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**Department for Education's Consultation
'Adoption: Getting It Right, Making It Work'**

Response from the Employment Lawyers Association

10 April 2014

EMPLOYMENT LAWYERS ASSOCIATION RESPONSE

DEPARTMENT FOR EDUCATION'S CONSULTATION PAPER 'ADOPTION: GETTING IT RIGHT, MAKING IT WORK – MARCH 2014

WORKING PARTY RESPONSE

Introduction

The Employment Lawyers Associate (“ELA”) is a non-political organisation specialist in the field of employment law and includes those who represent Claimants and Respondents/Defendants in the Courts and Employment Tribunals. It is therefore not ELA’s role to comment on the political merits or otherwise of proposed legislation, rather to make observations from a legal stand point. ELA’s Legislative and Policy Committee is made up of both Barristers and Solicitors who meet regularly for a number of purposes including to consider and respond to new legislation.

A sub-committee was set up by the Legislative and Policy Committee of ELA to respond to the Department for Education consultation paper Adoption: Getting It Right, Making It Work’. A list of members of that sub-committee is to be found at Annex 1 to this Response.

It should be noted that some of the members of the sub- committee have personal experience of adoption which has helped inform some of the responses contained in this document.

On reviewing the consultation paper there appeared to us to be three main issues which needed to be considered, namely:

- Placing siblings;
- Fostering for adoption;
- The draft regulations/any other practical/legal issues not covered in the draft regulations which we consider ought to be covered.

Taking these points in turn:

1. Placing Siblings

1.1 In considering the impact of adopting siblings together, or at a later date we have reviewed the Department of Education consultation paper 'Adoption: Getting It Right, Making It Work' ("CP"), as well as:

1.1.1 Draft Statutory Guidance (July 2014) ("DSG") and draft summary Statutory Guidance (July 2014) ("DSSG")

1.1.2 Draft Regulations:

- The Adoption Support Services (Amendment) Regulations 2014
- The Adoption and Children Act Register Regulations 2014
- The Adoption and Children Act Register (Search and Inspection) Regulations 2014
- The Adoption Agencies (Miscellaneous Amendments) Regulations 2014

1.1.3 The Children and Families Act 2014 ("CAFA 2014")

1.1.4 Existing Statutes and SIs, including:

- The Employment Rights Act 1996
- The Equality Act 2010
- The Children Act 1989
- Social Security Contributions and Benefits Act 1992 ("SSCBA")

- The Maternity and Parental Leave Etc Regulations 1999 ("the 1999 Regs")
- The Paternity and Adoption Leave Regulations 2002, Part 3 ("the 2002 Regs")
- Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 ("the 2002 Pay Regs")
- Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014 ("the Curtailment Regs 2014")

2. Consultation Document: 'Adoption: Getting It Right, Making It Work'

2.1 The stated aim is: "that our adoption system promotes successful and early adoptions, and does not thwart them" [CP 1.1].

2.2 The document identifies a number of aims which in our view raise questions about implementation for employers and employees. For the purposes of this sub-committee these are:

- (a) Placing siblings with an adoptive family at the same time or at a later date [CP 4.15]; and
- (b) Maintaining contact between a child and its birth family [CP 2.8, 2.9, 4.38]

3. Placing siblings with the same adoptive family

3.1 This is provided for in regulation 4 of draft SI: 'The Adoption Agencies (Miscellaneous Amendments) Regulations 2014', amending the Adoption Agencies Regulations 2005.

3.2 The consultation paper is silent on whether additional support/training is required when adopting a sibling group, although we refer to the section 5 below headed 'Further Observations', regarding ethnicity.

3.3 The only provision for pre-adoption leave appear to be set out in: (a) the 1999 Regulations (providing for ordinary adoption leave to commence up to 14 days before the proposed placement for adoption) and (b) section 128 of CAFA 2014, which provides for attendance of up to five instances (of up to 6.5 hours each) of pre-placement adoption-related appointments.

3.4 We are concerned that the above allowances may not correspond with the time commitments which prospective adopters may have, and that this may amount to a disincentive to adoption. Moreover, it appears to us that these concerns are exacerbated in relation to sibling placements, as there may be successive rounds of appointments, meetings, training etc.

3.5 How will adoption leave/pay be calculated? Will it take into account training for prospective adopters, time to attend medical appointments with the child/children who are to be adopted, adoption exchange and introduction days, given the importance placed on the health (physical and mental) of the child and prospective parents?

3.6 *Entitlement to Leave:*

3.6.1 Where sibling groups are adopted together Regulation 15(4) of the 2002 Regs is clear that an employee's entitlement to leave shall not be affected.

3.6.2 Regulation 15(4) sets out that "An employee's entitlement to leave under this regulation shall not be affected by the placement for adoption of more than one child as part of the same arrangement".

3.6.3 We query whether the present 2002 Regulations are fit for purpose for situations in which siblings are adopted as part of the same arrangement, but at separate times. For example, where an older child is placed with their adopted family and his biological mother is pregnant with another

child where arrangements have already been made for that child to be adopted along with his brother. If this type of situation is classed as “part of the same arrangement” this would lead to adoptive parents only being entitled to one set of ordinary adoption leave, and/or additional adoption leave and/or, paternity leave (and associated pay) under the current legislation.

- 3.6.4 It is not clear whether the parental leave regulations (in the 1999 Regulations) apply to employees who are prospective adopters, as the definition of parental responsibility (which triggers the right to take parental leave) refers to section 3 of the Children Act 1989, which in turn provides for what ‘parental responsibility’ entails, but not when it arises (section 2 of the Children Act notably omits adoption in defining ‘parental responsibility’). Therefore, in circumstances where a younger sibling is capable of being placed for adoption with employee-prospective adopter who already have an older sibling placed with them (or adopted by them), the only leave provisions available to the employee-prospective adopter may be those under s128 of the CAFA 2014 (5 x 6.5 hours). In our view this could prove a disincentive to adopting a sibling group, in particular where the younger sibling is an infant and might need significant care even prior to a placement. This may arise where the recommendation is for the infant in question to have regular ‘bonding’ sessions, where the infant is hospitalised (e.g. if premature or withdrawing from drug addiction) and where medical advice is for daily contact between the child and prospective adopter, and more generally to take on parental responsibility for the child as a foster parent but before there is any ‘expectation’ of the child being placed for adoption.
- 3.7 Similarly where siblings are adopted at separate times but within a relatively short period of each other, for example less than nine months apart, we query whether periods of ordinary and additional adoption leave would run concurrently and whether an additional two weeks of paternity leave would be granted.

3.7.1 Regulation 16 sets out that *“An employee may choose to begin a period of ordinary adoption leave on: (a) the date on which the child is placed with him for adoption, or (b) a predetermined date...no more than 14 days before the date on which the child is expected to be placed with the employee...”*.

3.7.2 We question whether the period of ordinary adoption leave, and associated entitlements to pay, begin again following the placement of the second and possibly even third or fourth child with an adoptive family, where those periods would overlap. It appears that failure to

specifically provide for a new set of entitlements following the placement (or in anticipation of the placement) of each additional child (even if within a relatively short period) would be a disincentive to adopters to adopt sibling groups and therefore run counter to the stated aims of the CP.

3.8 Placement Break Down

- 3.8.1 The CP and DSG do not provide any indication as to whether the adoption of sibling groups is more, or less likely, to lead to placement breakdown in relation to one or more of the siblings.
- 3.8.2 In any event Regulation 22 of the 2002 Regs deals with the various situations in which a child's placement is terminated during ordinary or additional adoption leave, i.e. where the prospective adopter is informed that the child will not be placed with them, where the child dies, where the child is returned to the adoption agency or [in the case of overseas adoptions only] where the child ceases to live with the adopter. This regulation refers to a single child, and does not specifically provide for situations where a number of children have been adopted either at the same time or within a relatively short period of time.
- 3.8.3 Furthermore, it also appears to us that placement breakdown – in particular where it is due to the death of a child – may require special consideration where the child's siblings remain placed with the prospective adopter. For example, there may be particular considerations to be given to provide for the grief counselling and mental health of the remaining siblings, and it is not just the considerations of the employee–prospective adopter which will need to be taken into account. In those circumstances, and generally, we draw attention to the discrepancy between the leave provision of eight weeks which is allowed in the case of placement breakdown (including upon the child's death where this occurs during the child's first year), and the position of an employee birth mother who is entitled to the full amount of statutory maternity leave should her child be stillborn or die within his/her first year.

3.9 Returning to work (before the end of the adoption leave period)

- 3.9.1 The Curtailment Regs 2014 provide for an employee who has a child placed with them for adoption (or has been matched with the child as suitable) bringing their statutory adoption leave to an end early, in order for shared parental leave provisions to be invoked. The prescriptions set out, in particular in relation to withdrawal or revocation of the notice, in

our view may run contrary to the stated objectives in relation to sibling placements. It appears to us that the curtailment provisions will relate to each child, and where there are successive sibling adoptions there may be a need to re-assess the shared parental leave allocations in light of the new child more than is currently allowed for in the Regulations.

3.9.2 Similar concerns arise in relation to the 2002 Regs and the requirements relating to notification of intention to return during the adoption leave period. Is there sufficient provision for the employee-prospective adopter to change their return date, perhaps several times, to reflect the changing needs of the adoptive family as additional siblings are considered for placement, potentially in relatively short periods of time and possibly in relation to overlapping adoption leave periods?

3.10 SAP. An employee's entitlement to Statutory Adoption Pay (SAP). Where an employee who is a prospective adopter wishes to receive Statutory Adoption Pay ("SAP") they must notify their employer at least 28 days from the date they expect to start being paid SAP. If it is not reasonably practicable to notify their employer 28 days in advance they are required to do so as soon as is reasonably practicable (section 171 ZL(6) SSCBA). We consider that where adoption arrangements are in flux i.e. adoption arrangements have not yet been finalised that an employee may not be able to notify their employer at least 28 days in advance but that they would be caught by the 'reasonably practicable' part of the provision:

3.10.1 Regulation 171ZL(5) SSCBA sets out that the level of SAP is not affected by the number of children placed for adoption as part of the same arrangement. However, we query whether SAP would start as a new right following the placement of a further child at a later stage, but within a period in which an employee is still being paid SAP in relation to an earlier placement, provided that the employee notifies their employer of the new entitlement. It appears that failure to provide a new set of entitlements following the placement of each additional child, if placed at different times, may prove a disincentive to adopters to adopt sibling groups and there run counter to the stated objectives of the CP.

3.10.2 In order to claim SAP evidence of entitlement is required as outlined under regulation 24(2) of the 2002 Pay Regulations. The information that is required is as follows:

(a) The name and address of the adoption agency;

- (b) The date on which the child is expected to be placed for adoption or, where the child has already been placed for adoption, the date of the placement; and
- (c) The date on which the person claiming payment of statutory adoption pay was informed by the adoption agency that the child would be placed for adoption with him.

3.10.3 We query whether, under the new arrangements proposed in the consultation paper, prospective adopters will be able to provide the relevant information required. This could foreseeably lead to adopters having problems in accessing SAP.

3.10.4 By regulation 21(1) of the 2002 Pay Regs, subject to paragraph (2) a person entitled to statutory adoption pay may choose the adoption pay period to begin –

- (a) on the date on which the child is placed with him for adoption or, where he is at work on that day, on the following day;
- (b) subject to paragraph (2) on a predetermined date, specified by him, which is no more than 14 days before the date on which the child is expected to be placed with him and no later than that date. **[Note:** paragraph 2 related to children placed prior to 6 April 2003].

3.10.5 We question whether the maximum period of 14 days paid leave will be enough for prospective adopters to attend the appointments and training required for the adoption of sibling groups, children from different cultural backgrounds or children with special needs. In contrast to maternity leave there may be a considerable period prior to the official ‘placement’ in which the prospective adopters need to be involved in order to help ensure a successful adoption.

3.10.6 We also query the interpretation of the words ‘placed’ and ‘placement’ contained within current regulations. The use of these words in the regulations could affect the adoptive parents of children under the ‘fostering for adoption’ programme outlined in section 4.1 of the consultation paper.

3.11 As an aside, we note that although SAP and Statutory Maternity Pay (SMP) are both paid for up to 39 weeks, the calculation of the first six weeks of payments differ. SMP is paid at 90% of the employees average weekly earnings (before tax) for the first six weeks and then at £136.78 per week (at present) or 90 per cent of average weekly earnings (whichever is the lower) for the remaining 33 weeks. While SAP is paid at 136.78 per week or 90 per cent of average weekly

earnings (whichever is the lower) for the entire period. We query the rationale for the higher rate of SMP for the initial six weeks.

4 Contact between child and their birth family

4.1 Related to the sibling placement stated aims and new provisions is the stated aim in relation to maintaining contact between a child and their parents/others with parental responsibility, and the adopted child and their birth family [CP 2.8, 2.9, 4.38, 4.39, 4.43]. It is not clear to what extent this will require the prospective adopter under the FFA scheme, or the adoptive parent, to take time away from work in relation to scheduled contact meetings, and court hearings (for example where a child or adoptive parents/prospective parents need to apply to the court to prevent or stop family contact, or where a birth relative has applied for contact).

5 Further Observations

5.1 This sub-committee also makes the following observations:

5.2 *Ethnicity*

5.2.1 In relation to the stated aim not to prescriptively require the prospective adopter(s) to be the same ethnicity as the child, but there must be an ability to meet the most important of the child's identified needs throughout childhood [CP 2.3, 4.13]:

5.2.2 Do the regulations provide sufficiently for the time off work which may be required to give effect to the stated aim? For example, the CP [4.11] and the DSSG [p10] note that there should be available education and training and other support for prospective adopters to help a child of a different ethnicity to develop a healthy racial identity etc.:

"Where a child and prospective adopter do not share the same background, the prospective adopter may need additional support. This should be in the form of education and training."

5.2.3 New section 75G of the CAFA 2014 which empowers the Secretary of State to make the regulations relates in subsections (1) and (3) to 'persons with whom a child is, or is expected to be, placed for adoption', and by sub-section (7) also to persons with whom a child is placed into foster care but who has also been approved as a prospective adopter (the 'Fostering for Adoption' provisions).

5.2.4 Given that s128 of CAFA 2014 provides only up to 5 absences, each for a maximum of 6.5 hours, in the time before placement for adoption (so presumably applicable to FFA foster carers), and no additional time provision is made for training about ethnicity training in the draft regulations, has sufficient time been allowed for employees who are prospective adopters to undertake any necessary training? Has consideration been given to paid absence, and protection from detriment and dismissal for undertaking such training also arise, to the extent that it would not be covered by s128 of CAFA 2014? (Currently, the draft regulations do not appear to address these issues).

5.2.5 Furthermore, to the extent that training needs in this area are identified after a child has been placed for adoption (and the s128 provisions have expired), it does not appear that there is any provision for time off to attend training (or other appointments) unless the prospective adopter takes adoption leave (ordinary or additional).

5.3 *The Register*

5.3.1 The aim is to facilitate the participation of prospective parents in the identification of potential adoptees through access to the Adoption and Children Act Register (“the Register”) [CP 2.6]:

5.3.2 It appears that, through anonymisation [CP 4.31], access to the Register will be given remotely, i.e. it will be accessible online [The Adoption and Children Act Register (Search and Inspection) Regulations 2014, s4]. However, to the extent that this is incorrect or not possible, what provisions are available to prospective adopters to give them time off work to search the Register without fear of detriment, and with appropriate (paid) time off allowances? Is it the government’s intention that this is another pre-placement time requirement which is meant to fit within the provisions of s128 CAFA 2014?

5.3.3 What considerations arise in relation to the information to be provided by prospective parents about: (i) their current occupation and hours of work; and (ii) proposed employment arrangements post-adoption [Adoption and Children Act Register Regulations 2014 Schedule Part II (9) and (10)], and to what extent is this impacted by potential successive adoptions/placements for siblings? Proposed employment arrangements post-adoption may well alter once a placement takes effect and may alter again if a further sibling adoption is proposed.

5.4 *Fostering for Adoption (FFA)*

5.4.1 The aim is for concurrent placement of children in families who are approved foster parents as well as prospective adopters [CP 4.4., 4.7]:

5.4.2 For children placed in this way, what time commitments are involved for the prospective adopters in assessing the suitability of similarly placing (at the same time or at a later date) siblings of the child? Will there be any difference with children who are not concurrently placed? How will the employee-prospective adopter be assisted with the time commitment involved vis-a-vis their work commitments, i.e. is it the government's intention that all time off from employment need to fall within the time off permitted by s128 CAFA 2014?

5.5 *Miscellaneous – Time off Work*

5.5.1 A concern of the working party reviewing these proposals is the amount of time off work which employee-prospective adopter may find themselves needing to take, and whether the pre-placement provisions of s128 CAFA 2014, and the adoption leave regulatory provisions following (or leading up to) placement for adoption provide sufficient paid leave so that they can meet these commitments. Further, we query whether the current proposals provide adequate protections for such employee – prospective adopters from suffering a detriment/discussion as a result of taking time off in these circumstances. We note the following as examples (by no means comprehensive) of time commitments in this time frame, with some overlap with the matters considered in more detail above:

- Before FFA or adoption
 - Requirements to become an adopter:
 - Initial information session [DSG 2.2]
 - Training and prescribed checks [DSG 2.15], e.g.
 - Medical assessments: Report about health of PA [DSG 2.28, 8.10]. Time off work?
 - 'Intensive training and assessment': DSG 2.47, 2.49
 - Second opinion visits [DSG 2.53]
 - Panel meetings:
 - PAs invited to attend all meetings [DSG 8.27]. Time off work?
 - Placement meetings
 - Introductions [DSG 7.2]
 - Discussions between prospective adopter(s) and social workers about whether a particular child is a match and the PA will be able to meet the needs of the child/children [DSG 3.30, 3.36, 7.3, 7.7]

- Assessment of support needs of the adoptive family [DSG 3.37, 6.13]; unclear whether this will require additional meetings.

5.5.2 During FFA but before adoption

- Reviews
 - In relation to non-financial support [DSG 6.57]
 - DSG 7.17, 7.28, 7.30
- Visits
 - Agency must visit the family within 1st week of placement and then at least once a week until 1st review (4 weeks after placement) [DSG 7.19]. What allowances are made for working PAs for the time off work this may entail?
 - Supervised meetings
 - With relatives, including siblings [DSG 1.4, 5.7, 5.8]
 - These may continue after placement into separate families [DSG 5.8]

5.5.3 After adoption

- Supervised meetings with relatives [DSG 5.8]
- Assessment of need for adoption support services [DSG 10.4]

6. Fostering For Adoption (FFA)

- 6.1 There is a clear separation between legal status of foster arrangement and adoption in current regulations and this is maintained within the proposed changes.
- 6.2 There is no provision for leave from employment for foster carers in current employment legislation.
- 6.3 Foster carers currently receive remuneration from the local authority for caring for the child – how will this fit with their employment status and employment relationship?
- 6.4 In the absence of any provision for statutory leave and pay during fostering and with the potential that the employee is receiving remuneration from the local authority, what will be the employee's legal status. If they have to leave their employment for the duration of the FFA? If they have to take unpaid leave or a career break will they retain their employment rights, holiday accrual, continuity of service, etc.
- 6.5 FFA will usually happen quickly, much quicker than adoption matching, and therefore what will be the notice requirements for employers?

- 6.6 The regulations do not make it clear whether it is the government's intention that adoption leave should be available after a period of fostering. Currently the purpose of adoption leave is to bond and develop attachments with the child or children. If, however, the child has already been placed for fostering with the same family for a period of time before adoption there is an argument that this will not be required.
- 6.7 There is clearly a degree of uncertainty for all parties, including employers, about the length of time a 'foster' placement will/could last until adoption decision made. Will the process of matching for adoption (and issuing of matching certificate) still be required in a FFA situation? And if not what will be the trigger for entitlement to adoption leave, if in fact that is still going to be available?
- 6.8 How will pay during period of FFA be dealt with? What will be the trigger point for payment of Statutory Adoption Pay? If in fact still payable?
- 6.9 How will leave for the partner be dealt with (equivalent to paternity)? When will eligibility begin to take this and for how long?
- 6.10 If the FFA does not proceed to an adoption placement what happens then? With FFA there is no certainty that the child will eventually be placed for adoption. Given the nature of FFA there is a higher chance of the placement not ending in adoption than a normal adoption placement breaking down. There may be situations where the child returns to their birth parents or another birth family member. In this event it is similar to a breakdown of an adoption placement, which gives adopters 8 weeks' from the breakdown until the end of their adoption leave. Will there be a similar provision for FFA?
- 6.11 There is no equivalent right to protection from detriment, as with adoption. Will this be available for FFA?

7. Other observations on FFA

- 7.1 The purpose of the changes proposed are to make the transition for the child smoother, to avoid having several placements before adoption, to speed up adoption and generally encourage more adopters by making the process easier. However, if potential adopters considering FFA have no right to leave from employment and have uncertainty about their rights as adopters given their different status the changes will not have the desired effect. Limited numbers of prospective adopters will be in a position to agree to FFA, even if they wanted to.
- 7.2 The stand-out question does seem to us to be how practical is the FFA scheme if there is no facility for leave at the commencement of fostering: can a working woman (or man) actually take on a child for fostering while working? This is not to say that there should necessarily be a right to a year's leave at the stage of fostering, but there are no measures at present at all to address the disconnect that it is when a child first joins a family. We would suggest that a bond with the child needs to be formed

by a period of leave. The policy is predicated on minimising the occasions when there is a disjunction between foster carer and eventual adopter, but there are no employment-law related changes proposed to facilitate this.

8 Draft Regulations and other legislative issues

8.1 ELA has been invited to comment on draft legislation under consultation specifically:

- The Adoption Support Services (Amendment) Regulations 2014
- The Adoption and Children Act Register Regulations 2014
- The Adoption and Children Act Register (Search and Inspection) Regulations 2014
- The Adoption Agencies (Miscellaneous Amendments) Regulations 2014
- Plus draft statutory guidance on adoption.

8.2 Whilst ELA has no specific comments on the above in the context of employment law it does wish to raise a number of important areas where legislative change might be considered in the context of encouraging more people to adopt/equalising or improving employment law rights around adoption by comparison to maternity. In this respect, as indicated in the introduction to this paper, a number of members of our sub-committee have personal experience of the adoption process, and so have a particular interest in these issues.

Adoption

8.3 PAID LEAVE TO ATTEND ASSESSMENT/HANDOVER

8.3.1 We would suggest that consideration might be given to allowing paid leave to prospective/approved/matched adopters to attend the following during work days/hours:-

- assessment course (average 2 days)
- social services assessment home visits (average 10 home visits 1 hour each)
- Handover – (average 10 days)

8.4 EXTENSION OF ORDINARY ADOPTION LEAVE

8.4.1 The handover period does not involve the child living with the approved adopters and hence cannot be equated with the birth of a child under maternity law. We would suggest that consideration might be given to extending ordinary adoption leave by 2 weeks to allow for the handover period.

8.5 PAID LEAVE FOR HANDOVER

- 8.5.1 An approved adopter who is not taking adoption leave currently has to take unpaid leave usually of approximately 2 weeks (both adopting parents are required to be involved in this important part of the adoption process. We would suggest that consideration might be given to allowing 2 weeks' paid leave for handover.

8.6 BREAKDOWN IN ADOPTION

- 8.6.1 Where adoption breaks down after matching, currently the employee taking adoption leave gets up to 8 weeks' adoption leave compared with 26 weeks for maternity loss of child. We would suggest that consideration might be given to equalising this leave entitlement.
- 8.6.2 Where adoption breaks down after placement, we would suggest that consideration might be given to allowing a period of two weeks paid time off for both adoptive parents (as opposed to relying on the goodwill of employers to allow paid compassionate leave).

8.7 PARENTAL LEAVE

- 8.7.1 We would suggest that consideration might be given to removing the child's age eligibility requirement in relation to adopted children given they are more likely to need extra support.

9 *Fostering for adoption*

- 9.1 In relation to existing legislation specifically the 2002 and 2002 Pay Regs, it is advisable that consideration is given to the inter-relationship between the 'fostering for adoption' proposal and the provisions relating to:
- 9.2 Entitlement to statutory adoption leave and pay.
 - 9.2.1 At present, foster parents may be entitled to adoption leave and pay if issued with a matching certificate that places the child with them for adoption.
 - 9.2.2 Fostering for adoption is a fostering not an adoptive placement, and no guarantee of a final adoption. Therefore, at present, foster parents in this scheme would not be entitled to adoption leave and pay (but see below).
- 9.3 Notification and evidential requirements/being matched with a child/children for adoption.
 - 9.3.1 This follows on from previous observations involving the concepts of 'matching' and 'placements' and the prescribed time-scales.
- 9.4 Disrupted placements.
 - 9.4.1 Whether applicable provisions ought to apply for foster parents in the proposed scheme.
 - 9.4.2 In relation to the forthcoming changes introduced by the CAFA 2014.
- 9.5 Shared Parental Leave.
 - 9.5.1 Eligible adoptive parents will benefit from the newly introduced shared parental leave and pay. Should this also apply to foster parents in the proposed scheme?
 - 9.5.2 The CAFA also introduces changes to existing adoption leave and pay regime, extending it to include parents in fostering for adoption scheme.

- 9.5.3 Also, adoption leave and pay will reflect other statutory entitlements such as no qualifying period for entitlement to leave, and pay at 90% of pay in first 6 weeks.
- 9.5.4 The Government intends for changes to take effect in relation to babies due and children matched or placed for adoption on or after 5 April 2015.

9 April 2014

List of members on this sub-committee

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