



House of Commons  
Petitions Committee

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**The impact of COVID-19  
on maternity and  
parental leave:  
Government Response  
to the Committee's First  
Report**

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**Second Special  
Report of Session  
2019–21**

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to be printed 8 September 2020*

## Petitions Committee

The Petitions Committee is appointed by the House of Commons to consider e-petitions submitted on [petition.parliament.uk](https://petition.parliament.uk) and public (paper) petitions presented to the House of Commons.

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### Committee staff

The current staff of the Committee are Sabbir Ahmad (Committee Operations Officer), Paul Connolly (Media Relations Manager), Ed Faulkner (Second Clerk), Stella-Maria Gabriel (Committee Operations Manager), Kay Gammie (Committee Operations Officer), Zoe Hays (Petitions and Engagement Officer), Emma McIntosh (Head of Petitions Engagement), Hannah Olbison (Senior Media Relations Officer), Shane Pathmanathan (Petitions Committee Moderation Officer), Ben Sneddon (Clerk), and Stephen Wilson (Petitions and Communication Manager).

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## Second Special Report

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On 6 July 2020, the Petitions Committee published its First Report of Session 2019–21, on [The impact of Covid-19 on maternity and parental leave](#) (HC 526). The response from the Government was received on 7 September 2020 and is appended below.

## Appendix: Government Response to The impact of Covid-19 on maternity and parental leave

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### Correspondence from Paul Scully MP, Minister for Small Business, Consumers and Labour Markets, and Minister for London

Please find attached the Government Response to recommendations made by the Petitions Committee in respect of its inquiry into an online petition to extend paid Maternity Leave by 3 months in light of Covid-19.

Since the Committee published its report on 6 July, we have been working across Government to carefully consider the Committee's recommendations and the evidence gathered in support of these. We recognise the sensitive nature of this particular inquiry and are very grateful to the Committee, not only for the work that they have done on this, but for the way that the inquiry has been handled. We are also extremely grateful to parents and their representatives for sharing their experiences of Covid-19 and lockdown with the Committee and with Government.

With regard to the recommendation that relates to the subject matter of the petition, having carefully considered the evidence that is available, we are still not persuaded that there is a need to extend entitlements to paid Maternity Leave at this time. There are a number of reasons for this, the most pertinent of which is that we still believe that the current arrangements for Maternity Leave and Pay are sufficiently generous to cater for a wide variety of circumstances that expectant and new mothers may find themselves in—including during lockdown.

We are however sympathetic to the unusual, and frequently stressful, position that many people—including expectant and new parents—have found themselves in as a result of Covid-19 and lockdown and we hope that employers will encourage their staff to make full use of the suite of entitlements to time off work that is available to them.

I recognise that this is not the response that the Committee and petitioners may have hoped for, but I trust that the attached response will reassure the Committee that we have taken this inquiry seriously and given all of the Committee's recommendations careful thought.

I would like to thank the Committee for considering this matter and for sharing the information that they have gathered during the course of the inquiry.

# Government Response to recommendations and conclusions

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## *Introduction*

The Government is very grateful to the Petitions Select Committee (the Committee) for taking the time to examine the impact of the Covid-19 pandemic on parents, and particularly new mothers, and their children. We are living in unprecedented times and it has been incredibly helpful to hear from parents about their personal experience of lockdown. We understand how difficult lockdown has been for many people and we are sympathetic to the position that expectant and new parents have found themselves in.

Parents have one of the most important and challenging jobs in our society, that of raising and educating the next generation. This is why employed pregnant women and new mothers have access to maternity entitlements which are intended to give them the time they need to prepare for and recover from birth and bond with their child (including breastfeeding where the mother wishes to breastfeed). Up to 52 weeks of Maternity Leave and up to 39 weeks of Statutory Maternity Pay (or Maternity Allowance) are available to employed women.

To ensure that parents are supported to share responsibility for caring for their child in the first year, we introduced Shared Parental Leave and Pay in 2015. The scheme enables mothers who do not intend to use their full maternity entitlements to share leave and pay with their partner or the child's father. Up to 50 weeks of Shared Parental Leave and up to 37 weeks of Statutory Shared Parental Pay are potentially available to eligible parents. The scheme enables fathers/partners to be their child's main carer if that is best for the family. It also enables mothers to return to work earlier if they wish. Parents can use the scheme to take up to 6 months off work together or, alternatively, they can stagger their leave so that at least one of them is able to be at home with their child. In addition, policies such as flexible working and Unpaid Parental Leave allow employed parents to better balance their work and family commitments.

Employees, including employed parents, also have access to paid Annual Leave which enables them to take 5.6 weeks off work in any leave year. Entitlement to paid Annual Leave continues to accrue whilst an employee is on statutory parental leave and parents are able to take Annual Leave at the end of their parental leave if they wish.

The Government believes that, overall, the current arrangements for parental leave and pay in the UK are generous and flexible. We offer more than three times the EU minimum requirement for Maternity Leave which requires Member States to give pregnant women and new mothers access to 14 weeks of paid leave (the UK provides 39 weeks of paid leave).

Our package of family-friendly entitlements, alongside the entitlement to paid Annual Leave, enables most mothers and fathers to balance work with their caring responsibilities in the first year of their child's life. We encourage employers to continue to be mindful of their employees' individual circumstances and support parents to take advantage of the full range of family-friendly entitlements and other entitlements to time off work which are available to them.

As the Committee is aware, in March 2020, the UK Government imposed a stay-at-home order, which amongst other things, banned all non-essential travel and contact with people outside of one's home (including with family members and partners who did not reside at the same address). Those with symptoms, and their households, were told to self-isolate for 7 and 14 days respectively, while those who were clinically extremely vulnerable were told to shield themselves. These measures were unprecedented in peace time but were necessary to save lives and stop Covid-19 from spreading to a point where it overwhelmed our National Health Service. The decision to lockdown was not taken lightly as the Government knew this would have a significant impact on our communities, our economy and on individuals.

We recognise that lockdown has restricted the freedom that parents would normally have to socialise their children and spend time with family and friends. We also understand that some parents who had expected to return to work during lockdown, were unable to do so because they did not have access to appropriate childcare.

Lockdown has, understandably, not been easy for some people—including new parents—and we acknowledge that the experience of becoming a mother or father may not have been what some new parents had expected. But we believe that, for the vast majority of parents, the current arrangements have been sufficiently generous to cater for the variety of circumstances that new parents have found themselves in as a result of the pandemic. Indeed, for some families lockdown has been a positive experience, with many fathers and partners having more time at home with the mother and their baby.

With the relaxation of social distancing rules that we have recently been able to introduce, there are also now more opportunities for new parents to spend their Maternity, Paternity, Adoption Leave and Shared Parental Leave in the way that they had envisaged spending it prior to the pandemic. The recent relaxations have only been possible because we took the difficult decision to introduce stringent social distancing measures, including lockdown.

Whilst the petition that the Committee considered asked Government to extend paid Maternity Leave, the Committee also heard evidence on a number of matters which fall outside of the remit of the Department for Business, Energy and Industrial Strategy. My officials have, therefore, worked closely with their counterparts in the Department for Education (DfE), the Department for Health and Social Care (DHSC), the Department for Work and Pensions (DWP), Her Majesty's Treasury (HMT), the Government Equalities Office (GEO), the Health and Safety Executive (HSE), HM Revenue and Customs (HMRC) and the Ministry of Justice (MoJ), to fully consider the Committee's recommendations and provide a considered and comprehensive response to each of these. Our response to the Committee's recommendations is set out below.

### **Petitions Select Committee Recommendations**

***Recommendation 1: The Government should capture data on the uptake of parental leave, as well as pay, so that any future review of parental leave arrangements can consider the extent to which parents from all groups are able to use their entitlements.***  
(Paragraph 15)

### **Government Response**

We agree that having access to data, including data on the uptake of parental leave and pay, is important in considering any future reforms and to better understand the impact of our current policies. Her Majesty's Revenue and Customs (HMRC) routinely collect data on statutory parental pay for employed parents, and DWP also collect data on Maternity Allowance, including on the number of new claims. Maternity Allowance is a benefit paid to self-employed mothers and employed mothers who do not qualify for Statutory Maternity Pay.

The Government also periodically commissions surveys which provide information on statutory parental leave and pay, including on barriers and enablers to take-up and how parents are using their entitlements in practice. We are currently drawing together information collected through the 2019–20 Maternity and Paternity Rights Survey, which, amongst other things, sought views from over 3300 parents on maternity, paternity, adoption and shared parental entitlements. The survey is representative of parents in Great Britain and will be a valuable source of information for analysts and policy makers.

In addition, we have been undertaking the 2020 Employee Rights (and Experience) Survey which will update on take-up of unpaid parental leave and adoption leave for children aged 0–17.

We will use this information to evaluate our current policies and to inform future policy development. These surveys will be published in due course.

***Recommendation 2: As a matter of urgency the Government should consider whether Maternity Allowance should be considered as earnings in the same way as Statutory Maternity Pay and should not lead to deductions from Universal Credit.*** (Paragraph 17)

### **Government Response**

Universal Credit is a means tested system of support and where an individual claims Universal Credit, their award is adjusted to take account of any other financial support that the claimant is already receiving—including earnings, income and benefits.

Maternity Allowance is a benefit paid by the State which is unearned income. Unearned income that is available to help meet daily living costs is taken fully into account in determining the amount of Universal Credit that an individual can be paid. As such, in determining the amount of Universal Credit that is available, Maternity Allowance is deducted pound for pound from the total value of the award. This principle applies to other benefits, for example, the same approach is applied to new style Jobseeker's Allowance and new style Employment and Support Allowance. As such, there are currently no plans to change the way that Maternity Allowance is treated in Universal Credit.

Statutory Maternity Pay (SMP) is more akin to earnings and is treated as a form of earnings in common with other statutory payments paid by employers. As a result, when adjusting the Universal Credit award, as with other earnings, SMP is subject to the work allowance and tapering rules that are built into Universal Credit. Claimants retain 37p for every pound of earnings (or more if they are entitled to a work allowance).

***Recommendation 3: The Government should publish clear new guidance for employees and employers, including dedicated pages on GOV.UK, on supporting employees returning from parental leave that explains clearly their options and responsibilities.*** (Paragraph 27)

### **Government Response**

The Government agrees with the Committee that parents need to be able to understand their options when making decisions about the amount of time that they take off work, which parent takes time off work, and about returning to work. GOV.UK contains a wealth of information for prospective and new parents and their employers and this information is rigorously user tested before publication to ensure that it meets user needs. A feedback loop is built into guidance and tools for parents and other users to ensure that the guidance continues to be fit for purpose. This ensures that the guidance is kept under review and that changes and improvements are made if any issues come to light.

We have previously explored whether it is possible to put all relevant guidance in one place and ruled this out. Whilst we completely agree with the rationale for having a ‘one stop shop’, in practice this can be confusing for parents who are faced with a lot of detailed information—most of which is not of interest to them or relevant to their particular circumstances. We have, therefore, continued with the format that users are now familiar with, which involves having discrete guidance on a specific topic which signposts users to other guidance which may be of interest to them. For example, the GOV.UK guidance on Maternity Leave not only includes information on other related topics such as other sources of financial support for new parents but signposts users to information on Shared Parental Leave and Unpaid Parental Leave. This guidance can be found at: <https://www.gov.uk/maternity-pay-leave/extra-help>. GOV.UK also contains guidance on other policies which help parents balance work with their caring responsibilities, such as the right to request flexible working.

Her Majesty’s Treasury (HMT) has also produced specific guidance on the Coronavirus Job Retention Scheme (CJRS) which includes information for employees who are on, or returning from, family-related leave or have caring responsibilities. Again, this is hosted on GOV.UK.

Where the guidance on GOV.UK does not meet the needs of an individual user, they are able to contact the Advisory, Conciliation and Arbitration Service (ACAS) who provide tailored, impartial, advice to employers and employees and early conciliation services.

***Recommendation 4: We recommend that the Government publish clear guidance for employers on their obligations in respect of pregnant women who cannot safely socially distance at work, including making clear that pregnant women have a right to be suspended on full pay if they cannot work safely.*** (Paragraph 33)

### **Government Response**

It is essential that employers take appropriate steps to ensure their workplace is safe for everyone who works for them, including understanding and fulfilling their obligations towards pregnant women in their workforce. While, Covid-19 has given rise to unprecedented challenges for employers, we have been clear throughout the pandemic

that Covid-19 has not changed their obligations towards pregnant women. Guidance for employers on their responsibilities towards pregnant women during Covid-19 has been published on Gov.UK by the Health and Safety Executive. This guidance makes it very clear to employers that, as has always been the case, if they cannot implement the appropriate measures to keep a pregnant worker safe, they will need to suspend them on full pay.

During the Covid-19 outbreak, pregnant women were defined as clinically vulnerable by Public Health England, Health Protection Scotland, and Public Health Wales. Stringent social distancing measures were recommended for these women to reduce the risk of severe illness from Covid-19. Anecdotal evidence suggests that some employers have incorrectly asked pregnant women to start their Maternity Leave and Pay early, or to take sick leave and pay or unpaid leave when they should have carried out a risk assessment and taken appropriate action based on that assessment. The requirement to carry out a risk assessment is not new. It is a longstanding health and safety requirement and employers cannot avoid it by asking or requiring their employees to take time off work.

Where a pregnant woman was asked to shield because she was considered to be clinically extremely vulnerable (e.g. where she had significant heart disease - congenital or acquired), employers should also have taken account of this in their risk assessment process and if the necessary control measures could not be put in place, such as working from home, they should have suspended the pregnant employee on paid leave, in line with regulation 16(3) of the Management of Health and Safety at Work Regulations 1999. While the shielding programme has been paused, it is still the case—as it always has been—that employers must carry out the appropriate risk assessments and put the appropriate measures in place. Employers are not required to suspend pregnant employees on full pay if appropriate control measures can be put in place.

The HSE guidance for employers on their responsibilities towards pregnant women during Covid-19 can be found at: <https://www.hse.gov.uk/coronavirus/working-safely/protect-people.htm>

The HSE have also published guidance for employers on what to include in their COVID-19 risk assessment including considerations for vulnerable workers. This risk assessment forms part of the wider suite of guidance that the Government has published on Safer Workplaces and which can be found here: <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19>

Where a pregnant woman started her Maternity Leave early, or was placed on unpaid leave or sick leave, and she believes that her employer has acted in breach of their legal obligations, she can make a claim to an Employment Tribunal. This route is also open to pregnant women who have been required to work in circumstances where sufficient Covid-19 controls have not been put in place.

While a three-month time limit applies to the presentation of Employment Tribunal claims, the tribunal can allow claims out of time. Their decision will, amongst other things, be based on the individual circumstances of the case, and where a pregnant woman or new mother wishes to make a late claim they should provide all relevant information, including details of any circumstances that relate to the impact of Covid-19 and lockdown, and provide supporting evidence to the Employment Tribunal if available.

Further information on making a claim to an Employment Tribunal can be found at: <https://www.gov.uk/government/publications/making-a-claim-to-an-employment-tribunal-t420>

In 2014 the Government introduced Early Conciliation—a free, impartial, service provided by the Advisory, Conciliation and Arbitration Service (Acas). This service aims to help parties resolve their disputes quicker and avoid the costs and time delays that are associated with an Employment Tribunal hearing. Potential claimants are only required to notify Acas of their dispute, they are not obliged to take part in Early Conciliation and either the claimant or respondent can stop the process at any time.

Further information on Early Conciliation can be found at: <https://www.acas.org.uk/early-conciliation>

***Recommendation 5: We also recommend that the Government extend the furlough scheme to include all pregnant women, so that an additional safety net is available to both pregnant women and their employers.*** (Paragraph 33)

### **Government response**

The Coronavirus Job Retention Scheme (CJRS) is a temporary scheme which will close at the end of October and was implemented to prevent individuals losing their jobs during the Covid-19 pandemic. The health and safety considerations that have always applied to pregnant women will continue to apply. Employers will continue to be required to carry out workplace risk assessments and suspend pregnant employees on full pay where that assessment identifies a health and safety risk and appropriate control measures cannot be put in place.

While CJRS should not be used as an alternative to these health and safety requirements, employers can already use the scheme to claim grants for enhanced/occupational maternity pay. They can also make new claims for any employee returning to work after a period of statutory parental leave if the employed parent started their leave prior to 10 June 2020; was on the employer's payroll on or before 19 March 2020; and if they have previously claimed for another employee.

Employers are not obliged to use the CJRS and they will need to consider the needs of their business and their staff when making decisions on who to furlough. Employers must also make sure that any agreements with employees about who to furlough are consistent with employment, equality, and discrimination laws.

***Recommendation 6: The Government was able to amend the Statutory Maternity Pay calculations to disregard the lower income of periods on furlough. We recommend the Government should also do so for women whose incomes have fallen through no fault of their own because their employers have failed to follow the Government's guidance on how pregnant women should be treated.*** (Paragraph 35)

### **Government response**

Entitlement to Statutory Maternity Pay (SMP) is determined in part by a calculation, carried out by employers, to determine an employee's average earnings over a set period.

For SMP purposes, 'earnings' are defined as gross earnings and include any remuneration or profit derived from a person's employment, including sums such as Statutory Sick Pay, alongside other payments such as overtime, bonus payments and arrears of pay.

Where the calculation reference period included time on furlough, the entitlement threshold might not have been met or the amount of money received during the first 6 weeks of SMP might have been reduced. As the Coronavirus Job Retention Scheme is new it was appropriate that the earnings calculation was adjusted to accommodate this and ensure women on furlough were not detrimentally affected. However, women claiming Statutory Sick Pay during their earnings assessment period is not a new situation and there are no plans to change the way that SSP is treated as part of the average weekly earnings calculation for SMP.

We are aware of anecdotal evidence which suggests that some employers incorrectly asked pregnant women to take sick leave to reduce the risk of them contracting Covid-19 in the workplace. This approach is at odds with the longstanding obligations on employers to carry out health and safety risk assessments for all pregnant employees. Such assessments should have taken into account the increased risk of serious illness for pregnant women identified in public health guidance.

The guidance published by HSE has been updated to explain employers' responsibilities to their staff during the Covid-19 pandemic. The guidance is clear and where an employer has incorrectly put a pregnant woman on sick pay, for example, because her job could not be done from home, they should consider whether it would be appropriate to invite their pregnant employee to return to work (if appropriate controls are now in place). Where appropriate controls cannot be put in place, they should suspend their employee on full pay.

Where there is evidence that an employer has deliberately flouted the law, HSE will consider taking enforcement action and will hold employers to account if they fail to comply with the law or their responsibilities. If anyone has lost out financially as a result of their employer not acting in accordance with their legal obligations, they can and should seek redress through the employment tribunal system.

***Recommendation 7: We recommend that the Government amend the terms of the Self-Employment Income Support Scheme to take into account periods of maternity and parental leave, to avoid discriminating against new parents.*** (Paragraph 37)

### **Government response**

The Government has made changes to the Self-Employment Income Support Scheme (SEISS) which help support new parents who are self-employed. These changes benefit self-employed parents who were previously ineligible for SEISS because they had not submitted a tax return for 2018/2019, or because their trading profits in 2018/19 were less than their other non-trading income, because they were taking time off work from their business to care for their new-born or newly adopted child. Individuals in this position will be able to claim through SEISS if they meet the other eligibility criteria.

The amendment does not affect the grant calculation for those individuals who submitted a 2018/19 return and were already eligible for SEISS.

Further guidance on the updated eligibility criteria and claiming through SEISS is available on the Gov.UK website at: <https://www.gov.uk/guidance/how-different-circumstances-affect-the-self-employment-income-support-scheme-if-having-a-new-child-affected-the-trading-profits-you-reported-for-the-tax-year-2018-to-2019>

Those affected can now ask HMRC to verify that their new child either affected their trading profits or total income that they reported for the tax year 2018 to 2019 or meant they did not submit a Self Assessment tax return for the tax year 2018 to 2019 at: <https://www.gov.uk/guidance/ask-hmrc-to-verify-you-had-a-new-child-which-affected-your-eligibility-for-the-self-employment-income-support-scheme>

***Recommendation 8: We support the call of more than 226,000 petitioners and urge the Government to reconsider its decision not to extend parental leave and pay for families during the Covid-19 pandemic.*** (Paragraph 40)

### **Government response**

The Government understands, and is sympathetic to, the challenges that parents of children of all ages have faced during the Covid-19 pandemic. Parents play a hugely valuable role in society, carrying out the important and often demanding job of raising the next generation.

We have heard that the Covid-19 lockdown period has had a significant impact on parents' ability to 'socialise' their babies; whether through visits to family and friends or attendance at parent and baby groups. Whilst this was clearly regrettable, the lockdown period was necessary to protect our NHS and save lives, including those of parents and their children. We are pleased that, as a result of the interventions that the Government made, the incidence of Covid-19 infections has come down significantly and we have been able to relax many of the social distancing measures that we had put in place. These relaxations have meant that nurseries and other early years facilities have been able to open since June. Most parents are also now able to meet with extended family members and friends, subject to observing the continuing advice on social distancing.

The Government has taken unprecedented steps to support as many people as possible through this period including through:

- the Coronavirus Job Retention Scheme (CJRS),
- the Self-Employed Income Support Scheme (SEIS), and
- the Job Retention Bonus (JRB) for employers who retain staff until January 2021.

These schemes have helped to keep people in work and helped to ensure parents have jobs to return to following their parental leave. As of 16 August, 9.6 million jobs had benefited from the Coronavirus Job Retention Scheme and employers have claimed more than £35 billion in financial support. This has enabled them to continue to trade and keep people in employment. In addition, nearly 3 million claims have been made under the first tranche of the Self-Employed Income Support Scheme by self-employed workers, worth £7.8 billion. There have been almost 300,000 claims made, worth almost £800 million, under the second tranche of the scheme which opened on 17 August.

We also enabled employers to furlough parents who were unable to work due to the closure of schools, nurseries, and childcare services—including individuals who were due to return to work at the end of their statutory parental leave. Whilst the Coronavirus Job Retention Scheme is now closed to new joiners (individuals who have not previously been furloughed) we have made an exception for individuals who have not previously been furloughed because they were on statutory parental leave. This means that new parents who were due to return to work after 10th June 2020 can still be furloughed, providing that their employer has already used the furlough scheme to furlough other employees in their organisation.

In addition, we have laid legislation which ensures that expectant mothers are not financially disadvantaged when they start their Maternity Leave as a result of being furloughed in the period that determines eligibility for Statutory Maternity Pay and the amount of pay that the mother will receive. The same principle applies to new fathers and adopters and the legislation that we brought into force makes corresponding changes to other statutory parental pay schemes.

We have also given homeowners mortgage holidays to help them and their tenants, and we have also made multiple adaptations to the benefit system to further support those recently made unemployed, and to support families and individuals who need help covering their basic living costs during this period of emergency.

The Government already makes a significant investment in supporting parents to take time off work in the first year and in supporting them to combine work with childcare. This expenditure includes:

- around £2.5 billion a year on maternity payments (Statutory Maternity Pay and Maternity Allowance);
- £49 million on paternity payments;
- £22 million on adoption payments,
- £13 million on shared parental payments; and
- almost £6bn on childcare in 19/20, including approximately £3.6bn on the Department for Education's free childcare offer.

The cost to the Exchequer of this support for parents runs to billions of pounds, which is ultimately funded by the taxpayer. The Committee's analysis estimates that the cost of extending paid parental leave for 3 months would run to the high hundreds of millions.

Providing additional weeks of statutory parental pay would also have a financial impact on employers who not only have to cover absence costs related to their employee being off work but also have to fund 8% of the cost of statutory parental pay themselves (excluding small employers). These would be additional burdens on business at a time when many organisations are struggling to save their business and jobs.

In the circumstances, we are not minded to extend entitlements to parental leave and pay at the current time. Our maternity arrangements are already amongst the most generous in the world, up to 52 weeks of Maternity Leave are available—more than 3 times the EU minimum—39 weeks of which are paid. Where the mother does not intend to use her full

maternity entitlements, eligible parents can share up to 50 weeks of leave and up to 37 weeks of pay, through the Shared Parental Leave and Pay scheme. Parents also have access to Unpaid Parental Leave or paid Annual Leave. Unpaid Parental Leave allows parents to take 4 weeks of leave per child per year (up to a total of 18 weeks per child in total) unless different terms are agreed through a workforce agreement.

It is also worth noting that mothers on Statutory Maternity Leave accrue Annual Leave for the time that they are off work. So those taking their full entitlement to 52 weeks of Maternity Leave will have up to 5.6 weeks of Annual Leave to take (including bank holidays) on their return to work on top of their leave allowance for the year ahead (up to 11 weeks in total).

We encourage employers to continue to be mindful of their employees' individual circumstances and support parents to take advantage of the full range of family-friendly entitlements and other entitlements to time off work which are available to them.

Where affordability limits parents' ability to take time off work, Universal Credit may be available. Universal Credit is paid to low income families and eligibility for this benefit, and the amount that individual families receive, will depend on individual household circumstances but we have increased the standard rate of Universal Credit by £20 a week for one year to provide additional support in these exceptional times.

We do recognise that some pregnant women may have started their Maternity Leave early, or been placed on unpaid leave or sick leave, during the Covid-19 outbreak. As detailed in our response to Recommendation 4, where a woman in this situation believes that her employer has acted in breach of their legal obligations, she can make a claim to an Employment Tribunal. While a three-month time limit applies to the presentation of Employment Tribunal claims, the tribunal can allow claims out of time. Their decision will, amongst other things, be based on the individual circumstances of the case, and where a pregnant woman or new mother wishes to make a late claim they should provide all relevant information, including details of any circumstances that relate to the impact of Covid-19 and lockdown, and provide supporting evidence to the Employment Tribunal if available.

***Recommendation 9: The Government should review the provision of health visitor services in light of Covid-19 and consider funding increased numbers of health visitors and other allied professionals to ensure that vulnerable families are identified and given the support they need.*** (Paragraph 50)

***Recommendation 11: The Government should fund and provide additional catch-up support targeted at this cohort of parents to enable them to access both the professional and more informal support that plays such an important role during the first few months of parenting.*** (Paragraph 57)

### **Government response**

It is important that parents feel supported by all those around them who help care for them and their baby.

Community health services have continued to provide support during the pandemic with greater use of digital and remote technologies giving support to higher needs families.

Health visitors have also prioritised families not already in contact with services and families where there this is a risk. Guidance published on 3 June sets out the approach to restoration of community health services for children and young people: <https://www.england.nhs.uk/coronavirus/wp-content/uploads/sites/52/2020/03/C0552-Restoration-of-Community-Health-Services-Guidance-CYP-version-3-June-2020-1.pdf>.

The allocation of health-visitor resources is a matter for local authorities as the commissioner best placed to understand the needs of their local population and make decisions on funding priorities. Public Health England is also working with partners and professional bodies to support local implementation.

The Government recognises the importance of securing support for the most vulnerable in communities during the current national emergency. This is why we have provided £3.7 billion of additional funding to support local authorities to address any pressures they are facing in response to the Covid-19 pandemic, including public health services. The Government has also pledged £750 million to ensure charities can continue their vital work supporting the country during the Covid-19 pandemic.

This is in addition to, for example, the £3.2 billion provided to local authorities through the public health grant.

The Prime Minister has also asked Rt Hon Andrea Leadsom MP to carry out a review into how to improve health outcomes for babies and children from disadvantaged backgrounds. The review will focus on the first 1,001 days of a baby's life—from birth to age 2 and a half.

***Recommendation 10: The Government should provide an update on its discussions with the baby group sector as part of its response to this report.*** (Paragraph 56)

The Government recognises the important role that parent and baby groups play in supporting new parents—including self-employed mothers. The Department for Business, Energy and Industrial Strategy is happy to host a meeting with groups in this sector to better understand how they can be supported to help parents return to work—particularly when parents have experienced mental health issues as a result of Covid-19 and lockdown.

***Recommendation 12: The Government should extend maternity dentist provision for new and expectant mothers affected by the pandemic for at least six months, so new mothers have the opportunity to access this important benefit.*** (Paragraph 59)

### **Government response**

Routine dentistry during COVID-19 requires the correct social distancing measures and personal protective equipment to be in place. That's why, routine dentistry was suspended with the outbreak of coronavirus. Dental practices are working hard to ensure protective equipment and measures are in place to maintain social distancing measures and safeguard the health and wellbeing of their patients. Practices may not be able to offer all treatments initially but will prioritise their patients based upon their needs.

Individuals do not need to pay for NHS dental treatment if they are: under 18, or under 19 and in full-time education; pregnant or have had a baby in the previous 12 months; being treated in an NHS hospital and the treatment is carried out by the hospital dentist; receiving low income benefits, or are under 20 and a dependant of someone receiving low income benefits.

Low income benefits include: Income Support; Income-related Employment and Support Allowance; Income-based Jobseeker's Allowance; Pension Credit Guarantee Credit; Universal Credit (in certain circumstances); Certificates to help with health costs.

Individuals can also receive free NHS dental treatment if they are entitled to or named on: a valid NHS tax credit exemption certificate; a valid HC2 certificate—which is available for people on a low income.

People named on an NHS certificate for partial help with health costs (HC3) may also get help.

Access to emergency treatment was available throughout the peak of the Covid-19 pandemic and routine dentistry restarted from 8th June 2020.

The current arrangements target support at those who require more regular check-ups, e.g. because of their age or because they are pregnant or have had a baby in the previous 12 months, and individuals who might otherwise not be able to afford dental treatment. The Government has no plans to extend the existing charges exemptions at the current time.

***Recommendation 13: The Government should fund and provide additional professional and mental health support especially targeted at this cohort of parents, and their children, in addition to its wider plans to significantly expand mental health services provided by the NHS.*** (Paragraph 72)

### **Government response**

The Government recognises that parents play a key role in children and young people's mental health. The Department of Health and Social Care (DHSC) has published guidance for parents and carers on supporting children and young people's mental health and wellbeing during the coronavirus (COVID-19) pandemic.

DHSC has also adapted the 'Every Mind Matters platform' to include advice on looking after children and young people during the pandemic. This includes specific advice on looking after your own mental health and wellbeing as an essential aspect of being able to support others.

In these challenging times, we want parents to be able to seek the help they need. NHS mental health services have remained open throughout the pandemic, operating digitally where possible. Most providers are now also offering 24/7, all-age crisis lines for urgent mental health support

We remain committed to improving perinatal mental health services for new mothers and their partners—not only during the current pandemic. From April 2019, new and expectant mothers have been able to access specialist perinatal mental health community services in every part of the country.

NHS England has expanded the capacity of inpatient Mother and Baby units, which support women with serious mental health issues, keeping them together with their babies. The NHS' Long Term Plan includes a commitment for a further 24,000 women to be able to access specialist perinatal mental health care by 2023/24, building on the additional 30,000 women who will access these services each year by 2020/21 under pre-

existing plans. Specialist care will also be available from preconception to 24 months after birth, which will provide an extra year of support.

The Government is working on increasing access to support so that partners of expectant and new mothers who are seriously unwell will be offered a range of help such as peer-support, behavioural couples therapy sessions and other family and parenting interventions.

***Recommendation 14: The Government should extend adoption leave and pay for adoptive parents who have been affected by the pandemic for three months.***  
(Paragraph 80)

### **Government response**

The Government places great value on individuals who come forward to take on the challenging but rewarding role of being an adoptive parent. We also understand how crucial it is that these parents have time off from work to settle their child into their new home and form a bond. This is why the arrangements for employed adopters broadly mirror the arrangements for employed birth parents. Since April 2014, the primary adopter has had a ‘day 1’ right to 52 weeks’ Adoption Leave. The primary adopter is also eligible for 39 weeks of Statutory Adoption Pay, which is enhanced to 90% of the employee’s average weekly earnings (with no upper limit) in the first 6 weeks of pay in line with the arrangements for birth mothers.

On top of this entitlement to Leave and Pay, employed adopters can benefit from Annual Leave and unpaid parental leave to extend the time they have off work. They may also make a request for flexible working allowing them to balance their home and work commitments.

As with Maternity Leave and Pay, the Government believes this entitlement to Adoption Leave and Pay is generous and allows enough time for the new parent to bond with their child.

***Recommendation 15: The Government should consider equalising the benefits for self-employed adoptive parents to those of other self-employed parents. This could be a pilot scheme for those who became new parents during the pandemic, to inform the Government’s wider review on parental leave.*** (Paragraph 81)

### **Government response**

The Government recognises that self-employed adopters are not entitled to a dedicated benefit (an “Adoption Allowance”) in the same way that the majority of self-employed mothers are eligible for Maternity Allowance. This is because maternity entitlements are provided to enable women to take time off work to prepare for, and recover from, birth and bond with their child.

These health and safety considerations do not apply in the same way to prospective adopters. However we recognise that it is crucial to the success of an adoption placement that an adopter takes time off work to care for and bond with their child or children and this is why employed adoptive parents have broadly the same rights and protections as birth parents. Adoption Leave is a “day one” right for employees—in line with Maternity Leave. Statutory Adoption Pay is enhanced in the first 6 weeks for eligible primary adoptive

parents: qualifying adopters are entitled to 90% of their average earnings (with no upper limit) in this period—in line with Statutory Maternity Pay.

So far, the Government has mainly focused on supporting employed adoptive parents as they do not generally have the same level of flexibility and autonomy over the work that they do and when they do it or over the time they take off work as self-employed adoptive parents do. However, we recognise that affordability may limit the time away from work that some self-employed adopters can take.

This is why statutory adoption guidance says that Local Authorities should consider making a payment—equivalent to Maternity Allowance—in cases where adopters do not qualify for any statutory payment because of their self-employment. This payment is discretionary and means-tested to ensure that resources are targeted at those adopters who need it most, as part of a package of post-adoption support.

Prospective adopters and the child or children that they intend to adopt are also entitled to an assessment of their family's needs. This includes a range of support including discretionary means-tested financial support, advice, information and counselling, and support services.

***Recommendation 16: As part of that review, the Government should consider whether entitlements and benefits for parental leave and pay can be extended to special guardians.*** (Paragraph 85)

### **Government response**

The Government has consulted on high level options to reform our system of Parental Leave and Pay and will respond in due course. In the meantime, we will continue to engage with stakeholders such as Adoption UK to understand how we can ensure our family entitlements are fit for purpose.

***Recommendation 17: In advance of the planned delivery of neonatal leave and pay in 2023, the Government should pilot the introduction of these reforms for those affected by the Covid-19 outbreak. If a success, the date of the general introduction of these measures could be brought forward.*** (Paragraph 92)

### **Government response**

As announced in the Queen's Speech, the Government intends to bring forward an Employment Bill which, amongst other things, will create a new statutory entitlement to Neonatal Leave and Pay for eligible parents. Drafting of this legislation is not a simple or straightforward process as the legislation required is complex as it will need to work alongside existing parental leave and pay entitlements.

We also need to build IT systems which will enable employers to administer Statutory Neonatal Pay on behalf of Government. This development work will be done in conjunction with HR and Payroll providers who will need to make corresponding changes to software that they supply to employers.

The Government has considered the Committee's recommendation to implement a pilot scheme for Neonatal Leave and Pay, but we do not believe that this could be delivered

any sooner than the planned entitlement which would apply to all parents (subject to eligibility). A pilot scheme would still require legislation and we would still need to put regulations in place to ensure that parents are adequately protected from, for example, dismissal or unfair treatment as a result of taking time off work or seeking to take time off work. A pilot scheme would also need to ensure payment systems are in place to ensure that leave is paid.

We therefore believe that the focus should be on implementing the full entitlement as part of our Employment Bill.

The Government is providing funding to the neonatal charity Bliss to support families with babies that require neonatal care during the Covid-19 pandemic. This funding is part of the Government's UK-wide £750 million package of support for the voluntary sector announced by the Chancellor of the Exchequer in April.

***Recommendation 18: The Government should prioritise rapid testing for parents of babies in neonatal care.*** (Paragraph 93)

### **Government response**

During the Covid-19 pandemic, neonatal services have been working hard to support parents to care for their babies while still ensuring that these services are safe.

Current clinical advice is that asymptomatic testing can be conducted where clinically appropriate, for outbreak investigation and infection control. Decisions relating to testing for Covid-19 are made by individual NHS Trusts based on their assessment of patient and procedural risk.

The eighth week of NHS Test and Trace figures published 3 August<sup>[1]</sup> states that over three quarters of people getting a test at a regional test site or mobile testing unit received the result within 24 hours. Over 90% of people tested under pillar 1 received the result within 24 hours of the laboratory receiving the test for processing.

***Recommendation 19: Conduct an urgent short-term review of funding for the childcare sector to ensure that it survives the current crisis, and if required, provide emergency funding to the childcare sector to ensure that there are sufficient childcare places for parents due to return to work.*** (Paragraph 108)

### **Government Response**

Nurseries, pre-schools and childminders have been central to this country's response to the Covid-19 pandemic, with early years professionals up and down the country providing safe and high-quality childcare for those who need it the most.

Since the beginning of the crisis, we have been working hard to mitigate the impact of the Covid-19 pandemic on all parts of our society, including individuals and businesses. The Government has and is continuing to work with the sector to<sup>1</sup> understand how it can best be supported to ensure that sufficient safe and affordable childcare is available for those returning to work now, and for all families who need it in the longer term. The

<sup>1</sup> <https://www.gov.uk/government/publications/nhs-test-and-trace-statistics-england-16-july-to-22-july-2020/weekly-nhs-test-and-trace-bulletin-england-16-july-to-22-july-2020>

Government has announced a package of support for workers and businesses which will benefit childcare settings including childminders, such as the Coronavirus Job Retention Scheme and the Self-Employment Income Support Scheme.

We have said that early years settings can access the Coronavirus Job Retention Scheme while continuing to be paid the early entitlements funding via local authorities (LAs). Guidance published by HM Revenue and Customs on 26 March made clear that the Coronavirus Job Retention Scheme could not be used for the same costs as public income such as free entitlement income. But both schemes can be used alongside each other by the same organisation, where they receive a mix of free entitlement and other income. Further information is available at: <https://www.gov.uk/guidance/claim-for-wage-costs-through-the-coronavirus-job-retention-scheme>.

At the outset of the Covid-19 pandemic, even before the government announced the closure of schools and childcare, we made it clear we would continue funding free hours of childcare for 2, 3 and 4 year olds, even if settings were closed. Our expectation is that local authorities should be continuing to pay the early years entitlements to all childminders, schools, and nurseries. We are planning to spend £3.6 billion this year on entitlements funding.

On 20 July we announced our commitment that this autumn term we will continue funding Local Authorities for childcare at the levels we would have funded before the pandemic, regardless of whether fewer children are attending. If providers are open, but caring for fewer children as a result of low demand from parents or due to public health reasons, they can continue to expect to be funded for the autumn term at broadly the levels that they would have expected to see had there been no coronavirus outbreak. This gives the assurance of another term of secure income to early years providers. Early years providers should discuss precise allocations with their LA.

***Recommendation 20: Consider an independent review of childcare provision, including the lessons learned from the Covid-19 pandemic, to ensure that future Government funding is effective and that the sector is sustainable and works for all in the long term.***  
(Paragraph 108)

### **Government Response**

Like other areas of business, the early years sector has been significantly affected by the Covid-19 pandemic. Despite the uncertainty created by the pandemic, the sector has worked hard to provide high quality childcare for vulnerable children and children of critical workers throughout. The Government has acted swiftly to support the sector as outlined previously in this response.

The Department for Education has been in continual contact with early years sector organisations, including directly with early years providers and provider representative bodies, as well as local government, throughout the Covid-19 pandemic. The Department gathers and publishes regular information on childcare, including reports on the cost of delivering childcare and on the provider market. During the Covid-19 pandemic, the Department has introduced and published new data collections to ensure there is up to date information on the number of early years providers that are open and closed, as well as the number of pre-reception children attending early years settings. Therefore, the Government does not consider that an independent review of childcare provision is

needed. The Department for Education continues to monitor and work with the sector. Future Government funding for childcare will be considered at the forthcoming spending review.

Government has published guidance around how premises and businesses, such as such as baby and toddler groups, can operate. The guidance can be found at: <https://www.gov.uk/government/publications/further-businesses-and-premises-to-close>

***Recommendation 21: We recommend that the Government should prioritise the necessary legislation to extend redundancy protection as soon as possible and provide a timetable for its introduction and implementation.*** (Paragraph 115)

### **Government Response**

Women on Maternity Leave and parents on Adoption Leave and Shared Parental Leave have a statutory right to be treated as a priority in a redundancy situation. This does not mean that they cannot be made redundant, but rather that they must be given first refusal of suitable, alternative vacancies.

Last year the Government consulted on proposals to tackle pregnancy and maternity discrimination and has since committed to extend the ‘redundancy protections’ that apply to women on Maternity Leave into the period after they return to work. The same principle will apply to individuals returning from Adoption Leave and Shared Parental Leave. We will also ensure the redundancy protection period applies from the point the employee informs the employer that she is pregnant.

We remain committed to extending these protections, through primary and secondary legislation as soon as parliamentary time allows.

***Recommendation 22: We recommend that the Government considers extending the period in which pregnant women and new parents may bring claims before the employment tribunal to 6 months from dismissal on a temporary or permanent basis in light of current challenges posed by Covid-19*** (Paragraph 118)

### **Government Response**

The three-month time limit for bringing pregnancy and maternity discrimination claims to an Employment Tribunal is being considered by the Government Equalities Office, following on from a consultation last year. The Government Response will be published in due course.

***Recommendation 23: We urge the Government to respond as quickly as possible to the recommendations in this report and respond in full before the House of Commons rises for the summer.*** (Paragraph 122)

### **Government Response**

The Government thanks the Committee for its detailed and considered report and for the recommendations that the Committee has made to Government. These recommendations cut across the policy and legislative responsibilities of a number of Government Departments and it was not possible to give the Committee’s recommendations the

consideration that they deserved in the short time between the Committee reporting and the House rising for the summer recess. We have, however, responded at the earliest opportunity.