



HM Government

1. Parental leave and pay: Supporting parents and achieving equality Response form

The consultation is available at: <https://www.gov.uk/government/consultations/good-work-plan-proposals-to-support-families>

The closing date for responses is: 29 November 2019

Please return completed forms to:

Team: Family-related Leave and Pay Team
Department for Business, Energy and Industrial Strategy
Postal address: 1st Floor Spur, 1 Victoria Street, Westminster, London, SE24 0DN

Tel: 020 7215 5000

Email: supportingfamiliesconsultation@beis.gov.uk

Personal / Confidential information

Please be aware that we intend to publish a summary of all responses to this consultation.

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes. Please see the consultation document for further information.

If you want information, including personal data, that you provide to be treated as confidential, please explain to us below why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we shall take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

I want my response to be treated as confidential

Comments: [Click here to enter text.](#)

About You

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	Respondent type
<input type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input checked="" type="checkbox"/>	Micro business (up to 9 staff)
<input type="checkbox"/>	Small business (10 to 49 staff)
<input type="checkbox"/>	Trade union or staff association
<input type="checkbox"/>	Other (please describe)

	If you are an individual, are you:
<input type="checkbox"/>	Employed
<input type="checkbox"/>	Self-employed
<input type="checkbox"/>	Unemployed
<input type="checkbox"/>	Retired
<input type="checkbox"/>	Not looking for work
<input type="checkbox"/>	other

	If you are an employer, how would you classify your organisation?
<input type="checkbox"/>	Private sector
<input type="checkbox"/>	Public sector
<input checked="" type="checkbox"/>	Charity/Voluntary sector
<input type="checkbox"/>	Other (please specify)

Further information

Parental leave factors which support parents to combine work with childcare responsibilities

There are a range of variables which could potentially be leveraged:

- The length of leave and when it can be taken (e.g. only in the first year or over the lifetime of the child);
- The rate of pay (which can vary over the leave period);
- Whether leave is transferrable between parents or given on a ‘use it or lose it’ basis;
- Whether the parental leave can be taken flexibly (e.g. in days or half-days; in blocks separated by periods at work; and whether it can be stopped and re-started);
- Who the leave and pay applies to (e.g. just employees or all working parents); and
- Whether parents can take time off work together, sequentially or both.

Making the right trade-offs and choices to support families

Reforming one or more parental leave and pay policies may necessitate trade-offs around:

- How entitlements to leave and/or pay are split between parents;
- Balancing flexibility and choice for families and incentivising parental behaviours (e.g. solo childcare by fathers);
- Creating more rules and incentives to determine how leave is taken and shared, versus simplicity for parents to navigate the system and make choices;
- Giving parents the flexibility to take leave when it suits them and giving their employers and co-workers certainty;

- How the costs of parental leave and pay are shared between families, employers and the Government;
- How much support is provided at the time of the birth versus giving parents opportunities to take parental leave when their child is older;
- How support is distributed across families – and whether the generosity of support should vary according to a family's income;
- How the costs are distributed across types of employers – including, the relative support provided to SMEs and large employers;
- How employers who provide enhanced contractual leave and pay would respond to Government enhancing family-related statutory pay (e.g. would they extend the period of contractual leave and pay or re-cycle the savings?); and
- The level of support offered to families with different characteristics.

Section 1: Paternity leave and pay

This section seeks views on options for changing the different variables within paternity leave and pay, and the trade-offs and choices involved.

We are seeking views on the following questions:

Question 1:

What emphasis should be placed on enhancing Statutory Paternity Pay versus the length of Paternity Leave available?

- Longer period of leave at a lower rate of pay
- Shorter period of leave with a higher rate of pay

We do not believe that Statutory Paternity Pay should be lower OR the period of Statutory Paternity Leave shorter than is currently the case, and are therefore not choosing either of the above options. Our preferred option for Paternity Leave/pay would be for . . .

- the SAME period of leave at a HIGHER rate of pay.**

Please provide reasons for your answer below

Comments: The current level of Statutory Paternity Pay – £148.68 per week or 90% of salary, whichever is lowest - already equates to barely 50% of the minimum wage; and because the two-week leave is so brief (and HMRC reports inadequate data on uptake due to widespread failure by employers to claim back the small amounts due to them), it is difficult to imagine a functioning system involving an even lower rate of Statutory Paternity Pay or a shorter period of Statutory Paternity Leave. Thus we could not countenance reducing either pay level or length of leave further.

Policy objectives

Parental leave and pay policies give employed parents a right to time off work in the first year and subsequently. They are supplemented by a range of employment rights and protections which are intended to prevent employers from discriminating against parents or treating them unfairly because they have been absent from work on parental leave. Together, these rights and protections are intended to:

- Enable women to prepare for and recover from birth;

- Facilitate women returning to work and staying in work (i.e. boost female participation in the labour market);
- Give working families more choice and flexibility;
- Increase paternal involvement in childcare;
- Close the employment and gender pay gaps;
- Prevent pregnancy and maternity discrimination;
- Prevent discrimination against parents who take or seek to take parental leave; and
- Minimise the burdens on business.

Question 2: What impact would changing either leave or pay have on our policy objectives?

Comments: **Most of the above-stated policy objectives are not relevant to the immediately post-birth *Statutory Paternity Leave* (the topic of this Section of the Consultation) although most are relevant to leave taken later on in the first year. Because newly-delivered mother and on-leave-father/partner are at home together directly after the birth, the only two of the Government's policy objectives that could be met through *Statutory Paternity Leave and Pay*: are (1) *Enable women to recover from birth* (N.B. but not to *prepare* for it, since *Statutory Paternity Leave* has to be taken AFTER the birth); and (2) *Increase paternal involvement in childcare*. Would the relevance of this post-birth leave to the government's policy objectives be affected by making it slightly shorter or longer or paying it at a higher or lower rate? Paying it at a considerably higher rate (at least the minimum wage) would enable lower-paid fathers to take it, and so would extend the reach. Below, we consider the Government's (above) policy objectives in relation to *Shared Parental Leave/Pay* and *Parental Leave/Pay* (see our response to Q22). Somewhat surprisingly, the Government does not suggest *cultural change* as a policy objective. In fact, the impact of *Statutory Paternity Leave/Pay* has been to change the national conversation around mothers' and fathers' care of infants, challenging traditionalism in gender roles and normalising male involvement in early caregiving; and has led to reflection on and provision of other types of paternal leave. *Better paid* (but not *shorter*) *Statutory Paternity Leave* would have an even greater impact on the cultural narrative, not least because more fathers would visibly use it.**

Question 3: How should the costs of providing *Paternity Leave and Pay* be apportioned between Government, employers and parents?

Comments: **Surveys suggest that almost all working fathers in the UK take time off for the birth and afterwards [94% in 2005 (Thompson et al., 2005), 91% in 2007 (La Valle et al., 2008), 91% in 2009/10 (Chanfreau et al., 2011), and 95% in 2013 (BIS, 2014)]. A substantial minority (21%) of working fathers are not**

eligible for Paternity Leave/Pay (TUC, 2017). Many others cannot afford to take it, using sick/ annual leave instead. Enhanced Paternity Pay is offered by only 17% of employers (Koslowski & O'Brien, 2019). Thus it would seem that families are carrying the lion's share of the costs of fathers' taking leave for parenting, with some support from the State and almost none from employers. With our birth rate now well below replacement level (1.4 for UK-born women and 1.9 for non-UK-born women) producing children is clearly a social good. For benefits to be equitable, adequate financial support should be the responsibility of the community – i.e. the taxpayer. Employers may choose to 'top up' remuneration levels.

Question 4: Could enhancing Statutory Paternity Pay and extending Paternity Leave result in differential impacts across families with different characteristics (e.g. families from different socio-economic groups or cultural backgrounds)?

Comments: Low-income fathers are half as likely as better paid fathers to take Statutory Paternity Leave (Kadar-Satat & Koslowski, 2015). They are also substantially less likely to receive payment top-ups from their employer, as are those working in manufacturing, 41% of whom take holiday or annual leave instead (BIS, 2014). The facts that Paternity Leave/ Pay is not a 'Day One' right, and that casual/'gig'/self-employed fathers do not qualify, contribute to the finding that 21% of working fathers have no entitlement to Paternity Leave and Pay (TUC, 2017). Enhancing Statutory Paternity Pay and extending Statutory Paternity Leave *eligibility* (though not extending its *length*) would narrow differential impacts between families from different socio-economic groups by enabling more of the lower-income fathers to take the leave; and where low socio-economic status is more prevalent in families from specific cultural backgrounds, should narrow impact differentials there, too. By contrast, extending the *length* of leave (without uplifting pay) would not increase uptake in low income families. In fact, it would likely exacerbate inequalities if higher income fathers were able to take more leave, as a result of their family being able to bear the cost, or their employer enhancing the pay.

Question 5: Should support vary according to family characteristics, including income levels? For example, should there be a cap on Statutory Paternity Pay for high earners?

Comments: It is normative across Europe and other OECD countries for there to be caps on Paternity, Maternity & Parental pay. It is generally agreed (ref?) that wage compensation needs to be at no less than 80% of earnings for the vast majority of fathers to be able to take more than a few days' leave. We think the way forward is to level UP and level DOWN: the 'floor' should be no lower than the minimum wage, with increases tied to inflation; and any earnings-related element should be subject to a cap.

Question 6: Should the level of reimbursement for employers vary according to their size (as now)?

Comments: There is currently a small difference in the amount the State reimburses employers, in favour of smaller employers. If other types of Government support for businesses vary in relation to business size or profitability, it may be possible to consider different levels of reimbursement for paternal (and maternal) leave payments.

Question 7: How might businesses that already provide enhanced Paternity Pay respond to any enhancement to Statutory Paternity Pay? For example, would they extend the period of contractual leave and pay?

Comments: We are not aware of research that indicates how businesses already enhancing Paternity Pay 'might' respond if the 'floor' were raised.

Question 8: How should the timing of when leave can be taken be balanced between giving families choice and flexibility, and incentivising particular parental behaviours? For example, should fathers/partners be able to take leave and pay at any point in the first year or be required to take leave when the mother has returned to work to incentivise solo parenting?

Comments: While this question is an important one, it does not make sense in a section labelled 'Paternity Leave and Pay' (as this Section of the Consultation continues to be labelled). According to the OECD definition of Paternity Leave, and advice given to the Government in 2014 when the MODERN WORKPLACES proposals were out to consultation, Paternity Leave must be taken around the time of the birth, normally within 56 days (8 weeks). Because recovering mothers are not advised to be 'out at work', leave taken by the father/ partner at this point does not offer the family flexibility or choice, or incentivise particular parental behaviours. If further leave were made available – Parental Leave – that fathers/partners could take later in the year when mothers were not confined to the home recovering from the birth, this would give families some choice and flexibility; and if the requirement were that leave be taken when the mother is elsewhere (e.g. in work, education or training – as is currently the case with Shared Parental Leave and has long been the system in Sweden), this would incentivise 'solo' caring by the father/ partner which, in turn, may help to reduce gender inequalities. A recent UK study found that when a father works flexibly and shares the childcare, his children's mother is almost twice as likely to progress in her career as when he works inflexibly and does little childcare (Frith, 2016); and in Sweden it has been estimated that for every month of leave a father takes, his partner's earnings increase by 6.7% (Johansson, 2010). Gender equality in the home is associated with other benefits, including lower levels of domestic violence and child maltreatment (Klevens & Ports, 2017); and better child health (Marphatia et al, 2016). In addition, the greater the father's contribution to housework and childcare, the more satisfied BOTH parents are (Forste & Fox, 2012; Schober, 2012) and the more stable their relationship. Sustained 'solo' childcare by fathers is also associated with other types of 'social good': increased skills and self-confidence among the fathers (O'Brien & Twamley, 2017); higher quality father-child interactions (Lewis et al., 2009); better child outcomes (Twamley et al., 2013); and lower depression rates in mothers (Washbrook, 2007).

Question 9: How should we balance giving fathers/partners flexibility and choice (e.g. to take paternity leave in blocks) with the needs of employers and co-workers for certainty around when the father/partner is likely to be off work?

Comments: Given that Statutory Paternity Leave (this question, Q9, is still part of the Paternity Leave section of this Consultation) is only two weeks long and must be taken around the time of the baby's birth, this question is puzzling. Confusion is compounded by a false dichotomy inherent in the question: i.e. 'giving fathers/ partners flexibility and choice' versus 'the needs to employers and co-workers for certainty'. The example given is leave taken in one block v. more than one block. But shorter blocks of leave can as easily be planned for as one long block (and are already available in the SPL system). Under normal circumstances, fathers and mothers no less than employers/co-workers will want and need certainty in order to plan 'block' care for infants, in whatever form that takes: one long block, shorter blocks). Crises will occur, but crisis cover is not at the heart of leave for parenting and would be better addressed through emergency leave for family reasons.

Section 2: Shared parental leave and pay

Question 10: What aspects of the current Shared Parental Leave and Pay scheme are most successful, and which are most in need of reform? Please give reasons for your answer.

Comments: There are only two demonstrable successes resulting from the Shared Parental Leave and Pay scheme (SPL). The first is that discussion of SPL has continued to highlight the issue of fathers' care of children; the second is that a (very) few fathers have been able to use some of their partner's Maternity Leave. The extent to which fathers are willing or interested cannot yet be ascertained because the constraints on their taking SPL are legion. The first constraint is ELIGIBILITY (the Government Equalities Office has estimated that only 3:7 couples are eligible); the second constraint is the COMPLEXITY of the system (Hacohen et al., 2018) which makes it incomprehensible to many parents and even to some employers. The third constraint is LACK OF AWARENESS of the benefit (Hacohen et al., 2018): fathers who are unaware of it are unlikely to ask for it. We await evaluation of the Government's 2019 'Share the Joy' campaign which sought to raise awareness (while failing to mention fathers even once!), The fourth constraint on fathers' uptake is that the MOTHER CAN USE ALL THE LEAVE HERSELF, so there is no loss to the family if the father does not take any of it: substantial uptake of parenting leave by fathers is only found where the leave is lost to the family if the father does not take it (Moss & O'Brien, 2019). The sixth constraint on fathers' uptake is the LEVEL OF PAY (Working Families, 2019). An eligible father is paid by the State at a *maximum* of £148.68 per week. This is far lower than the minimum wage and even than unemployment benefit; and employers have been even more reluctant to enhance Shared Parental than Paternity Pay (Working Families, 2016). Given these constraints, most of which are inherent in the leave-design, we do not see a future for the SPL system or any modification of it, in substantially increasing take-up by fathers of leave for parenting.

Question 11: Should there be a dedicated pot of leave and pay for each parent within the Shared Parental Leave and Pay scheme?

Yes No Not sure

Comments: **Given that SPL, being Transferred Maternity Leave, is the property of the mother we could not see how a 'pot' of it could be 'reserved' for the father. We therefore take it that this question is supposed to open up thinking about whether there should be some kind of 'dedicated pot' of non-transferable leave for fathers/partners to take in the first year. We would certainly endorse this, because we know from a substantial body of research that a (well-paid) dedicated 'pot' or 'quota' of leave owned by the father, which cannot be transferred the mother, is essential to substantial take-up by men (Moss & O'Brien, 2019). Equalities legislation would dictate that if there is a dedicated father-quota there must also be a dedicated mother-quota, as is the case in Sweden. If either parent does not use their dedicated leave then it cannot be transferred to the other.**

Question 12: Should mothers continue to be the 'gatekeeper' for the Shared Parental Leave and Pay scheme?

Yes No Not sure

Comments: **We re-iterate that it is impossible for mothers NOT to be gatekeepers of SPL because it is Transferred Maternity Leave. The ONLY way for a mother NOT to be a 'gatekeeper' of a period of leave is for this to be an individual right of the father himself (as is the case with Statutory Paternity Leave or ordinary Paternity Leave). By 'gatekeeping' we assume this question is asking whether a system of Transferred Maternity Leave is desirable. The answer has to be NO: mothers' 'ownership' of all or most of a period of leave communicates a 'maternalist' view that mothers are 'by nature' better at caring for children, and that this is their duty. It also guarantees that mothers will take most of the leave. This in turn underpins pregnancy discrimination and the Gender Pay Gap.**

Question 13: Should there be an element of pay enhancement in the Shared Parental Leave and Pay scheme?

Yes No Not sure

If so, how should the cost of any enhancement be apportioned between the Government, employers and parents?

Comments: **As we do not recommend tinkering with the inequitable and failed policy of SPL (see our response to Q10 above) we do not recommend enhancing the pay. However, if this question is asking whether leave that can be taken by fathers later in the first year should be subject to pay enhancement, then the**

answer is yes. Without pay enhancement very few fathers will be in a position to take it. As we argue elsewhere in this document, the cost of any leave for parenting, whether for mothers or fathers, should be met by the Exchequer.

Question 14: Could enhancing Statutory Shared Parental Pay and/or giving fathers access to ‘use it or lose it’ leave through the Shared Parental Leave and Pay scheme result in differential impacts across families with different characteristics (e.g. families from different socio-economic groups or cultural backgrounds)?

Comments: Again, as we do not recommend tinkering with the failed policy that is SPL (see our response to Q10, above) and because it is technically impossible to reserve leave for another parent in a Transferred Maternity Leave system such as SPL, we do not recommend attempting to create a ‘use it or lose it’ element within it. More generally (e.g. for true Parental Leave – i.e. an individual entitlement) a ‘use it or lose it’ element for fathers is central to uptake, provided that the leave is reasonably well paid and the mother is not entitled to lengthy well paid leave on her own account (as is the case in Japan), so that that the father taking leave is not perceived to be necessary. Enhancing Parental Leave pay would enable more fathers/ partners to take it, particularly those who earn more than their partner or whose employer does not enhance payment. Many of the latter would be lower-earner fathers or fathers in male dominated workforces, such as engineering.

Question 15: Should support vary according to family characteristics, including income levels?

Comments: Across the OECD, financial support for new mothers or fathers above a statutory minimum is usually earnings-related, with a cap. It is important that the ‘floor’ is not below the minimum wage.

Question 16: How should any enhancement to Statutory Shared Parental Pay interact with the level of statutory pay available under paternity and maternity provisions, in particular how should Government prioritise the different entitlements in terms of providing enhanced pay?

Comments: Once again setting Shared Parental Leave/Pay aside as an inherently deeply flawed policy, we believe that enhanced pay for Statutory Paternity Leave should be the first target of enhancement, followed by a good level of pay for at least part of any new ‘individual entitlement’ Parental Leave reserved for the father to be taken later in the first year. Such a leave, which would only function usefully if it were reasonably well paid, is the currently unpaid one month of non-transferable Parental Leave available (courtesy a long-standing EU Directive) in the first year (and subsequently in three other years up to the child’s 16th birthday) to each parent individually. However, it may be that paying this leave for fathers would, courtesy Equalities Legislation, mean adding an equivalent paid leave for mothers in the first year – which would lengthen Maternity Leave further, and do nothing to reduce the differential between mothers’ and fathers’ entitlement – which is essential for gender equality. Our preference would be for a new reserved Parental Leave

for fathers to run in parallel with existing Maternity Leave (since we sense that to shorten this, while it may well be desirable in terms of gender-equality, would not be widely endorsed). Another benefit of introducing a reserved Parental Leave for fathers/partners, is that the concept is a simple: any father eligible for Paternity Leave would be eligible for the new Parental Leave.

Question 17: How might businesses that already provide enhanced Shared Parental Pay respond to any enhancement to Statutory Shared Parental Pay? For example, would they extend the period of contractual leave and pay?

Comments: We cannot hypothesise about businesses' response(s) as we cannot cite any evidence. Were they to compensate the mother for her 'gift' of part of her leave to her partner by extending her period of contractual leave, this would undermine gender equality. To deliver gender-equality, it is important to minimise the differential between leave taken by father and mother (Bartel et al. 2015). Extended leave for mothers when their children are small delivers gender IN-equality: the longer women spend out of the paid workforce at that life-stage, the greater the negative impact on their progression at work and on their current and future earnings; and the less likely it is that their children's father will contribute substantially to domestic work and childcare in the short or longer term. One of the reasons why Sweden has failed to deliver gender equality despite more than 20 years of reserved leave for fathers, is that whenever they have introduced a 'daddy month' they have tended to EXTEND leave for the family to share. And because share-able leave is normally then taken by the mother, this has left the (high) ratio of mother-to-father-leave more or less unchanged.

Section 3: Maternity leave and pay

This section seeks views on the implications for maternity leave and pay of potential reforms to paternity leave or shared parental leave.

We are seeking views on the following questions:

Question 18: Given your views on priorities for reform of Paternity Leave or Shared Parental Leave, are there any implications for maternity arrangements including:

A. The length of Maternity Leave?

Yes No Not sure

Comments: We have made clear in our responses above that we do not propose reform of the *length* of Statutory Paternity Leave (which we think should remain the same) nor of Shared Parental Leave (which we think should be abolished). Would our proposal for a period of Parental Leave reserved for fathers/ partners in the first year affect the length of Maternity Leave? No, in the sense that the mother could still take the whole first year herself, if the family decided that this was what they wanted. But if at least

some of the father's leave were well paid and some of the mother's remained low- or un-paid (as now), then the family might be 'nudged' towards the father taking some leave. We think it is very important that government funding of leave should not encourage or enable parents to take much or any of a period of Parental Leave together. A substantial body of research finds that 'home alone' fathering benefits families in the short and longer term: fathers develop skills and self-confidence, enjoy the leave more, and are more likely to contribute to childcare on an ongoing basis.

B. The level and extent of Statutory Maternity Pay

Yes No Not sure

Comments: We have made clear in our responses above that we propose that the statutory pay level for Paternity Leave should be raised to no less than the minimum wage, with any earnings-related benefit subject to a cap. We think a re-design of Maternity Pay is also needed. We would recommend that the first 12 weeks be paid at no less than the minimum wage, with any earnings related benefit (perhaps for the first six weeks) subject to a cap. Beyond that, it is important that the unpaid three months at the end of the first year remain unpaid, so that fathers be 'nudged' to take their at least some of their period of relatively well paid Parental Leave (which should be introduced) before the end of the first year. In preparing our response to this Consultation, we spoke with individuals who had been involved (2001-2003) in the decision NOT to put a cap on Maternity Pay. This, it seems, was not an omission but active policy-intent in a period in which there were relatively few high-earning women, and policy-makers did not want to deter them from taking Maternity Leave. That situation has now changed. We recommend that the Government 'model' the effects of capping Maternity Pay at various levels and explore the possibility of using any savings to extend the period of mothers' well-paid leave, or to enhance Statutory Paternity Pay. The Government should also ascertain the extent to which employers of mothers earning above the 'cap' would be likely to 'top up' the Statutory Pay level to a greater proportion of their *actual* salary. Many of these women may be highly valued by employers.

C. The current inflexibility as to when Maternity Leave can be taken?

Yes No Not sure

Comments: Neither changes to Statutory Paternity Leave/ Pay nor to any other reserved leave for fathers in the first year would impact on the current inflexibility of Maternity Leave. We have noticed that one-fifth of the parents who take SPL are mothers, and anecdotal evidence suggests that some are taking this in place of Maternity Leave because SPL offers them more flexibility – not least the ability to take leave 'in blocks'. This would seem to indicate that the current inflexibility of Maternity Leave needs reforming – but not because of any leave offered to fathers/partners.

Section 4: Parental leave for parents of older children

This section seeks views on parental leave for parents of older children: how it meets our objectives, the balance between leave and pay for this set of parents, and options for reform.

We are seeking your views on the following questions:

Question 19: What aspects of the current arrangements for parental leave (which can be taken up to and including the child's 18th birthday) are most successful, and which are most in need of reform? Please give a reason for your answer.

Most Successful:

Comments: **We assume that the Consultation is referring here to the unpaid Parental Leave entitlement (one month per year for four years across the period to their child's 16th birthday – courtesy the EU directive). It is impossible to know which aspects of this are successful or unsuccessful since, as it is not paid and is therefore not widely used, the government has gathered little data on it. We can say for certain that the fact that it is unpaid is the least successful aspect of it; and the fact that none of it can be transferred to the other parent is likely to support gender equality, by obliging fathers/ partners to take leave if their family is not to lose it.**

Most in need of reform:

Comments: **The aspect of the current EU-derived Parental Leave that is most in need of reform is that it is currently unpaid. The EU does not dictate this, and would be very happy were the leave to be paid by the UK, as it is by other Member States. It has been the UK's decision not to support this leave monetarily. For reasons mentioned earlier we do not prioritise payment of this leave but, instead, throw our weight behind a period of reserved Parental Leave for fathers, relatively well paid, to be taken in the first year.**

Please give your reasoning below:

Comments: .

Question 20: How should the Government balance the length of leave for parents of older children with the level of pay in order to incentivise take up?

Comments: **The only way of incentivising take-up of any leave by mothers or fathers is to pay it. The length of the leave is immaterial in this respect. .**

Question 21: Are there any other reforms to parental leave for older children that would support the Government's wider goals for parental leave policies?

Comments: **Organisations representing parents of children with disabilities may contribute usefully here. We do think that a paid entitlement to Emergency Leave for Family Reasons is important**

Section 5: Towards a comprehensive suite of parental leave policies

This section seeks views on the high-level options and challenges of potential reforms to parental leave and pay.

We are seeking your views on the following questions:

Question 22: Do you agree with the Government's objectives for parental leave and pay policies? (Objectives can be found in section 1)

Yes No Not sure

Please give your reasons

Comments: **We have no quarrel with any of the Government's listed policy objectives, although (see Q2 above) we note the omission of 'culture-change' as a policy objective. Below we list each of the Government's stated policy objectives, and identify the impact or potential impact on each of different paternal leave entitlements: Statutory Paternity Leave/Pay; Shared Parental Leave/Pay; Parental Leave/Pay. (1) Enable women to prepare for and recover from birth: PATERNITY LEAVE/PAY (2) Facilitate women returning to work and staying in work (i.e. boost female participation in the labour market): SHARED PARENTAL LEAVE/PAY, PARENTAL LEAVE/PAY (3) Give working families more choice and flexibility: SHARED PARENTAL LEAVE/PAY, PARENTAL LEAVE/PAY (4) Increase paternal involvement in childcare: PATERNITY LEAVE/PAY, SHARED PARENTAL LEAVE/PAY, PARENTAL LEAVE/PAY (5) Close the employment and gender pay gaps: PARENTAL LEAVE/PAY – though dependent on widespread use by fathers (6) Prevent pregnancy and maternity discrimination; SHARED PARENTAL LEAVE/PAY, PARENTAL LEAVE/PAY – though dependent on widespread use by fathers (7) Prevent discrimination against parents who take or seek to take parental leave SHARED PARENTAL LEAVE/PAY, PARENTAL LEAVE/PAY – though dependent on widespread use by fathers (8) Minimise the burdens on business SHARED PARENTAL LEAVE/PAY, PARENTAL LEAVE/PAY where this requires the mother to be paid work while the father is taking leave.**

Question 23: Do you think the Government should consider a more radical change – potentially moving to a single 'family' set of leave entitlements, or seek to reform the existing entitlements?

Move to single family set of leave entitlements

Seek to reform the existing entitlements

Comments: We believe this question asks whether, instead of giving mothers and fathers access to leave and pay as individual entitlements, leave and pay be allocated to the family as a unit. If leave entitlements are offered in a 'gender neutral' form, meaning that there is no reserved element for mothers or fathers and the family totally controls allocation of the leave, then this would be far from radical! This is the old-fashioned way. For example, it was the way leave was allocated in Sweden from the mid-1970s to the mid-1990s. After this 20-year (failed) experiment in increasing fathers' uptake of leave, Sweden adopted the then-radical idea of reserving some of the leave for fathers. A similar pattern was followed in Norway: 'family allocated' leave was unsuccessful in improving fathers' take-up; introduction of a period of reserved leave did the trick (Brandth & Kevande, 2019). Parenting is a highly gendered activity, and whenever gender *neutrality* is applied to a *gendered* situation, gender inequalities remain the same or deepen. (As another example, if we want to encourage girls to take up STEM subjects we develop specific *gendered* strategies to permit/ encourage them. Offering STEM subjects in a *gender-neutral* way does not increase take-up by girls and may even inhibit it.) In parenting, reserved leave for fathers paid at relatively high wage replacement 'nudges' families to *discuss* the father taking some (paid) leave; and helps the father justify leave-taking to his employer. By contrast, offering 'flexibility and choice' - another form of gender neutrality - by *not* reserving leave for fathers or by permitting parents to take leave together reinforces traditional gender norms. Then new parents tend to slip into traditional roles not because they necessarily 'want' them (in fact there is evidence that the great majority do not) but because *doing something different* is so hard: the weight of social expectations, the Gender Pay Gap, mother-centric leave design and workplace practices weigh heavily on parents' decision making and behaviour. In the UK only one third of mothers in dual earner families brings home even *half* the family wage (Cory & Stirling, 2015). Any parent who earns more than their partner will hardly ever take substantial leave for parenting, because taking it will penalize their family financially. Iceland has taken a radical, gender-informed approach to promoting fathers' caretaking. Firstly, three months of relatively well-paid leave are provided to mothers and the same to fathers, plus three months for the family to share-as-they-will (Eydal & Gíslason, 2016). The three 'daddy/ mummy' months' are not transferable: they are 'use it or lose it' periods of leave - i.e. if not taken by the eligible individual, are lost to the family. Secondly, in Iceland, the gender pay gap is recognised to inhibit fathers' use of leave, and is being addressed as a separate and related issue. That country now has the narrowest gender pay gap in the world (World Economic Forum, 2019), and 80% of Icelandic fathers of newborns now take substantial leave (Eydal & Gíslason, 2016). Another effect of this is to reduce pregnancy discrimination. Norway is in the process of going a step further, by introducing 4:4:4 parenting leave design (4 months mother, 4 months father, 4 months for the family to share). AND NOW A FURTHER WORD ON FLEXIBILITY: one of the ways in which leave has been offered to fathers (e.g.

in Norway and Sweden) has been to enable him to take this on a part-time basis (e.g. days on/off, shorter working days). The benefits of this are not proven: the fathers tend to experience considerable work/life stress, do not necessarily develop skills/self-confidence in caring for their babies, and do not enjoy the leave as much as they do when they have a sustained period (e.g. no less than a month) to develop their own ways of doing things and connect more peacefully with their babies (Brandth & Kvande, 2019). A different kind of flexibility has been tried in Sweden where, from 2012, parents have been able to take up to 30 days of leave at home together in the first year ('double days'). 'Double days' can be taken flexibly; and, in the early weeks/months, this may be of particular benefit as the father can take leave in response to mother's or infant's health needs, which are likely to be unpredictable. Health savings to the Exchequer have been identified: an 11% decrease in antibiotic prescriptions, 26% reduction in the prescription of anti-anxiety drugs for new mothers and a 14% decrease in hospitalizations or visits to a specialist (Persson & Rossin-Slater, 2019). Whether employers find this difficult we do not know, but as the absences are likely to be brief 'double days' may not be particularly disruptive. In fact, the father's ability to respond to family health needs during this intense period may improve his productivity. However, this kind of flexibility may be better served by a form of Emergency Leave for Family Reasons, and it is notable that in Sweden *neither parent can use any part of their reserved leave to be home together*. BEIS may wish to connect with researchers in Sweden (e.g. ann-zofie.duvander@sociology.su.se) to find out how this has worked.

Question 24: If we were to move to a new model for parental leave and pay, which areas for reform are most important? Please give a reason for your answer. In particular:

- A. Is more support needed for families around the time of the birth of a child or later, when the child is older?

Around Birth Later Don't know

Please give your reasons

Comments: If trade-offs are to be made and priorities met (as clearly they currently must be in the UK) families are most in need of support in terms of well paid leave for both mother and father immediately after the birth and later in the first year, rather than for 'older' children (undefined), Sweden allows paid parental leave to be taken right through childhood. However, Sweden prioritises the first thirteen months by restricting the highest levels of wage replacement to this period. We think this is appropriate, not only because under normal circumstances this is the period of greatest need, but also because patterns of parental care in the early months set the scene for patterns of parental care later on.

B. Should any incentives for fathers to take more responsibility for childcare focus on: a specific paternity entitlement; changes to the Shared Parental Leave and Pay scheme; or parental leave for older children?

Paternity entitlement

Shared Parental leave and parental leave

Don't know

Please give your reasons:

Comments: This question is impossible to answer, and we trust BEIS will be aware of this when assessing responses. Although 'lumped' together above, Shared Parental Leave and Parental Leave are *entirely different things* – the former being Transferred Maternity Leave, based on both parents' employment histories, and the latter an individual entitlement based on the individual parent's own employment history. We do not know what a 'Paternity entitlement' refers to. The only leave that will substantially enable/incentivise fathers to take more responsibility for childcare, is an individual entitlement paid at relatively high wage replacement.

C. Should the Government give greater priority to the length of leave available or to the pay enhancements available?

Length

Pay enhancements

Don't know

Please give your reasons:

Comments: Other than where leave is already very short (as with Statutory Paternity Leave) and should not be further truncated, we would always prioritise *level/ rate of pay over length* of leave because only relatively high wage replacement enables uptake by fathers, particularly by low-income fathers.

D. Should support be directed to any particular groups of families? If so which groups, and how?

Comments: Because of the low rate of statutory pay for all leave entitlements other than the first six weeks of Maternity Leave, all fathers and mothers (except for those whose employer enhances pay) are struggling, and low income fathers and mothers are struggling most of all. Support should be addressed to all families, with specific strategies to include low income fathers and mothers. It is important that benefits be extended to 'gig'

economy and self-employed mothers and fathers, as part of any package of extending benefits entitlements to this group e.g. sick pay and annual leave.

E. How should the costs of any reforms fall between families, the Government and business? Please provide reasons for your answer.

Comments: See our response to Q3 where we addressed this issue in relation to Statutory Paternity Leave/Pay. We would replicate our arguments here. Payments for parenting leave are primarily the responsibility of the Exchequer if these are to be equitable and widely used

Question 25: Should Government prioritise reform of parental leave policies over other Government policies which support parents to combine work with family life?

Comments: Flexible working is of great importance but that is addressed in another consultation. There is no cost to the Government of flexible working. The cost to the Government is in reimbursement of parental pay. Both are important and delivery of one does not in any way inhibit delivery of the other..

Question 26: If you consider that the Government should prioritise reform of parental leave and pay policies, which policies are most important and why?

Comments: (1) Give up on Shared Parental Leave/Pay (2) Pay Statutory Paternity Leave at no less than the minimum wage, to be kept in line with inflation, and with any earnings-related element subject to a cap (3) Pay the first 12 weeks of Maternity Leave at no less than the minimum wage, to be kept in line with inflation and with any earnings-related element subject to a cap (3) Increase flexibility in Maternity Leave use so that mothers can take leave in blocks (as is currently the case with SPL) (4) Introduce a period of individual non-transferable Parental Leave for fathers (six months), the first 10 weeks of which to be paid at no less than the minimum wage with an earnings-related element above that subject to a 'cap' (5) Make Paternity Leave (and ordinary Parental Leave, when introduced) a day-one right (6) Set the Statutory Pay level for Maternity Allowance at no less than the minimum wage for a period of 12 weeks (7) Introduce an equivalent Paternity Allowance..

Thank you for your views on this consultation.

Our pleasure! For any comments or questions please connect with ADRIENNE BURGESS a.burgess@fatherhoodinstitute.org 07747145146

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

At BEIS we carry out our research on many different topics and consultations, and your views are valuable to us. Would you be happy for us to contact you again from time to time either for research or about other consultations?

Yes

No