
WELSH STATUTORY INSTRUMENTS

2016 No. 413

**The Social Services and Well-being (Wales) Act
2014 (Consequential Amendments) Regulations 2016**

Employment Rights Act 1996 (c. 18)

- 143.** The Employment Rights Act 1996 is amended as follows.
- 144.** In section 57ZS(1) (placement of looked after children with prospective adopters)—
- (a) after subsection (2) insert—
 - “(2A) Subsection (2B) applies where a local authority in Wales notifies a person—
 - (a) who is a local authority foster parent, and
 - (b) who has been approved as prospective adopter,that a child is to be, or is expected to be, placed with that person under section 81 of the Social Services and Well-being (Wales) Act 2014.
 - (2B) Where this subsection applies, sections 57ZJ, 57ZL, 57ZN and 57ZP have effect as if—
 - (a) references to adoption or placement for adoption were references to placement of a child under section 81 of the Social Services and Well-being (Wales) Act 2014 with a local authority foster parent who has been approved as a prospective adopter;
 - (b) references to placing for adoption were references to placing a child under section 81 of that Act with a local authority foster parent who has been approved as a prospective adopter;
 - (c) references to an adoption agency were references to a local authority in Wales.”;
 - (b) in subsection (3) after “Children Act 1989” insert “or section 81 of the Social Services and Well-being (Wales) Act 2014”.
- 145.** In section 75A(2) (ordinary adoption leave) for subsection (1A)(c) substitute—
- “(c) being notified—
 - (i) 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;
 - (ii) by a local authority in Wales that a child is to be, or is expected to be, placed with the employee under section 81 of the Social Services and Well-being (Wales) Act 2014.”
- 146.** In section 75G(3) (entitlement to shared parental leave: adoption)—
- (a) for subsection (7) substitute—

(1) Section 57ZS was inserted by the Children and Families Act 2014 (c. 6), section 128(1).
(2) Section 75A was inserted by the Employment Act 2002 (c. 22), section 3. Subsection (1A) was inserted by the Children and Families Act 2014 (c. 6), section 121(1).
(3) Section 75G was inserted by the Children and Families act 2014 (c. 6), section 117(1).

“(7) Regulations under subsections (1) and (4) are to provide for leave in respect of a child placed, or expected to be placed—

- (a) under section 22C of the Children Act 1989 by a local authority in England, or
- (b) under section 81 of the Social Services and Well-being (Wales) Act 2014 by a local authority in Wales,

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

- (b) in subsection (8) after “Children Act 1989” insert “, or section 81 of the Social Services and Well-being (Wales) Act 2014”.

147. In section 80B(4) (entitlement to paternity leave: adoption)—

- (a) for subsection (6A) substitute—

“(6A) Regulations under subsection (1) shall include provision for leave in respect of a child placed, or expected to be placed—

- (a) under section 22C of the Children Act 1989 by a local authority in England, or
- (b) under section 81 of the Social Services and Well-being (Wales) Act 2014 by a local authority in Wales,

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

- (b) in subsection (6B)(a) after “Children Act 1989” insert “, or section 81 of the Social Services and Well-being (Wales) Act 2014”;
- (c) in subsection (6B)(b) after “section 22C” insert “of the Children Act 1989, or section 81 of the Social Services and Well-being (Wales) Act 2014”.

148. In section 235(1)(5) (other definitions) in the definition of “local authority foster parent”, for “section 22C(12)” substitute “section 105(1)”.

(4) Section 80B was inserted by the Employment Act 2002 (c. 22), section 1. Subsections (6A) and (6B) were inserted by the Children and Families Act 2014 (c. 6), section 121(2)(b).

(5) The definition of “local authority foster parent” in section 235(1) was inserted by the Children and Families Act 2014 (c. 6), section 128(2)(e).