



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 7

#### STATUTORY RIGHTS TO LEAVE AND PAY

##### *Other statutory rights*

#### **121 Statutory rights to leave and pay of prospective adopters with whom looked after children are placed**

- (1) In section 75A of the Employment Rights Act 1996 (ordinary adoption leave), after subsection (1) there is inserted—

“(1A) The conditions that may be prescribed under subsection (1) include conditions as to—

- (a) being a local authority foster parent;
- (b) being approved as a prospective adopter;
- (c) being notified by a local authority in England that a child is to be, or is expected to be, placed with the employee under section 22C of the Children Act 1989.”

- (2) In section 80B of the Employment Rights Act 1996 (entitlement to ordinary paternity leave: adoption)—

- (a) in subsection (5), after paragraph (a) there is inserted—

“(aa) make provision excluding the right to be absent on leave under this section in the case of an employee who, by virtue of provision under subsection (6A), has already exercised a right to be absent on leave under this section in connection with the same child;”;

- (b) after subsection (6) there is inserted—

“(6A) Regulations under subsection (1) shall include provision for leave in respect of a child placed, or expected to be placed, under section 22C of the Children Act 1989 by a local authority in England with a

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local authority foster parent who has been approved as a prospective adopter.

- (6B) This section has effect in relation to regulations made by virtue of subsection (6A) as if—
- (a) references to being placed for adoption were references to being placed under section 22C of the Children Act 1989 with a local authority foster parent who has been approved as a prospective adopter;
  - (b) references to placement for adoption were references to placement under section 22C with such a person;
  - (c) paragraph (aa) of subsection (5) were omitted.”
- (3) In section 171ZB of the Social Security Contributions and Benefits Act 1992 (entitlement to ordinary statutory paternity pay: adoption), after subsection (7) there is inserted—
- “(8) This section has effect in a case involving a child placed under section 22C of the Children Act 1989 by a local authority in England with a local authority foster parent who has been approved as a prospective adopter with the following modifications—
- (a) the references in subsection (2) to a child being placed for adoption under the law of any part of the United Kingdom are to be treated as references to a child being placed under section 22C in that manner;
  - (b) the reference in subsection (3) to the week in which the adopter is notified of being matched with the child for the purposes of adoption is to be treated as a reference to the week in which the prospective adopter is notified that the child is to be, or is expected to be, placed with the prospective adopter under section 22C;
  - (c) the reference in subsection (6) to placement for adoption is to be treated as a reference to placement under section 22C;
  - (d) the definition in subsection (7) is to be treated as if it were a definition of “prospective adopter”.
- (9) Where, by virtue of subsection (8), a person becomes entitled to statutory paternity pay in connection with the placement of a child under section 22C of the Children Act 1989, the person may not become entitled to payments of statutory paternity pay in connection with the placement of the child for adoption.”
- (4) In section 171ZE of the Social Security Contributions and Benefits Act 1992 (rate and period of pay), after subsection (11) there is inserted—
- “(12) Where statutory paternity pay is payable to a person by virtue of section 171ZB(8), this section has effect as if—
- (a) the references in subsections (3)(b) and (10) to placement for adoption were references to placement under section 22C of the Children Act 1989;
  - (b) the references in subsection (10) to being placed for adoption were references to being placed under section 22C.”
- (5) In section 171ZL of the Social Security Contributions and Benefits Act 1992 (entitlement to statutory adoption pay), after subsection (8) there is inserted—

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- “(9) This section has effect in a case involving a child who is, or is expected to be, placed under section 22C of the Children Act 1989 by a local authority in England with a local authority foster parent who has been approved as a prospective adopter with the following modifications—
- (a) the references in subsections (2)(a) and (4A)(a) to a child being placed for adoption under the law of any part of the United Kingdom are to be treated as references to a child being placed under section 22C in that manner;
  - (b) the reference in subsection (3) to the week in which the person is notified that he has been matched with the child for the purposes of adoption is to be treated as a reference to the week in which the person is notified that the child is to be, or is expected to be, placed with him under section 22C;
  - (c) the references in subsection (4B)(a) to adoption are to be treated as references to placement under section 22C;
  - (d) the reference in subsection (5) to placement, or expected placement, for adoption is to be treated as a reference to placement, or expected placement, under section 22C.
- (10) Where, by virtue of subsection (9), a person becomes entitled to statutory adoption pay in respect of a child who is, or is expected to be, placed under section 22C of the Children Act 1989, the person may not become entitled to payments of statutory adoption pay as a result of the child being, or being expected to be, placed for adoption.”
- (6) In section 171ZN of the Social Security Contributions and Benefits Act 1992 (rate and period of pay), after subsection (8) there is inserted—
- “(9) Where statutory adoption pay is payable to a person by virtue of section 171ZL(9), this section has effect as if the reference in subsection (2F) to the week in which the person is notified that he has been matched with a child for the purposes of adoption were a reference to the week in which the person is notified that a child is to be, or is expected to be, placed with him under section 22C of the Children Act 1989.”
- (7) In the Social Security Contributions and Benefits Act 1992—
- (a) in section 171ZJ(1), at the appropriate place there is inserted—
    - ““local authority” has the same meaning as in the Children Act 1989 (see section 105(1) of that Act);”;
    - ““local authority foster parent” has the same meaning as in the Children Act 1989 (see section 22C(12) of that Act);”;
  - (b) in section 171ZS(1), at the appropriate place there is inserted—
    - ““local authority” has the same meaning as in the Children Act 1989 (see section 105(1) of that Act);”;
    - ““local authority foster parent” has the same meaning as in the Children Act 1989 (see section 22C(12) of that Act);”.