with a child for adoption
- between the relevant week and the day the adoption placement starts

They must have average weekly earnings of at least £125 a week over 8 weeks ending with the relevant week (£129 from 6 April 2026).

If their employment ends before their adoption placement starts, they lose their entitlement.

Eligibility for statutory paternity pay for overseas adoptions

Important: These requirements will not change when paternity leave becomes a 'day one right' on 6 April 2026.

If an employee or worker is adopting a child from overseas, to be eligible for statutory paternity pay they must:

- be married to, the civil partner or partner of the child's main adopter – this includes same-sex partners
- have or expect to have the main responsibility with the main adopter for the child's upbringing
- have given their employer notice within 7 days of being notified that they've been matched with a child

They must have worked for the same employer continuously for at least 26 weeks either:

- ending with the week the main adopter received 'official notification' from the authority in the UK responsible for the adoption
- starting with the week they started working for the employer

This is in case they got the official notification a year or more before the child enters Great Britain and could have changed employers in this time.

The employee must tell their employer:

- the date the child's main adopter received the official notification
- the date the child is expected to enter Great Britain
- when they want to start their paternity leave

- how much paternity leave they plan to take

They must do this within 28 days of either of the following – whichever is later:

- receiving the official notification
- the date they've been employed continuously for 26 weeks by the same employer

The employee must then tell their employer the date the child actually entered Great Britain within 28 days of the child arriving.

If the employer requests it, the employee must give any of these details in writing.

Claiming statutory paternity pay for adoption

To claim statutory paternity pay for adoption, the employee or worker must ask their employer in writing. This must be within 7 days of the date they're told they're matched with a child.

In the notice, they must say:

- the date they were notified of being matched with the child
- the date the placement started or is expected to start
- how much paternity leave they plan to take
- when they want to start that leave

They must put the notice in writing. They could do this:

- in a letter or email
- using the [form statutory paternity pay and leave: becoming an adoptive or parental order parent \(SC4\) on GOV.UK](#)

It might not be possible for the employee to give the required amount of notice as the adoption process cannot always be to a definite timeframe. The employer should be understanding in this situation.

Taking paternity leave and pay

The employee can take their statutory paternity leave and pay at any time in the first 52 weeks after either:

- the date the adoption placement starts
- the date the child enters Great Britain if it's an overseas adoption

If the adoption does not go ahead

If someone's adoption is 'disrupted', meaning it does not go ahead, the employer should still pay statutory paternity pay.

A disrupted adoption placement could be because the child has to return to the adoption agency or foster care, or has died.

Experiencing a disrupted adoption can be very upsetting. Employers should be flexible with who tells them, for example the employee's family member or friend.

The employer should treat anyone affected by the disrupted adoption with care and support. They may want to take time off before returning to work. The employer should discuss the options with them.

[Find out more about supporting an employee after a death](#)

Contact the Acas helpline

If you have any questions about paternity leave and pay for adoption, [contact the Acas helpline](#).