



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
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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

Name:

Organisation (if applicable):

Address:

	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 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 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

Please provide reasons for your answer below

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

The way this question is written excludes two obvious options for enhancing Paternity Pay and Leave. These are:

- Longer period of leave at a higher rate of pay
- Same period of leave at a higher rate of pay

In the interests of allowing those consulted to make trade-offs between maternity/paternity leave and parental leave, it may also be worth considering two other options:

- Same period of leave at a lower rate of pay
- Shorter period of leave at a lower rate of pay

The current rate of Statutory Paternity Pay – £140.98 per week or 90% of salary, whichever is lowest – already equates to barely 50% of the minimum wage; and HMRC reports inadequate data on uptake of Paternity Leave due to widespread failure by employers to claim back the small amounts due to them¹. It is therefore difficult to imagine a well-functioning system involving an even lower rate of Statutory Paternity Pay or a shorter period of Statutory Paternity Leave.

¹ Between 2010 and 2013, employers only sought reimbursement for payments made to around 27% of new fathers per year. A fairly substantial survey found only 46% of establishments with a leave-taking father able to confirm that costs had been recovered from the Exchequer (BIS, 2014).

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

The stated policy objectives do not relate exclusively to *Paternity* Leave which is the topic of this section and which, by definition, is leave to be taken 'directly after the birth'². Indeed most of the stated policy objectives relate more closely to *Parental* Leave and Pay (i.e. leave taken later in the first year, or beyond, to care for the child – very often when the mother is at work), so it is confusing and unhelpful to present these policy objectives here, in a section that is dedicated exclusively to *Paternity* Leave and Pay.

To take each of the policy objectives in turn:

1 Enable women to prepare for and recover from birth

² <https://www.thefreedictionary.com/paternity+leave>

(i) (Law) a period of paid absence from work, in the UK currently two weeks, to which a man is legally entitled immediately after the birth of his child

(ii) (Industrial Relations & HR Terms) a period of paid or unpaid absence from work granted to a man by his employer immediately after the birth of his child

Since Paternity Leave must be taken post-birth, it cannot enable women to prepare for the birth. However, it could help women *recover from the birth*. Indeed, support for the mother by the father is a major reason for making Paternity Leave available.

2 Facilitate women returning to work and staying in work (i.e. boost female participation in the labour market)

As Paternity Leave is taken when mothers are in early recovery and are not expected, even permitted, to return to work, Paternity Leave does not seem relevant to this policy objective.

3 Give working families more choice and flexibility

As the only 'choice' is between the father taking the leave or not taking it, and the only flexibility permitted is whether the leave is taken in a one- or two-week block, it is not clear how Paternity Leave relates to this policy objective

4 Increase paternal involvement in childcare

Paternity Leave may impact on this policy objective by giving the father opportunities to contribute to his infant's care and bond with them. However, this aspect should not be overstated. It is mainly *solo* infant care that increases paternal involvement in childcare in the longer term (Bünning, 2017; O'Brien & Wall, 2017).

Because Paternity Leave coincides with the mother not only being at home but likely to be deeply engaged in newborn feeding, the potential for fathers to become adept at infant care at this time is limited; and their activities are more likely to support *mother-child* bonding.

5 Close the employment and gender pay gaps / 6 Prevent pregnancy and maternity discrimination / 7 Prevent discrimination against parents who take or seek to take parental leave

There is no evidence that a short period of Paternity Leave impacts on these stated policy objectives. It is only when fathers are eligible for, and take, a substantial period of reserved 'use it or lose it' Parental Leave to care for their very young children (as in Iceland), that employment and gender pay gaps / pregnancy and maternity discrimination are affected. However, as has been found in Iceland, other factors that impact on the gender pay gap need to be tackled at the same time.

8 Minimise the burdens on business

Insofar as employers are reimbursed for Statutory Paternity Pay, a small financial burden on them is ameliorated. If the Statutory Pay level were higher, reimbursement for employers who enhance the Pay would be greater; and more employers might seek reimbursement.

Other policy objectives

The cultural impact of Statutory Paternity Leave and Pay is not listed as a Government policy objective. However, through signalling that fathers' involvement with and care of their infants is a worthy policy goal, the 'gender culture' which currently supports mothercare above any other kind of care, may be ameliorated. Furthermore, provision and experience of paid Paternity Leave may lead to discussion and provision of other types of leave for fathers, notably Parental Leave which is likely to have greater impact on most of the Government's stated policy objectives (see Q22 below).

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

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

Surveys suggest that almost all working fathers in the UK take time off for the birth and afterwards [94% in a 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)]. Some employers (we have no recent data on the numbers) enhance Paternity Pay formally; others do so informally; many do not enhance at all. As pointed out above, many employers do not seek reimbursement for Statutory Paternity Pay.

Thus it would seem that the Government is meeting most of the costs of the low level of pay on offer. A few employers, but mainly fathers and their families, are effectively subsidising the paternity leave system with many men taking a combination of Paternity Leave and Pay (statutory and/or enhanced), along with paid and unpaid holiday, sick leave and flexible working.

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

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 wage top ups from their employer, as are those working in manufacturing, 41% of whom take holiday or annual leave instead (BIS, 2014). The fact that Paternity Leave/ Pay is not a 'Day One' right, and that casual/'gig'/self-employed fathers do not currently qualify contribute to the finding that 21% of working fathers have no entitlement to Paternity Leave and Pay³.

Enhancing Statutory Paternity Pay and extending Paternity Leave eligibility (though not necessarily extending its length) would narrow differential impacts between families from different socio-economic groups by enabling more of the lower-income fathers to take it;

³ <https://www.tuc.org.uk/equality-issues/quarter-new-dads-are-missing-out-paternity-leave-and-pay-says-tuc>

and where low socio-economic status is more prevalent in families from specific cultural backgrounds, should narrow impact differentials there, too.

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

It is worth noting that there is no mention anywhere in this consultation, of the fact that the UK – uniquely - imposes no cap on Maternity Pay. Given that this consultation declares itself interested in possible trade-offs and different levels of support between families with different characteristics – and given the potential savings that could be generated by a Maternity Pay cap to be reinvested one way or another in the system - this seems like a glaring omission. The question of ‘capping’ should be considered across all possible elements within the parenting leave system, including pay while on Maternity/Paternity Leave and while on Parental Leave (including Shared Parental Leave).

This question should be amended to: *‘Should support vary according to family characteristics, including income levels? For example, should there be a cap on Statutory Paternity and Maternity Pay and/or pay while on Parental Leave, for high earners?’*

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

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

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

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

While this question is an important one, it does not make sense in a section headed 'Paternity Leave and Pay'. As pointed out above, by definition (and confirmed in our previous discussions with Government and its legal advisers), Paternity Leave and Pay, like Maternity Leave and Pay, must be taken around the time of the birth.

This question could be answered in relation to reserved 'use it or lose' it Parental Leave for fathers. 'Free' responses to questions later in this document may provide opportunities to explore such issues.

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

See note to Q8 above. Given that Paternity Leave is only two weeks long and must be taken around the time of the baby's birth, this question is a puzzling one.

This question should be reworded to: *'How should we balance giving fathers/partners flexibility and choice (e.g. to take **Parental Leave** in blocks) with the needs of employers and co-workers for certainty around when the father/partner is likely to be off work?'*

Section 2: Shared parental leave and pay

This section seeks views on shared parental leave and pay: how it meets our objectives, options for changing the different variables and the trade-offs and choices involved.

We are seeking views on the following questions:

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

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

The SPL system is actually transferred Maternity Leave & Pay: the father/other parent can only be eligible to 'receive' the leave if the mother is eligible to 'give' it – and chooses to do so.

It is therefore not possible for there to be a dedicated pot of leave and pay for each parent within such a scheme, and this is so fundamental to the scheme's design that it makes no sense to enquire about possible alternative approaches as if the current 'Shared Parental Leave and Pay' nomenclature could still apply.

The wording of this question should be amended to: *'Should our system of parenting leave include a dedicated pot of **Parental Leave and Pay** for each parent?'*

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

Yes No Not sure

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

See comment to Q11 above. The central tenet of the SPL scheme is that the mother transfers her maternity leave and pay to the father/ partner and is, as such, in a gatekeeper role. To change this is to change the entire model, and render the current SPL nomenclature invalid.

The wording of this question should be amended to: *'Should our system of parenting leave be structured such that fathers' access to **Parental Leave and Pay** depends on mothers' eligibility and desire to share their leave and pay?'*

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

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

“Use it or lose it” leave and pay for fathers is not possible under the SPL scheme, because, as outlined in our notes to Q11 and 12 above, the scheme is predicated on eligible fathers being able to ‘receive’ leave and pay only if eligible mothers choose to transfer theirs to them. In other words, fathers have no independent right to leave; such an independent right would be fundamental to any system with a ‘use it or lose it’ element.

The wording of this question should be amended to: *‘Could enhancing **statutory pay while on Parental Leave** and/or giving fathers access to ‘use it or lose it’ **Parental Leave and Pay**, and/or enhancing such pay, result in differential impacts across families with different characteristics (e.g. families from different socio-economic groups or cultural backgrounds)?’*

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

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

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

See note to Q14 above. In this question, ‘Statutory Shared Parental Pay’ should be amended to **‘statutory pay while on 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: [Click here to enter text.](#)

See notes to Q14 and Q16 above. This question should be amended to: 'How might businesses that already provide enhanced Shared Parental Pay respond to any enhancement to **statutory pay while on Parental Leave**? For example, would they extend the period of contractual leave and pay?'

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

B. The level and extent of Statutory Maternity Pay

Yes No Not sure

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

Note: is this inviting discussion about a 'cap' on Maternity Pay for higher earners? See note to Q5 above.

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

Yes No Not sure

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

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

This presumably refers to the unpaid leave currently available via the earlier EU Directive. There is a new Directive which will replace this, involving some small payment and more limited child-age eligibility. Until the UK leaves the EU, this will apply to it.

Most in need of reform:

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

Please give your reasoning below:

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

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

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

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

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

We do not understand this question. What does "a single "family" set of leave entitlements" mean?

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

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

This question sets up these ideas as mutually exclusive or in opposition to each other, but without presenting any evidence as to why that should be the case. Why couldn't/shouldn't incentives for fathers to take more responsibility include elements of all three possible entitlements?

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

Again, why present this as a choice? Surely those being consulted should be able to think in terms of amending lengths of leave AND pay enhancements?

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

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

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

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

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

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

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

This may be the point at which one could expand on a system of reserved 'use it or lose' it *Parental* Leave for fathers, and relate the potential impact of this to the stated policy objectives listed in Section 1:

- 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.

Thank you for your views on this consultation.

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