

Status: Point in time view as at 15/03/2015.

Changes to legislation: There are currently no known outstanding effects for the Work and Families Act (Northern Ireland) 2015, Section 8. (See end of Document for details)



2015 CHAPTER 1

PART 2

SHARED RIGHTS TO LEAVE AND PAY

Other statutory rights

Other statutory rights to leave of prospective adopters with whom looked after children are placed

- 8.—(1) The Employment Rights Order is amended as follows.
- (2) In Article 107A (ordinary adoption leave), after paragraph (1) insert—
- “(1A) The conditions that may be prescribed under paragraph (1) include the condition mentioned in Article 107AB.”.
- (3) After that Article, insert—

“Ordinary adoption leave: prospective adopters with whom looked after children are placed

107AB.—(1) The condition referred to in Article 107A(1A) is a condition as to the employee—

- (a) being an approved foster parent,
- (b) being an approved prospective adopter,
- (c) being notified by an authority that a child who is looked after by it is to be, or is expected to be, placed with the employee by the authority under Article 27(2)(a) of the Children (Northern Ireland) Order 1995, in the circumstances mentioned in paragraph (2), and
- (d) satisfying such further conditions as may be prescribed.

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(2) The circumstances referred to in paragraph (1)(c) are that the authority—

- (a) is considering adoption for the child, or
- (b) has decided by virtue of regulation 11 of the Adoption Agencies Regulations (Northern Ireland) 1989 that it is satisfied that adoption is in the best interests of the child.

(3) In this Article—

“approved foster parent” means a person approved as a foster parent by the authority under regulation 3 of the Foster Placement (Children) Regulations (Northern Ireland) 1996,

“approved prospective adopter” means a person considered by the authority by virtue of the Adoption Agencies Regulations (Northern Ireland) 1989 to be a person suitable to adopt a child,

“authority” has the same meaning as in the Children (Northern Ireland) Order 1995 (see Article 2(2) and (3) of the Order),

“child who is looked after by an authority” has the same meaning as in that Order (see Articles 2(7)(b) and 25 of the Order).

(4) The Department may by order amend the definition of, or substitute another definition for the definition of, “approved foster parent” or “approved prospective adopter” for the time being contained in paragraph (3), in consequence of any modification or replacement of the regulations referred to in the definition.”.

(4) In Article 112B (entitlement to ordinary paternity leave: adoption), in paragraph (5), after sub-paragraph (a) insert—

- “(aa) make provision excluding the right to be absent on leave under this Article in the case of an employee who, by virtue of provision under Article 112BA(1), has already exercised a right to be absent on leave under this Article in connection with the same child;”.

(5) After that Article, insert—

“Entitlement to paternity leave: prospective adopters with whom looked after children are placed

112BA.—(1) Regulations made under Article 112B(1) are to include provision for leave in respect of a child who is looked after by an authority and who is to be, or is expected to be, placed by the authority under Article 27(2)(a) of the Children (Northern Ireland) Order 1995, in the circumstances mentioned in paragraph (2), with an approved foster parent who is also an approved prospective adopter.

(2) The circumstances are that—

- (a) the authority—

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- (i) is considering adoption for the child, or
 - (ii) has decided by virtue of regulation 11 of the Adoption Agencies Regulations (Northern Ireland) 1989 that it is satisfied that adoption is in the best interests of the child, and
- (b) such conditions as may be specified are satisfied.
- (3) Regulations made under Article 112B(1) are to provide for Article 112B to have effect, in relation to provision made by virtue of paragraph (1), as if—
- (a) references to a child being placed for adoption or placement for adoption were such references as may be specified,
 - (b) in paragraph (5), sub-paragraph (aa) were omitted.
- (4) In this Article, “approved foster parent”, “approved prospective adopter”, “authority” and “child who is looked after by an authority” have the same meaning as in Article 107AB.”

Commencement Information

II S. 8 in operation at 15.3.2015 by [S.R. 2015/86](#), [art. 3\(1\)\(f\)](#)

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