

Children and Families Act 2014 - changes to adoption leave and pay

Adopters are now entitled to similar rights to birth parents:

- Adoption leave is now a 'day 1 right' (i.e. employees will not need to have a qualifying period of service); and
- Statutory adoption pay is paid at the earnings related level in the first 6 weeks – mirroring the arrangements for statutory maternity pay.
- The qualifying requirements for statutory adoption pay are unchanged

New groups of parents now qualify for adoption leave and pay:

- Dual approved prospective adopters who have a child placed with them under section 22C of the Children Act 1989 with a view to them adopting that child (this is sometimes referred to as fostering for adoption); and
- The intended parents in a surrogacy arrangement where they are eligible for and intend to apply for a Parental Order (or where they have already obtained such an order) making them the legal parents of the child that they are having with the help of a surrogate mother. These parents are referred to as 'Parental Order parents' in this guidance.

New groups of parents now qualify for paternity leave and pay:

- The partner of the dual approved adopter or, in the case of joint dual approved adoptions, the parent who will not take adoption leave and pay; and
- One of the Parental Order parents (the parent that doesn't take adoption leave and pay).

Eligible employees and agency workers with 12 weeks service are now entitled to time off to attend adoption meetings:

- The time off to attend adoption appointment must be taken in the period between being notified of a match with a child and the date that the child joins the family:
 - Single adopters are entitled to paid time off to attend up to 5 adoption appointments.
 - In the case of joint adoptions (i.e. a couple who have been jointly matched to adopt a child) one of the adopters will be entitled to paid time off to attend up to 5 adoption appointments. The other adopter may be entitled to unpaid time off to attend up to 2 adoption appointments.
- Where there are joint adopters, the adopter who took paid time off to attend adoption appointments cannot claim paternity leave and pay. This means that the parent who intends to take adoption leave and pay is likely to take the paid time off and the other parent is likely to take the unpaid time off.

Parental Order parents are now entitled to time off to attend antenatal appointments:

- On 1 October 2014 Parental Order parents became entitled to take unpaid leave to enable them to accompany the surrogate mother to up to 2 of her antenatal appointments. This is subject to meeting certain criteria, including a 12 week qualifying period of service where the Parental Order parent is an agency worker.

Adopters and their partners and Parental Order parents may be eligible for shared parental leave and pay:

- Working parents who adopt a child may also be eligible for shared parental leave and pay where the parent that is eligible for adoption leave and/or pay ends this early to opt into the new shared parental leave and pay system.