



House of Commons
Women and Equalities
Committee

**Fathers and the
workplace: Government
Response to the
Committee's
First Report of Session
2017–19**

**Third Special Report of Session
2017–19**

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Women and Equalities Committee

The Women and Equalities Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Government Equalities Office (GEO).

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Publication

Committee reports are published on the Committee's website at www.parliament.uk/womenandequalities and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Judith Boyce (Clerk), Luanne Middleton (Second Clerk), Holly Dustin, Tansy Hutchinson, and Shai Jacobs (Committee Specialists), Axell Kaubo (Inquiry Manager), Alexandra Hunter-Wainwright (Senior Committee Assistant), Mandy Sullivan (Committee Assistant), and Liz Parratt and Simon Horswell (Media Officers).

Contacts

All correspondence should be addressed to the Clerk of the Women and Equalities Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6645; the Committee's email address is womeqcom@parliament.uk.

Third Special Report

The Women and Equalities Committee published its First Report of Session 2017–19, *Fathers and the workplace*, as HC 358 on 20 March 2018. The Government response was received on 18 May 2018 and is appended to this report.

Government Response

Introduction

The Women and Equalities Committee first report of the 2017–19 session on fathers in the workplace was published on 20 March 2018.

In the Industrial Strategy the Government outlined an ambition for all work to be fair and decent, and for employers to offer opportunities that give individuals realistic scope to develop and progress. The Business Secretary has taken on the role of promoting the delivery of better quality jobs in the British economy. The Government therefore is firmly committed to supporting mothers and fathers to balance work and family life in a way which works best for them—and all things being equal, many fathers and partners would want to spend more time with their children, in the first year, but also throughout childhood and beyond.

The Government acknowledges that families need to make difficult decisions about time and money and is keen to ensure that they have as wide a range of choices as possible. Fathers should be offered effective choices within the wider context of family workplace policies. This is important for fathers, for mothers and for children.

As the Committee's report makes clear, offering fathers effective choices can be of real importance in delivering a number of policy objectives. It is self-evident that good parenting drives better child outcomes. The Government is keen to help ensure that fathers play a full role. Enabling families to share caring roles more easily and equitably will also help to close the Gender Pay Gap. And a more equitable share of work and home responsibilities can improve work life balance for men and for women.

The Committee's report helpfully reviews the policy landscape from the fathers' perspective and makes ten recommendations to Government on what more might be done. The recommendations are based around a father's journey in the work place, focusing on specific interventions and additional evidence requirements at key stages, starting with attending antenatal appointments, working through periods of leave and then looking at the working environment and culture more generally.

While the underlying issues are complex and ingrained, and lie as much in the culture outside the work as in it, the Government can and indeed does have a direct influence on what happens in the workplace. There is a lot of work underway in Government on issues both directly and indirectly relevant to the topic of fathers in the workplace. Many employers have already embraced the case for change and go beyond the statutory minimum. But we know that there is much more to be done. The Government cannot

tackle the challenge of better supporting fathers and partners in work alone. The long term solution lies in promoting and securing a wider culture change. That is a complex task which requires action on a broad range of fronts.

Many of the Committee's recommendations are far reaching, would involve a radical change in policy direction or, as is the case with issues around employment status, sit with other complex issues where parallel work is underway. This thoughtful and focussed report therefore provides much to consider.

The Government's response to each of the Committee's recommendations is set out below.

1) How employment status affects access to parental support

In a number of specific recommendations the Committee calls for greater harmonisation or enhancement of family leave and pay entitlements for different groups in the workplace—employee, worker/agency worker and the self-employed.

As well as the rights themselves, we know that the lack of clarity around employment status can prevent fathers accessing their existing rights—the Committee's report mentions that they heard this from a number of the fathers who gave evidence.

Employment status is at the core of both employment law and, separately, the tax system—it determines the rights that an individual gets, and the taxes that they and the business they work for must pay. The Government accepted the Taylor review conclusion that the current framework can often fail to provide the clarity and certainty that individuals and businesses need. That is work in progress and we are undertaking a consultation on employment status. The consultation closes on 1 June. The intention is to provide greater clarity which, among other things, will help fathers access existing rights.

The Committee's report also specifically recommends increasing rights for selfemployed parents in a number of areas—antenatal appointments, paternity leave and pay and shared parental leave and pay. While the Government is not ruling out providing further support for self-employed parents in the future, the response to the Taylor Review makes clear that this should be alongside reforms to tax, benefits and rights over the longer term. That remains the Government's position.

The Government has accepted the Taylor Review of Modern Working Practices' recommendation that all employees and workers should be given a written statement on rights on day 1 of their job and says it is consulting on what should be included. We ask the Government to ensure that this statement includes all parental benefits.

The Matthew Taylor Review recommended that the Government “should build on and improve clarity, certainty and understanding of all working people by extending the right to a written statement to ‘dependent contractors’ as well as employees”.

As the Committee notes, the Government accepted this recommendation in its response to the review. The Government agrees that employers should provide basic information about the employment relationship to workers (including employees) at the outset. We are consulting on how best to achieve this and what information the written statement should include.

That consultation asks how helpful the currently prescribed contents of a principal written statement are. It then asks what additional features might be covered. This explicitly includes other types of paid leave such as maternity and paternity leave.

The government understands that some important information (for instance, details on pensions) may be difficult to provide by the first day. The consultation therefore proposes retaining the principle in the existing legislation that some information can be provided outside the ‘principal statement’—for example, in a separate document or in a staff handbook.

The consultation on measures to increase transparency in the labour market, of which the written statement questions form part, [is due to close/closed] on 23 May. We will consider the Committee’s recommendation that the statement should include all parental benefits as part of those deliberations, in the context of responses to the consultation and the implementation of the Taylor review more generally.

2) Antenatal appointments

Fathers who are employees should be entitled to paid time off to attend antenatal appointments as a day-one right. Agency worker fathers should be entitled to unpaid time off to attend antenatal appointments as a day-one right, and to paid time off to attend antenatal appointments once they have been with the same company for 12 weeks. The Government should consider whether the entitlement to attend two appointments is sufficiently supportive for parents of multiple babies or where other factors mean additional appointments are required.

The Government would like as many fathers and partners as possible to be able to attend antenatal appointments. As the Committee noted, the introduction in 2014 of a day-one right for employee fathers and partners to take time off to attend up to two antenatal appointments was intended to encourage involvement of fathers and partners with their children from the earliest stages.

However, the Government believes that the current statutory position strikes the right balance between allowing fathers time off for antenatal appointments and an employer’s need to balance all the various family and other annual leave requirements in the context of running a business. The 2013 Impact Assessment underpinning the case for the right to time off for antenatal appointments concluded that employers were likely to incur short-term absence costs, due to overtime payments and opportunity costs from displaced outputs elsewhere, over and above the costs of other measures introduced at the same time.

The Government will consider the entitlement to attend antenatal appointments where there are multiple births in light of the evidence collected for the evaluation of Shared Parental Leave .

In its discussion around this recommendation, the Committee’s report spoke of fathers who knew of work colleagues who had been refused time off to attend antenatal appointments. This is unacceptable.

The Taylor review concluded that enforcing rights is not as easy as it ought to be. Employers who break the rules must expect there to be consequences for their actions and individuals who have been wronged should feel that the system will allow their case to be heard and that a fair decision is reached. The Government has accepted that the enforcement process could be simpler and, in its consultation document on the Matthew Taylor recommendations on enforcement of employment rights, asks how the enforcement process can be simplified to make it more effective for users.

3) Paternity leave and pay

Fathers who are employees should be eligible for two weeks' paternity leave as a day-one right, similar to maternity leave. Fathers who are agency workers should be eligible for paternity pay with the same eligibility requirements as agency worker mothers have for maternity pay. Self employed fathers should be eligible for a Paternity Allowance, similar to maternity allowance.

We reiterate the recommendation of our predecessor Committee in its report on the gender pay gap that two weeks paternity leave should be paid at 90% of earnings (capped), similar to maternity pay which is paid at for six weeks at 90% (uncapped)

As the Government said in its response to the Committee's predecessor's report on the gender pay gap, a fundamental principle underlying maternity leave is that it is provided to enable women to recover from birth. There is a legal requirement for women to take a compulsory period of maternity leave immediately following the birth. That legal requirement is unique to mothers, and clearly so is the physical recovery from childbirth. That is why there is a difference between maternity leave and pay and paternity leave and pay entitlements.

The Government's response also explained that mothers receive statutory maternity pay so that they are not disadvantaged by taking time off immediately before the birth of their child. For similar reasons, working mothers who do not qualify for statutory maternity pay are likely to be entitled to maternity allowance.

There is a broad-based debate to be had as to whether the higher level of public expenditure associated with the Committee's recommendations would be warranted by the potential benefits to parents, children, the wider economy and society. That consideration will require good quality information on the way that existing entitlements are used in practice. The Government will gather that information this year.

We recommend that the new edition of the Maternity and Paternity Rights Survey should gather evidence about:

- **The effectiveness and take-up of paternity leave and pay, including the length of paternity leave in cases of multiple births or where the mother or baby is in hospital for an extended period of time; and**
- **The extent to which employers top up these benefits or have their own parental leave policies.**

To help further build the evidence base in this area, the forthcoming Maternity and Paternity Rights Survey will include questions relating to the take-up of paternity leave (including the length of leave taken).

It will also ask about paternity pay and in so doing the extent to which employers provide occupational pay and leave above the statutory minimum. Similar questions will also be asked in a forthcoming survey of employers.

It is unlikely that the Maternity and Paternity Rights survey will yield sufficient numbers of parents experiencing multiple births or extended periods in hospital to produce statistically robust figures in relation to paternity leave. We will nevertheless investigate this as we develop the research questionnaire.

4) Shared Parental Leave and Pay

We recommend that, as part of its review of shared parental leave in 2018, the Government undertake an analysis of the costs and benefits of an alternative policy of 12 weeks paternal leave and pay to replace shared parental leave. This should include the following elements:

- **Fathers and second parents would be eligible for this leave in their own right; it would not affect mothers' existing entitlements to maternity leave and pay;**
- **The period of paternal leave would only be available to fathers in the first year after the child's birth;**
- **It would be available both to employees and to agency workers; and**
- **It would be paid at 90 per cent of salary for of the first four weeks (with a cap for higher earners), and the remaining eight weeks paid at statutory levels.**

We acknowledge that the initial costs of implementing such a policy would be considerable. The Government's analysis should separate out the costs of each of the features we have outlined, and set out how variable take-up and imposing caps on pay at different levels would affect these costs. There would, however, also be potential for significant gains to the public purse in the long term, and we ask the Government to set out and take into account a comprehensive list of these factors in its costing. Among the likely benefits would be:

- **The saving on maternity pay accrued from mothers if they return to work early;**
- **The likelihood of mothers remaining in the workforce in the longer term, due to fathers' greater responsibilities for childcare and the implications for their contribution to taxation throughout their careers;**
- **Mothers' longer term financial security, decreased likelihood of poverty in older age and a better pension; and**
- **Wider societal benefits including for children's health and development.**

The evaluation of shared parental leave and pay has started and, as previously said, we will shortly commission the surveys which will provide the data to inform that evaluation. The Government agrees with the Committee that in analysing the data to evaluate the existing policy, it could be helpful to keep alternatives in mind—and to be aware of the costs and benefits associated with those alternatives—to understand the impact of the existing policy better. The findings of the evaluation will provide a basis from which to determine whether and how shared parental leave and pay may need to be reformed. This may include the consideration of a dedicated period of leave for fathers and partners.

The Government is committed to shared parental leave. The policy is still relatively new and has had little time to bed in. The Committee’s report helpfully points out a number of aspects of the policy which it believes are sub-optimal, which will be valuable in informing the evaluation. In addition to affordability, the Committee particularly highlighted low levels of awareness, complexity and policy design. All these will be considered in the evaluation.

The Committee’s report notes that the Government launched a publicity campaign in February. We are currently assessing the impact that the publicity campaign has had on raising awareness and more activity is being planned in light of that. Alongside the campaign, work has been done to improve existing government guidance and to develop a new set of tools and detailed guidance for parents thinking of taking Shared Parental Leave and Pay. The Government will keep these under review, taking feedback and queries received during the campaign into consideration. Effective tools and guidance have the potential to address complexity by allowing parents more easily to navigate their way through the process.

The Committee also questions the “maternal transfer” aspect of the policy design. A key point of shared parental leave is to help drive change in society’s wider attitudes regarding parenting and care for children. The fact that the leave is shared between the mother and the father or partner, in almost whatever way they decide, encourages parents to have the discussion about sharing childcare in a way that the Committee’s alternative proposition, of giving the father a self-standing right, might not. In that regard shared parental leave has the potential to be more transformative, over the longer term, in promoting more equal sharing of childcare responsibilities and work responsibilities between parents, both in the first year and beyond, precisely because it encourages a discussion and a “maternal transfer”. While the international evidence suggests that a dedicated pot of leave for the father may result in a higher proportion of fathers taking leave in the first year of a child’s life, it is much more mixed in terms of the relative share of all leave that the mother and father take, and the longer term impacts on how families share caring responsibilities.

5) The right to request flexible working

We believe that fathers should not have to wait up to four more years to have access to working arrangements that support their parenting responsibilities, and nor should their families. The cultural factors that militate against fathers asking for flexible arrangements and that make employers less likely to grant such arrangements to fathers are more likely to be overcome if flexible working becomes the new default. We recommend that the Government brings forward legislation now to make real

the Prime Minister's intention to ensure that all new jobs are available for flexible working, unless the employer can demonstrate an immediate and continuing business case against doing so.

The Government is working to make flexible working a reality for all employees, unless there are solid reasons not to.

There is a great deal of consensus across Government and industry that the greater adoption of more flexible working practices across the economy offers at least part of the solution to many of the challenges facing both Government and employers. For businesses these involve the key issues of recruitment and retention, developing a skilled work force and productivity. For Government, flexible working can play an important part in the delivery of wider social and economic objectives—such as closing the gender pay gap as well as helping to enable particular groups to join or stay in the labour market, such as older workers, carers or those with mental health conditions or disabilities. It can also support fathers and partners who wish to play a more active role in childcare

Given this broad level of consensus, and the fact that not all forms of flexible working can realistically be available to everyone in every job, the Government has decided to pursue a voluntary approach in advance of the evaluation of the right to request flexible working which is due in 2019.

The Government has established a Flexible Working Taskforce, co-chaired by BEIS and the Chartered Institute of Personnel and Development. The taskforce has a broad membership comprising: the TUC; groups representing employers and managers (CIPD, CBI, Federation of Small Businesses, Chartered Management Institute); representative and interest groups (Working Families, Age UK, Carers UK and Timewise) and a range of Government Departments (BEIS, DWP, DHSC, HMT and GEO).

Rather than focus on specific groups, and to reinforce the message that the objective is to promote flexible working as the default, the taskforce is organising its work around key points in the employment lifecycle. It will look at: job design and recruitment; retention; progression; returning to work following a career break; and exiting the workplace. The taskforce will develop an iterative action plan to tackle the barriers and challenges around each stage of the employment lifecycle and will seek to stimulate 3 key outcomes:-

- Greater acknowledgement among employers of the benefits of greater flexible working and hiring, leading to changes in practice
- More insight into good practice
- Better access to expert advice and support.

The taskforce held its first meeting on 29 March, is due to provide an interim report to the Minister for Small Business, Consumers and Corporate Responsibility in the Summer and plans to have worked through the employment lifecycle by early 2019. This work will feed into the evaluation of the right to request flexible working.

6) Unpaid parental leave and time off for dependants

The Government should collect age and sex-disaggregated data on the take-up, and reason for take-up, of unpaid parental leave and time off for dependants in order to be able to assess the effectiveness of these policies for fathers and mothers.

The 2018 Maternity and Paternity Rights Survey will ask questions relating to the take-up of unpaid parental leave and time off for dependants. We will investigate the feasibility of also asking about the reasons for taking such leave, which will depend on the numbers responding to these questions. Take-up statistics will be disaggregated by demographic variables such as age and gender where it is statistically viable to do so. A forthcoming survey of businesses will address similar issues from an employer perspective.

7) Changing the culture on fathers in the workplace

To help drive the cultural change in the workplace that the Government wishes to see, it should consider the benefits of amending the protected characteristics in the Equality Act 2010 to add an additional characteristic of ‘paternity’, looking at what period such a characteristic would cover and to which groups of working fathers it would apply.

We welcome the Committee’s work to raise the profile of the experience of fathers. The Government will monitor the results of the planned 2018 Maternity and Paternity Rights Survey carefully to gain a greater understanding of the experience of working fathers.