

# United Kingdom<sup>1</sup>

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April 2023

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members page](#) on the Leave Network website.

## 1. Current leave and other employment-related policies to support parents

### a. Maternity leave (responsibility of the Department for Business, Energy and Industrial Strategy)<sup>2</sup>

#### *Length of leave (before and after birth)*

- Fifty-two weeks: leave can be started from 11 weeks before the beginning of the week the baby is due.
- It is obligatory to take leave during the two weeks after childbirth.

#### *Payment, funding and taxation*

- Ninety per cent of a woman's average earnings for six weeks with no upper limit and a flat-rate payment of either GBP£172.48 [€202.18]<sup>3</sup> or 90 per

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<sup>1</sup> Please cite as: O'Brien, M., Atkinson J., and Koslowski, A. (2023) 'United Kingdom country note', in Blum, S., Dobrotić, I., Kaufman, G., Koslowski, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2023*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> See <https://www.gov.uk/maternity-pay-leave>

<sup>3</sup> Conversion of currency undertaken for 06 July 2023, using: <https://sdw.ecb.europa.eu/curConverter.do>

cent of average gross weekly earnings (whichever is lower) for the next 33 weeks. The remaining 13 weeks are unpaid.

- Payments (statutory and any employer top up) are taxed if earnings above the personal allowance threshold (currently GBP£12,570 (not changed for 2023/24 from last year) [€14,734.50]).
- This payment is administered by employers. Employers of medium and large businesses can claim back 92 per cent from the Exchequer and small business employers can claim back 103 per cent. This is done through reductions to the amount of National Insurance contributions paid by employers to HM Revenue & Customs.

### *Flexibility in use*

- The mother can opt to start her leave at any point from 11 weeks before the beginning of the week the baby is due until the baby is born.
- Mothers can choose to return to employment from two weeks after childbirth (or four, if they work in a factory).
- Up to ten 'keep in touch with work' days can be spent working for the employer during the period of statutory Maternity leave, without it affecting Maternity leave or pay.

### *Eligibility (e.g., related to employment or family circumstances)*

- Since the UK left the EU on 31 December 2020, qualification for parental and other benefits for EU citizens has changed. For all UK citizens or EU citizens who were resident in the UK before 31 December 2020 and with leave to remain in the UK, access to employment benefits is based on only employment status, length of service, and an earnings threshold. For non-UK residents, access to employment benefits requires a visa first<sup>4</sup>. There are a range of visas including general work visas, short-term work visas, and study visas. Different employment benefit rules apply for each visa type.
- Asylum seekers are not normally allowed to work whilst their claim is being considered<sup>5</sup>. They may apply for permission to work, and so be eligible for employment benefits, if they have not received an initial decision on their claim within 12 months, but this will only be considered if that delay was through no fault of the claimant.
- Women must have 'employee' employment status – not 'worker,' self-employed, or contractor employment status.<sup>6</sup> Under UK employment law, women who have 'worker,' 'exclusively self-employed,' or 'contractor' employment status are not eligible to receive Maternity leave or pay (they may be eligible for Maternity Allowance, see below). Family rights to leave are contingent on employment status e.g., for a UK father to qualify for Shared Parental leave, he must be an employee with 26 weeks continuous employment and his partner must be employed or self-employed.

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<sup>4</sup> <https://www.gov.uk/browse/visas-immigration/work-visas>

<sup>5</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/583192/Permission-to-work-v7.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/583192/Permission-to-work-v7.pdf)

<sup>6</sup> See: <https://www.gov.uk/employment-status>

- All female employees are eligible for 26 weeks' ordinary Maternity leave, plus a further 26 weeks of additional Maternity leave (AML).
- Female employees who have worked for their employer continuously for 26 weeks, up to the 15<sup>th</sup> week before the week the baby is due, and who meet a minimum earnings threshold (currently £123 per week), are eligible for statutory maternity pay (SMP), as described above.
- Reasons for ineligibility for SMP include: being exclusively self-employed, not satisfying the continuous employment rule, or having a stillborn baby before the 24th week of pregnancy.
- Women who are not eligible for SMP may be eligible for a Maternity Allowance (MA) of 39 weeks at the flat-rate of GBP£172.48 [€202.18] or 90 per cent of average gross weekly earnings (whichever is the lowest). Women who have recently left work, changed jobs, or are self-employed may be eligible for this payment. To qualify, they must have worked for 26 weeks out of the 66 preceding the expected week of childbirth, and have earned at least GBP£30 [€35.17] per week on 13 of these weeks. Self-employed women must complete a National Insurance claim for Class 2 NICs through self-assessment (DWP, 2015). Women not eligible for the Maternity Allowance may be eligible for the UK social assistance scheme (Universal Credit).

*Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother*

- Since 5 April 2015, employed mothers have had the right to transfer all Maternity leave to the father, except for the two weeks of obligatory leave, i.e., up to 50 weeks. This period of leave is termed 'Shared Parental leave' (SPL)<sup>7</sup>. There is no requirement for a woman to return to employment before the father can begin taking SPL. Instead, the mother must commit to an employment return date in the future, when she will end her Maternity leave<sup>8</sup>.
- SPL can only be taken in one-week (seven-day) blocks of time. It cannot be taken in a day mode or on a flexible part-time basis. However, legislation does provide for 20 optional 'keep in touch' days for employees taking SPL. This provides the opportunity for employees to complete paid work during the leave period, with the possibility of receiving their full salary for that time (up to a maximum of 20 days) provided their employer agrees. Subject to their employers' approval, parents can take alternating weeks and there is provision for parents to take leave together.
- Each parent can alter leave arrangements up to three times (in continuous or discontinuous blocks) before the end of week 52 (unpaid from week 40).
- Employers are only legally obliged to agree to continuous block arrangements.
- Statutory shared parental pay is available for eligible employees meeting prescribed qualifying requirements, although income replacement levels will not be any greater than the current Maternity leave provision and does not include the period of 90 per cent of earnings as with statutory maternity

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<sup>7</sup> See: <https://www.gov.uk/shared-parental-leave-and-pay>

<sup>8</sup> The total period that both parents can be on the shared leave together would be six months, although the policy does not stipulate that parents can both be on leave at the same time.

pay, i.e., partners taking statutory Shared Parental leave will be paid at the lesser of 90 per cent of earnings, or the flat-rate of GBP£172.48 [€202.18] during the first 37 weeks. The remaining 13 weeks of the first year are unpaid. Shared parental pay is treated as earnings for tax purposes. Any earnings above the personal allowance threshold (currently GBP£12,570 [€14,734.50]) will be subject to deductions for income tax and National Insurance.

- In order to qualify for SPL, an individual needs to meet a length of service qualifying criterion (currently 26 weeks' service with the same employer by the 15<sup>th</sup> week before the expected week of childbirth); have a partner who meets an economic activity test (i.e., have worked for 26 weeks out of the 66 weeks before the expected week of childbirth and have earned at least GBP£30 [€35.17] in total in 13 of the 66 weeks); and be working for the same employer when they want to take leave. Permission is not required from employers provided leave is taken in a continuous block. If an employee passes the continuous employment test and the other parent or partner passes an economic activity test, the employee is entitled to SPL.
- Entitlements for adopters and intended parents in surrogacy cases are closely aligned with the rights available to birth parents, e.g., no qualifying period for leave; enhanced pay to 90 per cent of earnings for the first six weeks (for one parent); and time off to attend introductory appointments. Intended parents in surrogacy and 'foster to adopt' arrangements will also qualify for adoption leave and pay (see below).
- Married couples (including same-sex couples), civil partners, joint adopters, the child's other parent, and partners living with the parent and the child – who share responsibility for the child – are all eligible for SPL.

*Additional note (e.g., if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)*

- Some employers make additional provisions that go beyond the statutory minimum. For example, research conducted in 2019 found that just over two-thirds of employers in all sectors offered some enhancement on statutory maternity pay<sup>9</sup>. In relation to contractual pay for SPL offered by individual employers, it is not discriminatory on grounds of sex for employers to enhance maternity pay whilst not enhancing pay for parents on SPL<sup>10</sup>.

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<sup>9</sup><https://www.aon.com/unitedkingdom/insights/benefits-and-trends-survey-2019.jsp>

<sup>10</sup> This was confirmed by the UK Court of Appeal in the joined cases of *Ali v Capita Customer Management Ltd* and *Hextall v Chief Constable of Leicestershire Police* Judgment available at: <https://www.judiciary.uk/publications/hextall-v-leicestershire-police-and-capita-v-ali-and-another/>

## **b. Paternity leave (responsibility of the Department for Business, Energy and Industrial Strategy)<sup>11</sup>**

### *Length of leave*

- One or two weeks, a week being equivalent to the number of days that the individual normally works in a week<sup>12</sup>.

### *Payment, funding and taxation*

- Flat-rate payment of GBP£172.48 [€202.18] per week, or 90 per cent of average weekly earnings, if that is less.
- Payments (statutory and any employer top up) are taxed if earnings above the personal allowance threshold (currently GBP12,570 [€14,734.50]).
- Funded as for Maternity leave, with employers able to claim back some, or all, of the payments from HM Revenue and Customs.

### *Flexibility in use*

- It cannot start until the baby is born and must finish within 56 days of the baby's birth, or within eight weeks of the due date if the baby is born prematurely.
- The leave must be taken in one continuous period.

### *Eligibility (e.g., related to employment or family circumstances)*

- For eligibility of UK citizens and EU citizens resident in the UK, as well as asylum seekers, please see Maternity leave/eligibility. Men must have 'employee' employment status not 'worker,' 'self-employed' or 'contractor' employment status. Under UK employment law, men who have 'worker,' 'exclusively self-employed,' or 'contractor' employment status are not eligible to receive Paternity leave or pay. Family rights to leave are contingent on employment status.
- Employees must meet four conditions: they are the biological father of the child or also the child's adopter or the mother's husband, partner or civil partner; they expect to have responsibility for the child's upbringing; they have worked continuously for their employer for at least 26 weeks by the end of the qualifying week (i.e., the 15<sup>th</sup> week before the baby is due) and remain employed at the time of the child's birth; and they provide their employer with at least 15 weeks' notice of their intention to take Paternity leave. Unlike for Maternity leave, there is no distinction between eligibility for leave and pay.

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<sup>11</sup> See: <https://www.gov.uk/paternity-pay-leave>

<sup>12</sup> Stipulated as such by the government, except if the father normally works two or three days per week, he would receive four or six days leave, and if the father works seven days, he would receive 14 days. Available here: <https://www.gov.uk/paternity-pay-leave/leave>.

- To qualify for statutory paternity pay (SPP), men must be earning at least GBP£123 [€144.18] per week (before tax), i.e., the minimum earnings threshold.
- Reasons for ineligibility for SPP are the same as for employees claiming SMP, but there is no paternity allowance (equivalent to maternity allowance, MA), for those men who are not eligible for SPP.

*Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the father*

- In the case of premature births, the period in which leave can be taken is extended until eight weeks after the child was due (that is, the requirement to finish Paternity leave within 56 days of the baby's birth is not applicable).
- The individual receives the same amount of leave for multiple births.

*Additional note (e.g., if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)*

- Additional contributions are more common in large establishments. Employment sector differences were not significant, except that employers in the hospitality, health, and social work industries were the least likely to offer Paternity leave pay enhancements.

### **c. Parental leave (responsibility of the Department for Business, Energy and Industrial Strategy)**

*Length of leave*

- Eighteen weeks per parent per child.
- Leave is an individual, non-transferable entitlement.
- Only four weeks of leave may be taken in any one calendar year for each child per parent, unless an employer agrees otherwise (i.e., the 18 weeks cannot be taken in one continuous period of time)<sup>13</sup>.

*Payment and funding*

- None.

*Flexibility in use*

- Leave may be taken in blocks or in multiples of one week, up to, and for no more than, four weeks per year unless the employer agrees otherwise.

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<sup>13</sup> [www.gov.uk/parental-leave](http://www.gov.uk/parental-leave)

- Leave may be taken up until the child's 18<sup>th</sup> birthday.

*Eligibility (e.g., related to employment or family circumstances)*

- For eligibility of UK citizens, as well as asylum seekers, please see Maternity leave/eligibility. All employees who have completed one year's continuous employment with their present employer and who have, or expect to have, parental responsibility for a child.

*Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parent*

- As the leave is per child, each parent of twins is entitled to 36 weeks.

*Additional note (e.g., if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)*

- The statutory scheme is referred to as a fall-back scheme, since the intention is that 'wherever possible, employers and employees should make their own agreements about how Parental leave will work in a particular workplace'<sup>14</sup>.
- Employers may postpone granting leave for up to six months in situations where leave-taking would cause significant disruption to the business.
- Some employers go beyond the statutory minimum. Indeed, some employers structure additional employer-based leave policies around the individual entitlement basis of Parental leave rather than the gendered statutory Maternity and Paternity leave policies. Additional contributions are more common in large establishments.

#### **d. Childcare leave or career breaks**

- No statutory entitlement.

#### **e. Other types of leave and flexible working**

*Adoption leave and pay*

- Providing they meet the eligibility criteria for Maternity leave, and its derivative SPL, an adoptive parent (or one of the parents in a joint adoption)

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<sup>14</sup> Department for Business, Innovation and Skills (2014) *The Fourth Work-Life Balance Employer Survey (BIS Research Paper No184)*. London: Department for Business, Innovation and Skills. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398557/bis-14-1027-fourth-work-life-balance-employer-survey-2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398557/bis-14-1027-fourth-work-life-balance-employer-survey-2013.pdf)

is eligible for 52 weeks of adoption leave, paid at 90 per cent of the main adopter's average earnings for six weeks with no upper limit, then a flat-rate payment of either GBP£172.48 [€202.18] or 90 per cent of average gross weekly earnings (whichever is lower) for the next 33 weeks. The remaining 13 weeks are unpaid. There is also a right to paid Paternity leave for an adopter not taking adoption leave (if they meet the Paternity leave eligibility criteria).

#### *Time off for the care of dependants*

- Employees may take time off to deal with an emergency involving a dependent. A dependent could be a spouse, partner, child, grandchild, parent, or someone who depends on the individual for care<sup>15</sup>. The legislation does not define what is 'reasonable,' since this will depend on the situation<sup>16</sup>. There is no entitlement to payment.
- Some employers go beyond the statutory minimum. Where this is so, it has sometimes been promoted for use during the pandemic.

#### *Specific provision for (breast)feeding*

- None.

#### *Flexible working*

- All employees have a legal right to apply to their employers to work flexibly (e.g., to reduce their working hours or work flexi-time). Employees need to have worked for their employer continuously for 26 weeks before applying. Employers have a legal duty to consider these requests and may refuse them only on one or more business-related grounds that are set out in the legislation<sup>17</sup>. The UK government is currently analysing responses to a consultation document that proposed changes to the legal framework for flexible working (see Section 3 below).

#### *Antenatal appointments and care*

- Pregnant employees are permitted paid time off for antenatal care. Fathers are permitted time off to attend two antenatal appointments, but it does not have to be paid time off. Potential adopters are allowed time off to attend two adoption appointments.

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<sup>15</sup> [www.gov.uk/time-off-for-dependants](http://www.gov.uk/time-off-for-dependants)

<sup>16</sup> Ibid.

<sup>17</sup> [www.acas.org.uk/media/pdf/1/7/The-right-to-request-flexible-working-the-Acas-guide.pdf](http://www.acas.org.uk/media/pdf/1/7/The-right-to-request-flexible-working-the-Acas-guide.pdf)



## 2. Relationship between leave policy and early childhood education and care policy

- The maximum period of post-natal leave is 13.9 months, but most of this is unpaid or low paid; leave paid at a high rate is only available for six weeks of Maternity leave. Leave provision is the same across the UK as it is part of the national government's responsibility for employment policy, but Early Childhood Education and Care (ECEC) policy is devolved to England, Scotland, Wales, and Northern Ireland, and so more heterogeneous; each country has a distinct education and health system, including ECEC.
- In England, children aged three and four years are entitled to 15 hours per week of free ECEC for up to 38 weeks per year; to be eligible for 30 hours (1,140 hours per year) a parent must be working (the same eligibility criteria apply as for Wales) or on statutory leave such as Maternity leave. In Wales, children aged three and four years are entitled to 10 hours per week of free ECEC for 48 weeks per year. Lone parent families are entitled to an additional 20 hours per week if they work at least 16 hours per week and earn at least the hourly minimum wage. For dual parent families to be eligible for the additional 20 hours per week, both parents must work at least 16 hours per week and earn at least the hourly minimum wage. Families can still be eligible if one partner claims Carer's Allowance or Employment and Support Allowance. In Scotland, children aged three and four years are entitled to 30 hours per week during term time (1,140 hours per year). Policy discussions are underway, but have stalled for Northern Ireland, which has the lowest UK ECEC levels: there is 12.5 hours per week of free ECEC during term-time for three-year olds (475 hours per year); school starting age is four years old. In addition, some two-year-olds across the UK who meet certain conditions can access a period of free ECEC. There is a gap, therefore, of nearly two years between the end of leave and a universal ECEC entitlement and a gap of nearly three years between the end of well-paid leave and an ECEC entitlement.
- On March 15th, 2023, the national government budget included planned changes to extend ECEC eligibility for England. In England, children aged nine months will become eligible for 15 hours of free childcare (from September 2024) and children aged two years will become eligible for 15 hours of free childcare (from April 2024).
- In addition, subsidised childcare for English parents on Universal Credit has been increased, and by summer 2023 parents will be able to claim financial support upfront rather than retrospectively. Welsh, Scottish and Northern Ireland announcements are outstanding.
- For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### 3. Changes in policy since April 2022 (including proposals currently under discussion)

- The UK left the European Union on 31 December 2020. Whilst there may be changes to leave policies in the UK which stem from Brexit, there has been no change to provision as yet. However, where policy divergence from the EU is occurring is that the UK has not made the changes that would have brought it into line with the 2019 Work-Life Balance Directive 2019 (2019/1158). Whilst some of the measures are already in place in the UK, others are not, creating a Brexit-related loss for British working parents. In particular, the Directive provides for Parental leave to be paid at a level set by member states and for workers to be able to take leave in a flexible way: (Parental leave in the UK is currently unpaid and cannot be taken flexibly). In addition, the Directive introduces a new incentive to encourage greater take-up of Parental leave by fathers/second parent, that is, increasing the number of paid non-transferable Parental leave months to two from one (of four) months: if fathers do not take their two-months entitlement it cannot be transferred to mothers and vice versa.
- The Directive also introduces a five-day period of carer's leave each year and prohibits the imposition of work-related conditions in order to qualify for Paternity leave. The UK has announced that legislation for carer's leave as a statutory employment right will be brought forward but no definite parliamentary time to enact has been given.
- In the last year the UK Government has introduced a Bill to revoke EU laws kept on the UK statute book after Brexit by the end of 2023, Retained EU Law (Revocation and Reform) Bill. (<https://bills.parliament.uk/publications/50225/documents/3104>). This Bill is currently progressing through parliament but is held up at the House of Lords stage where politicians across political parties are raising the issue of transparency and need for scrutiny of individual laws of which there are over 4,000.
- There has been no further movement from the UK government on its intention to introduce neo-natal leave for parents with babies born early since the last note. It has still not introduced legislation to Parliament<sup>18</sup>. Currently, parents of children that require neo-natal care must use their Maternity or Paternity leave if they need to take time off work. The proposals, eventually through a Private Member's Bill rather than a Departmental-led Bill, include a 'day one' right for qualifying employees to a period of statutory leave if their child requires neo-natal care. The child must be less than 28 days old and be in hospital for at least seven continuous days. This form of leave would be in addition to other forms of leave that they are eligible to take. The government has yet to confirm exactly who will be entitled to take the leave. It is unclear whether it would extend to parents who are adopting or in a surrogacy arrangement. The amount of leave will be capped at 12 weeks. Entitlement to statutory neo-

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natal pay would depend on minimum earnings and continuous employment requirements. The government has indicated that pay whilst on leave will be at the statutory rate. As the government deliberates on implementation, some organisations have begun to introduce their own non-statutory Neonatal Leave provision for mothers and fathers.

- The UK government published a consultation document in September 2021 that proposed changes to the legal framework on flexible working. The consultation closed on 1 December 2021; the most important proposal was to make the right to request flexible working a 'day one' right rather than being available to employees who have worked at least 26 weeks continuously. Clearly this would enable many more employees to make use of the right to request – around 2.2 million employees according to a government estimate. The government has not supported the 'day one' measure and instead more limited flexibilities have been proposed through a Private Member's Bill rather than a Departmental-led Bill, Employment Relations (Flexible Working) Bill. The Bill has not yet completed its parliamentary process but if enacted it would: allow employees to make two flexible working requests per 12 months instead of the one currently allowed; reduce the deadline for an employer decision on flexible working requests from three months to two months.

#### 4. Uptake of leave

- The UK government still does not routinely collect data for uptake of leaves. There is no current information.
- The most recently publicly available national data is from 2009/10: i.e., the *Maternity and Paternity Rights and Women Returners Survey 2009/10*<sup>19</sup>. This joint survey for the Department for Work and Pensions with the Department for Business, Innovation and Skills provides the most recent detailed, statistically representative, updated picture of Maternity and Paternity leave, statutory maternity and paternity pay (SMP and SPP), occupational maternity and paternity pay (OMP and OPP), and maternity allowance (MA). Please see previous editions of this review for more information.
- The *Millennium Cohort Study* and *Growing up in Scotland* surveys also provide some indication of leave uptake. These studies conduct interviews with parents of representative cohorts of children born in a given time period.

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<sup>19</sup> Chanfreau, J., Gowland, S., Lancaster, Z., Poole, E., Tipping, S., and Toomse, M. (2011) *Maternity and Paternity Rights and Women Returners Survey 2009/2010* (Department of Work and Pensions Research Report No 777). Available at: [www.gov.uk/government/publications/maternity-and-paternity-rights-and-women-returners-survey-200910-rr777](http://www.gov.uk/government/publications/maternity-and-paternity-rights-and-women-returners-survey-200910-rr777)

**a. Maternity leave**

- No information available.

**b. Paternity leave**

- No information available.

**c. Parental leave**

- No information available.

**d. Other employment-related measures**

- No information available.