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## Surrogacy

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## **1 Overview**

### **1.1 What is this about?**

1.1.1 People may seek a surrogacy arrangement for a variety of reasons including when pregnancy is medically impossible, when pregnancy risks present an unacceptable danger to the mother's health or when a same sex couple want to have a child. The information here explains the support available to those having a baby or starting a family through a surrogacy arrangement.

### **1.2 Who is this for?**

1.2.1 This is for all officers, authority/police staff and managers.

### **1.3 Key information**

- Surrogacy is when another woman carries and gives birth to a baby for the intended parents.
- Traditional or straight surrogacy uses the eggs of the surrogate (birth) mother and the sperm of the intended father. The baby is biologically related to the intended father and the surrogate mother.
- Gestational or host surrogacy uses the egg of the intended mother and the sperm of the intended father or donor sperm. A baby conceived by this method has no biological connection to the surrogate mother.
- The birth (surrogate) mother has the same rights as any other pregnant worker.
- Parental responsibility can be transferred by either a parental or adoption order.
- A parental order can be applied for if the intended parents are genetically related to the baby.
- Where the intended parents are not genetically related to the baby an adoption order must be applied for, through a registered adoption agency.

## **2 Officer/Staff**

### **2.1 What you need to do:**

- Let your manager know if you need any support in the workplace.
- Let us know about any time off you need for appointments.
- Tell us when you want your leave (and pay) to start and end.

### **2.2 Birth (surrogate) mother**

2.2.1 If you are the birth mother in a legal surrogacy arrangement you have the same rights as any other pregnant worker. Signing a parental or adoption order after the birth has no impact on your rights.

2.2.2 Let your manager know if you need any adjustments or support in the workplace.

2.2.3 Please refer to the Pregnancy and Maternity procedure for further information.

### **2.3 Intended parents**

2.3.1 The intended parents can apply for either a parental or adoption order.

2.3.2 If you are genetically related to the baby you can apply for a parental order six weeks after the baby is born. This must be done before the baby is six months old.

2.3.3 If you or your partner are not genetically related to the baby you would have to apply for an adoption order, through a registered adoption agency, to become the legal parents.

2.3.4 Let your manager know if you require any support or adjustments in the workplace.

### **2.4 Antenatal appointments**

2.4.1 If you are going to apply for a parental order you have the right to unpaid time off to attend up to two antenatal appointments with the birth mother. Time off is capped at six and a half hours for each appointment for officers and capped at the number of hours for a standard working day for authority/police staff.

2.4.2 Remember you can use annual leave, flexi time or TOIL if available, rather than unpaid leave.

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2.4.3 Let your manager know about any time off you need for antenatal appointments.

### **2.5 Adoption leave and pay**

2.5.1 Adoption leave (and pay, if eligible) is available if you become the legal parents following an application for adoption or parental order. Further information is available in the Adoption procedure.

2.5.2 If the full entitlement to adoption leave and statutory pay has not been used, it may be possible to transfer the balance as Shared Parental Leave, to a spouse, partner or the biological father of the baby.

### **2.6 Adoption/maternity support leave and pay**

2.6.1 If you are the biological father of the baby, spouse/partner or nominated carer of the mother, maternity support leave and pay is available, if you are eligible. Further information is available in the Adoption/Maternity Support procedure.

### **3 Manager**

#### **3.1 What you need to do:**

- Talk over any requests for support with the team member.
- Arrange a suitable time to complete a risk assessment (for birth mother).
- Take a note of antenatal appointments and make sure the team member is able to be released from duty.

#### **3.2 Support**

3.2.1 When the team member tells you that they are having a baby through a surrogacy arrangement you should talk over any support they may need.

3.2.2 The support you can offer could be as simple as just listening to any concerns they have or talking over what type of leave they are entitled to.

#### **3.3 Risk assessments**

3.3.1 If the team member is the birth (surrogate) mother you should refer to the New or Expectant Mother – Risk Assessment Guidance to help identify some of the hazards and control measures that might need to be considered.

3.3.2 Ask the team member if they know of any potential risks that you need to consider as part of the assessment. This could be advice or information provided by a doctor or consultant.

3.3.3 You should complete the New and Expectant Mother Risk Assessment and update it with any pregnancy related risks.

3.3.4 If you identify health risks that cannot be reduced to a reasonable level, you might have to consider altering the role, working conditions or hours, or find a suitable alternative role.

3.3.5 Talk over and agree any proposed adjustments with the team member.

3.3.6 You need to review the assessment if there is new information to consider or where the previous assessment is no longer relevant.

#### **3.4 Time off for appointments**

3.4.1 If the team member is the birth (surrogate) mother they may not have control over the times of their appointments. You should however,

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encourage them to arrange appointments outside their normal working hours or at the beginning or end of the working day, where possible.

- 3.4.2 You need to take into account requests for time off and make sure the team member can be released from duty to attend appointments. After they have attended the first appointment, you can ask them to give you details of any further scheduled meetings. This will help you plan for any time off that is needed.

### **3.5 Intended parents**

- 3.5.1 If the team member is going to apply for a parental order, they have the right to unpaid time off to attend up to two antenatal appointments with the birth mother. Time off is capped at six and a half hours for each appointment for officers and capped at the number of hours for a standard working day for authority/police staff.
- 3.5.2 When the time off is unpaid you should remind them they may want to consider using annual leave, flexi time or TOIL, if available.
- 3.5.3 You need to make sure the team member can be released from duty to attend appointments.
- 3.5.4 You should record any time off on SCoPE in the duty roster.

### **3.6 Leave and pay**

- 3.6.1 There may be an entitlement to leave and pay depending on whether the team member applies for a parental or adoption order. Further information can be found in the Adoption procedure or the Adoption/Maternity Support procedure.

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## 4 Resources

### Related Procedures

- Adoption
- Adoption/Maternity Support
- Fertility Treatment
- Pregnancy and Maternity
- Shared Parental Leave

### Useful Links

- Fathers Network

Process Map

