

*These notes refer to the Work and Families Act (Northern Ireland)
2015 (c.1) which received Royal Assent on 8th January 2015*

Work and Families Act (Northern Ireland) 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Shared Rights to Leave and Pay

Section 2: Shared parental leave

Article 107H: Entitlement to shared parental leave: prospective adopters with whom looked after children are placed

Article 107H concerns entitlement to shared parental leave for prospective adopters in fostering for adoption (“FFA”) situations. These are situations where a child is placed with a foster parent where there is a significant likelihood that the placement will result in that foster parent adopting the child.

Paragraph (1) specifies that regulations will include provision, in set circumstances, for shared parental leave entitlement where a child is placed by a competent authority (a Health and Social Care Trust) with an approved foster parent who is also an approved prospective adopter.

In accordance with *paragraph (2)*, these circumstances are where either a decision is pending or has already been taken that adoption is in the child’s best interests. Regulations may specify that certain conditions must also be satisfied in order for shared parental leave to be available. It is anticipated that this will allow the regulations to set a specific point at which entitlement will be triggered.

Paragraph (3) provides for regulations to include adaptations to appropriate references in relevant provision to placements for adoption made under the law of any part of the United Kingdom; this will convert references in relevant provisions to fit FFA cases.