

United Kingdom¹

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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)²

Length of leave (before and after birth)

- 52 weeks. A woman can start to take her leave 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 and funding

- 90 per cent of woman's average earnings for six weeks with no upper limit and a flat-rate payment of either GBPE151.20 [€167.90]³ or 90 per cent of average gross weekly earnings (whichever is lower) for the next 33 weeks. The remaining 13 weeks are unpaid.

¹ Please cite as: Atkinson J., O'Brien, M. and Koslowski, A. (2020) 'United Kingdom country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2020*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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

³ Conversion of currency undertaken for 31 July 2020, using: https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_referen ce_exchange_rates/html/eurofxref-graph-gbp.en.html

- 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)

- For all UK, EU-27, and European Economic Area (EEA) citizens' access to employment benefits is based on only employment status, length of service, and an earnings threshold. For others, access to employment benefits requires a visa first.⁴ 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.⁵ 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.⁶ Under UK employment law, women who have 'worker,' 'exclusively self-employed,' or 'contractor' employment status are not eligible to receive Maternity leave or pay. Family rights to leave are contingent on 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 15th week before the week the baby is due, and who meet a minimum earnings threshold (currently £118 per

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

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/583192/Permission-to-work-v7.pdf

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

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 (DWP, 2015).
- Women who are not eligible for SMP may be eligible for a maternity allowance (MA) of 39 weeks at the flat-rate of GBP£151.20 [€167.90] 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 [€33.31] 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).

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).⁷ 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.⁸
- 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, although 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 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£151.20 [€167.90] during

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

⁸ 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.

the first 37 weeks. The remaining 13 weeks of the first year are unpaid.

- 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 15th 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£390 [€433.08] 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 more 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; and time off to attend introductory appointments. Intended parents in surrogacy and 'foster to adopt' arrangements will also qualify for adoption leave and pay.
- 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.⁹ Additional contributions are more common in large establishments, public administration and defence, the public sector, and those with a union presence. 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.¹⁰

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

¹⁰ 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)¹¹

Length of leave

- 1 or 2 weeks¹² (here, a week is the same amount of days that the individual normally works in one week).

Payment and funding

- Flat-rate payment of GBP£151.20 [€167.90] per week, or 90 per cent of average weekly earnings, if that is less.
- 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 go.

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

- For eligibility of UK, EU-27, and EEA citizens, 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 15th 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.
- Men must be earning at least GBP£118 [€131.03] per week (before tax), i.e. the earnings threshold.

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

¹² 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>.

- 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)

- Some employers go beyond the statutory minimum. Unpublished research conducted by the CIPD in 2016 found that 10 per cent of employers offered a longer period of Paternity leave than the statutory minimum. The same study found that 32 per cent of employers offered paternity pay that went beyond the statutory minimum.¹³ Additional contributions are more common in large establishments, the public sector, and those with a union presence. 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

- 18 weeks per parent per child, but not more than four weeks per child in any one calendar year.
- Leave is an individual, non-transferable entitlement.
- Only four weeks of leave may be taken in any one calendar year for each child, unless an employer agrees otherwise (i.e. the 18 weeks cannot be taken in one continuous period of time).¹⁴

¹³ www.cipd.co.uk/Images/labour-market-outlook-focus-on-working-parents_tcm18-17048.pdf.

¹⁴ www.gov.uk/parental-leave

Payment

- 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.
- Leave may be taken up until the child's 18th birthday.

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

- For eligibility of UK, EU-27, and EEA 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.'¹⁵
- Employers may postpone granting leave for up to six months in situations where leave-taking would cause significant disruption to the business.

d. Childcare leave or career breaks

No statutory entitlement.

¹⁵ 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

e. Other employment-related measures

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) 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 ceiling, then a flat-rate payment of either GBP£151.20 [€167.90] 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.¹⁶ The legislation does not define what is 'reasonable,' since this will depend on the situation.¹⁷ There is no entitlement to payment.

Flexible working: the right to request and the duty to consider

- 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.¹⁸

Specific provision for (breast)feeding

- None.

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.

¹⁶ www.gov.uk/time-off-for-dependants

¹⁷ Ibid.

¹⁸ 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 paid post-natal leave available in the UK 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 policy is devolved to England, Scotland, Wales, and Northern Ireland, and so more heterogeneous. Each have distinct education systems, including early childhood education and care.

In England and parts of Wales, children aged three and four are entitled to 30 hours' free childcare for up to 38 weeks per year (1,140 hours). A similar expansion will occur in Scotland, which currently has 600 free hours per year. This will increase to 1,140 hours from August 2020. Policy discussions are underway, but have stalled for Northern Ireland, which has the lowest UK ECEC levels: two and a half hours of free childcare every day during term-time.

Children aged two whose parents pass a means test, or qualify through their benefit or legal status, also have a similar entitlement. So, there is a gap of between four and 16 months 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 the same entitlement. Levels of attendance at formal services for children under the age of three are average, and for children over three years of age are above the average both for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2019 (including proposals currently under discussion)

The UK government proposed the introduction of neo-natal leave and pay last year. It has been consulting the public since July 2019 and has recently published the results of that consultation.¹⁹ The proposals include a 'day one' right for qualifying employees to a period of statutory leave if their child requires neo-natal care (requiring a hospital admission of at least seven continuous days). This form of leave would be in addition to other forms of leave that they are eligible to take. Entitlement is likely to include not just biological parents but partners of birth mothers and adoption and surrogacy situations. The amount of

¹⁹ /consultations/good-work-plan-proposals-to-support-families
<https://www.gov.uk/government>

leave will be capped at 12 weeks. Entitlement to statutory neo-natal pay would depend on minimum earnings and continuous employment requirements.

Parental leave is a policy area where the Scottish Government considers it could potentially improve upon current UK legislation, should it become possible to do so. As such, it has become a political issue, and again in 2019, has found its way into Scottish political party manifestos. The Scottish Parliament has a cross-party group on shared parenting, which seeks to identify, examine, and promote policy and practice that supports parents in sharing parenting responsibilities.²⁰

Policy response to the Covid-19 pandemic up to end June 2020

Childcare and schools

- In terms of ECEC, the different nations of the UK have taken divergent approaches to policies affecting children.
- National 'lockdown' started on 23 March 2020 in the UK and ECEC providers have been partly closed since in all nations. From 23 March only children of key workers and children identified as in vulnerable groups could access ECEC (including pre-school childcare) and attend primary school.
- An early UK wide definition of key worker termed 'critical worker' was published and subsequently rolling advice has been given to ECEC providers. Critical workers are those whose paid work is deemed critical to the coronavirus (COVID-19) response including those who work in health and social care and in other key sectors.
- At the outset it was noted that workers who were parents working in these sectors may be able to look after their child at home, although attendance at ECEC and school was encouraged. Government advised the following principles: 1. If a child needs specialist support, is vulnerable or has a parent who is a critical worker, then educational provision will be available for them; 2. Parents should not rely for childcare upon those who are advised to be in the stringent social distancing category such as grandparents, friends, or family members with underlying conditions; 3. Parents must do everything they can to ensure children are not mixing socially outside of school. They must observe the same social distancing principles as adults, as far as possible; 4. Residential special schools, boarding schools and special settings continue to care for children wherever possible.
- Prior to 1 June 2020 in the UK as a whole, only children of key workers and children identified as in vulnerable groups could

²⁰ www.parliament.scot/msps/shared-parenting.aspx

access pre-school childcare and attend primary school. From 1 June, children in England who are in pre-school settings and children in Reception, Year 1 or 6 have begun to return to school, although it is not obligatory for them to do so if parents would prefer to keep them at home. Some pupils in secondary schools (Years 10 and 12) have also had some face-to-face lessons. The Welsh government have decided to open all schools from 29 June, although only one-third of pupils will attend at any one time. The Scottish and Northern Irish governments have already announced that schools in their nations will not re-open until August

Parental leave

- There were no modifications to Parental leave.

Other measures for parents and other carers

- The Coronavirus Job Retention Scheme, colloquially known as the 'Furlough' scheme, targeted at employees unable to work, has consequences for parents', their ability to care for children and earn a livelihood. Under the Furlough scheme, initiated in March 2020, the employer/business can claim for 80 per cent of employee's wages plus employer's National Insurance contribution up to a ceiling of £2,500 a month, slightly higher than average wage. Employers can also 'top-up' the 20 per cent. The scheme is planned to finish by the end of October with a gradual tapering from August.
- For employees
 - the Government reports 'business as usual' for eligibility for Maternity, Paternity and Parental leave.
 - Workers who are ill or have with 'health-related' caring responsibilities can claim sick pay. Statutory Sick Pay (SSP) is currently £95.85 per week and is paid by employers for up to 28 weeks.
 - There is no new right/entitlement for workers to care for children (i.e. an independent COVID-19 care leave) under COVID apart from arguably SSP. Workers can claim SSP if they are self-isolating in accordance with government advice (e.g. because a family member has symptoms) or if they are deemed clinically vulnerable because of underlying health condition. School closures, per se, do not trigger SSP receipts.
- Self-employed workers remain ineligible to all leave in the UK under 'furlough' but can claim Universal Credit (see below) and there are other schemes to help their business.
- There have been no change to existing leave options, although there was a nation-wide e-petition calling for the Government to extend Maternity leave by 3 months with pay in light of Covid-19.

The petition was signed by 226,000 and House of Commons Petitions Committee also received over 69,000 responses with people sharing their experiences e.g. from new parents who have found that their jobs were at risk as they are unable to find childcare, from parents whose mental health has been severely affected, and from parents who needed support.

- Recommendations to Government from the Committee's report included:
 - The Government should extend Parental leave and pay for all new parents affected by the pandemic. This includes Maternity leave, Shared Parental leave and adoption leave;
 - The Government should publish clear new guidance for employees and employers on supporting pregnant employees and those returning from Parental leave that explains clearly their options and responsibilities;
 - The Government should consider extending the period in which pregnant women and new parents may bring claims before the employment tribunal to six months from dismissal in light of current challenges posed by Covid-19.
- There have been no changes to regular statutory arrangements although non-statutory (e.g. company level) arrangements occur.
- Under normal circumstances, schools do not provide free school meals to eligible children who are not in school. But during the coronavirus (COVID-19) outbreak, schools are expected to continue supporting children eligible for benefits-related free school meals who are at home. This can include: providing meals or food parcels through food providers; using the Department for Education's (DfE) centrally-funded national voucher scheme; providing alternative vouchers for a local shop or supermarket. Free school meals should be offered to eligible pupils not attending school during term time weeks. Costs of the national voucher scheme to provide free school meals for eligible pupils are also met by Government over the Easter and May half-term holidays. After intense lobbying, including from a famous footballer, to the Prime Minister, this service will also be retained for the summer period.
- The voluntary sector provides foodbanks in many communities. The Trussell Trust, the UK's biggest food bank network, said it gave out 89 per cent more food parcels in April, compared to the same month last year, while the Independent Food Aid Network (Ifan) recorded a 175 per cent increase over the same period.²¹
- Provision for parents who are non-workers or unemployed is important to note: 'Universal Credit'- (UC) the UK's 'safety net' social insurance covering 'all needs' including housing. Universal Credit- one standard allowance for household. This scheme has

²¹ <https://www.theguardian.com/society/2020/jun/03/record-numbers-used-uk-food-banks-in-first-month-of-lockdown>

been adjusted a little for COVID-19. Individuals do not need to attend the Jobcentre Plus office and can just apply online. Initially on-line waiting was significant as millions have applied.

- By 9 April 2020 there were 4.2 million people on Universal Credit. This is an increase of 1.2 million people (40 per cent) in one month as a result of the pandemic, compared with an average 4 per cent month-on-month increase between April 2019 and March 2020.
- People can access advance payments a little more easily as before COVID-19 there was usually a 5 week wait but any advanced amount is taken from final payment. Self-employed can apply. Level of payment still very low:
 - £342.72 per month for single claimants under 25
 - £409.89 per month for single claimants aged 25 or over
 - 488.59 per month for joint claimants both under 25
 - £594.04 per month for joint claimants with either aged 25 or over
- There has been a COVID-19 supplement increase up to £86.67 a month for one year from 6 April 2020 for all new and existing claimants. This temporary benefit increase expires next April in 2021.

4. Uptake of leave

The UK government does not routinely collect data for uptake of leaves. This section relies on the most recent publicly available national data: i.e., the *Maternity and Paternity Rights and Women Returners Survey 2009/10*.²² This joint survey for the Department for Work and Pensions with the Department for Business, Innovation and Skills provides a 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). It assesses the impact of changes brought about as a result of the Work and Families Act 2006, and examines mothers' return to work decisions, alongside the availability of family friendly employment practices. Telephone interviews took place with 2,031 mothers and 1,253 fathers who had worked in the 12 months prior to the birth of their child, 12 to 18 months after the birth. A further source is the UK government's *Fourth Work-life Balance (WLB4) Employee Survey (2012)*,²³ which was carried out in early 2011, though this survey was not as focused on early parenthood as the *Maternity and*

²² 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

²³ www.esds.ac.uk/doc/7112/mrdoc/pdf/7112_employee_survey.pdf

Paternity Rights and Women Returners Survey. 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.

Early government estimates from the Department for Business, Energy and Industrial Strategy using HM Revenue & Customs data reports of employer claims are showing a very low uptake of SPL by fathers and co-parents (of between two and eight per cent of eligible parents). A survey conducted amongst expectant mothers in two antenatal clinics in London corroborated the estimate of eight per cent. This study also showed that eligibility for SPL is associated with ethnicity, education, and home ownership, indicating worrying inequalities in access.²⁴ However, just because parents meet the eligibility criteria for SPL does not mean that they are actually in a position to take it up. Research conducted in 2016 by My Family Care and the Women's Business Council provides more grounds for optimism.²⁵ Of the respondents to the small survey (unrepresentative) who had had a baby or adopted a child in the previous 12 months, over 30 per cent of men and 20 per cent of women had used SPL. These figures do need to be treated with caution, however, they do suggest that uptake of SPL could be higher amongst couples who have recently had a baby or adopted. In addition, there is public discussion about discrimination against fathers, with respect to their lack of access to occupational Maternity leave enhancements.

a. Maternity leave

According to the 2009/2010 survey, the mean length of Maternity leave taken by women increased from 32 weeks in 2006 to 39 weeks in 2008; that is, by approximately two months in the space of two years. The Work and Families Act's (2006) policy goal of lengthening the utilisation of paid statutory Maternity leave (SMP) and maternity allowance (MA) from 26 weeks to 39 weeks was successful. However, results show that the remaining period of unpaid leave (i.e. from week 40 to week 52) was less attractive to mothers: just under half (45 per cent) made use of this leave. Duration of maternity pay and length of Maternity leave taken are positively associated, particularly for economically disadvantaged women. Those taking the shortest paid leaves (up to 39 weeks of Maternity leave) were low-earners, part-time workers, and the self-employed; while those taking the longest leave were high earners and those in full-time employment.

²⁴ Twamley, K. and Schober, P. (2019) 'Shared Parental leave: exploring variations in attitudes, eligibility, knowledge and take-up intentions of expectant mothers in London' *Journal of Social Policy*, Vol. 48, 2: 387-407.

²⁵ <https://www.myfamilycare.co.uk/resources/white-papers/shared-parental-leave-where-are-we-now/>

The Maternity and Paternity Rights and Women Returners Survey 2009/2010 did not collect systematic data on the exact timing of women's return to work, but by 12 to 18 months after childbirth, three out of four (77 per cent) mothers had returned to employment. As in previous surveys, mothers' decisions to return to work was mainly motivated by economic considerations. The factors with the strongest association with returning to work included: employer size and sector, duration of pre-birth job, type of maternity pay received, family structure, and mothers' educational levels.

Most mothers who had worked before childbirth had received some type of maternity pay: 42 per cent of mothers received statutory maternity pay (SMP) only; 32 per cent received SMP and occupational maternity pay (OMP), the most generous pay package; four per cent received OMP only; 11 per cent received maternity allowance only; and 11 per cent of mothers received no maternity pay. This last group had the least advantageous employment conditions.²⁶

b. Paternity leave

The 2009/2010 UK-wide survey showed that 91 per cent of fathers took time off around the time of their baby's birth. Of those taking time off, 49 per cent took statutory Paternity leave only; 25 per cent took statutory leave plus other paid leave; 18 per cent took other paid leave only; and five per cent took unpaid leave. Those taking statutory Paternity leave were most likely to take the statutory two weeks (50 per cent); 34 per cent took less than two weeks; and 16 per cent took more than two weeks. The odds of taking Paternity leave were significantly higher for men working in the public sector and where there were family-friendly arrangements available in the workplace. Analysis of Scottish cohort data (*Growing up in Scotland*) for 2011 found that 78 per cent of fathers took some type of leave soon after the birth of their child and that this was more likely to be Paternity leave than annual leave.²⁷ The information is reported by mothers and so might not be directly comparable with other studies. Some employers supplemented statutory Paternity leave payment: 39 per cent of fathers received full pay for less than two weeks; 33 per cent for two weeks; and nine per cent for more than two weeks. Large private and public sector

²⁶ These updated findings are in line with the earlier survey by Smeaton, S. and Marsh, A. (2006) *Maternity and Paternity Rights and Benefits: Survey of Parents 2005 (Employment Relations Research Series, No. 50)*. London: Department of Trade and Industry.

²⁷ Scottish Government (2015), *Fathers in the Early Years: how do they balance their work and family life?*, Scottish Government Publication; Koslowski, A. and Kadar-Satat, G. (2018) Community, Work & Family DOI: 10.1080/13668803.2018.1428174

organisations were most likely to give full payment for longer periods of Paternity leave. Small- and medium- sized private sector employers were most likely to pay the minimum statutory rate.

c. Parental leave

Provision and uptake of statutory Parental leave data are not systematically reported in the 2009/2010 survey. Instead, paid and unpaid informal Parental leave is reported on as a form of family-friendly arrangement. Findings show that in their first post-birth job, five per cent of mothers used 'fully paid' Parental leave; one per cent 'partly paid' Parental leave; and five per cent unpaid Parental leave. For employed fathers, 17 per cent used 'fully paid' Parental leave, six per cent 'partly paid' Parental leave; and seven per cent unpaid Parental leave. Although the data are not comparable with the 2006 survey, they do suggest a rise in uptake of Parental leave by mothers and fathers in the post-natal period.

Findings from the *Fourth Work-life Balance (WLB4) Employee Survey* (2012) show that only 11 per cent of parents with a child under six years of age had reported taking Parental leave. Employers were asked whether they were aware of the increase in the amount of unpaid Parental leave that parents can take from 13 weeks to 18 weeks, which came into force in March 2013 under the Parental Leave Directive (2010/2018/EU). A third of employers (33 per cent) – covering 57 per cent of the workforce in establishments with five or more employees – were aware of the increase in unpaid Parental leave. It is noted that fieldwork for the survey took place from May to September 2013, clearly quite soon after the changes came into effect.

Across all employers surveyed, around one in seven (14 per cent) had at least one employee that had taken unpaid Parental leave to look after their children in the previous 12 months. This incidence of unpaid Parental leave is unchanged from *WLB3* in 2006 (also 14 per cent). Uptake of Parental leave was less common than that of Maternity or Paternity leave, and has remained unchanged since 2006.

d. Other employment-related measures

Information on the uptake of other employment-related entitlements, such as use of flexible working, is taken from survey evidence since there is no requirement for employers to report on this. Results from *WLB4* show that 79 per cent of employees stated that they were aware of the right to request flexible working, a significant increase from the baseline period in 2006 where only 42 per cent of employees stated that

they were aware of its introduction.²⁸ However, at both time periods, the awareness of the right to request flexible working was lower in those employed in routine and manual occupations.

In 2011, 22 per cent of employees reported requesting a change to working arrangements in the last two years (most commonly, women, parents, and those with caring responsibilities). From employees' perspectives, requests were not accepted in 13 per cent of cases. For a further eight per cent, the outcome was uncertain. Although the methodology was different, this refusal rate is higher than that reported by employers in an earlier survey (40 per cent of employers report receiving requests in the previous 12 months, with only nine per cent of these requests refused).²⁹

Between *WLB2* and *WLB3*, the reported levels of uptake had grown as flexible working was becoming more established. In 2013, flexible working was more widely established and mature, with at least one form of flexibility available in nearly all organisations. Since *WLB3* in 2007, there have not been great increases in employers reporting either uptake or availability of flexible working, except for the uptake of working reduced hours for a limited period. In this survey, flexible working was more likely to be available and taken up in larger organisations, in the public sector, in establishments where there was a higher proportion of female workers, and establishments where there was a union presence. These employers were also more likely to offer more forms of flexibility.

Overall, 40 per cent of employers offering any flexible working practices had received at least one request to work flexibly in the last 12 months, the same proportion as reported in *WLB3* (most common in female-dominated sectors). Most employers (75 per cent) who had received requests to change working patterns in the last 12 months reported that the proportion they had been able to accept had stayed the same over the last 12 months; 19 per cent reported an increase; and three per cent reported a decrease. These are similar proportions to those reported by employers in *WLB3*. As in *WLB3*, most establishments (91 per cent) had accepted all requests, with only nine per cent turning any down, and the majority of these only turning down one request. The major reason was that most establishments (65 per cent) had not received any requests for flexible working from men in the last 12

²⁸ Hooker, H., Neathy, F., Casebourne, J. and Munro, M. (2006) *The Third Work-Life Balance Employees Survey: Executive Summary, Employment Relations Research Series No.58*. London: DTI.

²⁹ Hayward, B. Fong, B., and Thornton, A. (2007) *The Third Work-Life Balance Employer Survey: Main Findings*. (Department for Business, Enterprise and Regulatory Reform, Employment Relations Research Series, 86). London: BERR.

months. It is noted that just over half (56 per cent) of employers who had turned down requests for flexible working in the past 12 months stated that at least three-quarters of the flexible working requests rejected were made by men. As reported in the *WLB3* employee survey, male employees are therefore less likely to make a request and more likely to be turned down when they do. According to the *WLB4* employee survey (2012), 30 per cent of employees with an ill child had worked flexibly – most commonly reported for those employees in the private sector and in professional/managerial occupations.