

### **Summary of recommendations**

1. The current parental leave legislation is particularly unsupportive for the health of working-class mothers. Factors such as a lesser likelihood of having personal savings, and a lower probability of accessing enhanced rates of maternity pay, hinder these mothers from taking lengthy periods of leave. Working-class mothers are also less likely to receive adequate support, given that their partners (where they have one) will commonly be discouraged, or even penalised, for taking parental leave.
2. To encourage working-class women to remain in the workplace post-birth, leave needs to be paid at a higher rate.
3. Children's welfare is best promoted where they are enabled to form meaningful caring relationships beyond that with their mother. The shared parental leave ('SPL') framework should consequently be extended out to wider family members, such as grandparents. This would additionally provide much needed support to single parents. However, it is important to be mindful that opening up parental leave to these wider family members may not assist in challenging the gendered division of labour.
4. Eligibility requirements for SPL, such as minimum service requirements and the need to be an 'employee', should be removed, given that these presently pose an obstacle for working-class parents. The transferable maternity leave model should additionally be abandoned, and replaced by an individual, non-transferable right to leave.

### **Authors of the submission**

5. Dr. Gemma Mitchell (Associate Professor in Law at the University of East Anglia) is a researcher focusing on legal approaches to the reconciliation of paid work and care. She has a particular expertise on SPL legislation. In addition, after welcoming a baby in 2023, her family used shared parental leave, giving her both a practical and academic insight into the legislation.

6. Dr Charlotte Bendall (Associate Professor at Birmingham Law School, University of Birmingham) is an expert in all aspects of family law. She is currently working on a research project relating to grandparents' rights and is more generally interested in the ways in which the law reinforces traditional gender roles within the family and how that might be disrupted.
7. This evidence draws on these authors' research findings on the difficulties posed by the SPL framework for working-class families: The shared parental leave framework: Failing to fit working-class families? (2023) 23(4) *International Journal of Discrimination and the Law* 299-320. The authors previously submitted evidence on paternity and shared parental leave to the Women and Equalities Committee here, which was subsequently cited extensively in their report here.

**Question 1: Please tell us in what capacity you are primarily responding:**

As an academic, or on behalf of an academic or research organisation

**Question 2: If you are responding on behalf of an employer or another organisation, what is its name?**

N/A.

**Question 3: What is your sex? (If responding as an individual)**

Female

**Question 4: What is your employment status? (If responding as an individual)**

Employee

**Question 5a: Do you think that the current parental leave and pay entitlements supports these objectives (Yes or No):**

- (i) Providing sufficient time off work with adequate pay to support maternal health

No.

- (ii) Supporting economic growth through labour market participation by enabling more parents to stay in work and advance in their careers, including reducing the gender pay gap

No.

- (iii) Ensuring adequate resources and leave for parents to facilitate the best start in life by supporting the healthy development of young children**

No.

- (iv) Providing parents the flexibility to make balanced childcare choices, including co-parenting**

No.

**Question 5b: For each objective, briefly explain the reasons for your selection above. Please provide any evidence (including links) to support your view.**

- (i) Providing sufficient time off work with adequate pay to support maternal health**

8. In our article, we noted a number of reasons why the health of working-class mothers is insufficiently supported by the current legislation ([Bendall and Mitchell, 2023](#)). In England and Wales, although the leave is of a generous length, the low level of pay, which is mainly less than minimum wage, makes it inaccessible for too many. This means that only those with an earning partner, savings, or those who are paid an enhanced rate of maternity pay by their employer, can access a substantial period of leave.
9. Working-class parents will less commonly have the necessary savings or enhanced rates of maternity pay (which is mainly available to those in professional occupations). They are also more likely to be accessing maternity allowance, which is less generous than statutory maternity pay, because they do not meet the relevant eligibility requirements. Therefore, working-class mothers are likely to particularly struggle to access long periods of leave and, instead, may find themselves forced out of the workplace.
10. Maternal health is further undermined by the lack of provision for other carers, including fathers. The short and poorly paid paternity leave entitlement gives fathers or other parents a limited time to support mothers post-birth, and this situation is exacerbated for working-class families. Working-class fathers and other parents are less likely to be eligible for paternity leave, which is only available to employees. Moreover, research is clear that working-class

dominated workplaces are less supportive of fathers seeking to take parental leave (Dunatchik, 2022). Working-class men therefore risk being discriminated against, or penalised for, taking leave, meaning that working-class mothers will likely receive less support when they welcome a child.

11. We identify in our article how the struggle can be especially acute for single parents- who are also more likely to be working-class- as they do not have a partner to rely on financially (Bendall and Mitchell, 2023). For those parents, there may well be no one to take any paternity leave and provide support in those first vital few weeks. These families would be better supported if eligibility for parental leave more generally were to be broadened out to wider family members, such as grandparents (see answer to 5b(iii) below).

**(ii) Supporting economic growth through labour market participation by enabling more parents to stay in work and advance in their careers, including reducing the gender pay gap**

12. As mentioned above, for leave to encourage working-class women, in particular, to remain in the workplace, it needs to be better paid. At the moment, it is simply not possible for many working-class women to take extended periods of maternity leave, because it is likely they cannot afford to. Requests for more flexible working arrangements will more likely be granted to those with university degrees and/or in more professional occupations (Chung and Vam der Horst, 2018). Furthermore, the type of work that working-class women more frequently conduct, involving inflexible shift patterns or irregular hours, might force them to reduce paid working hours, sometimes entirely, once they have children. As we noted in our article, ‘many working-class mothers are [...] pushed out of the workplace because their work and parenting responsibilities are irreconcilable’ (Bendall and Mitchell, 2023).

**(iii) Ensuring adequate resources and leave for parents to facilitate the best start in life by supporting the healthy development of young children**

13. There are three main aspects which should be prioritised so as to promote children’s welfare within the parental leave system. First, maternal health must

be improved because this will necessarily have the knock-on effect of improving the health and development of children. Interests in caring relationships are intermingled; 'to harm one person in a caring relationship is to harm the other' (Herring, 2013). This means that addressing the points raised in our answer to 5b(i) will not only improve maternal health, but the health of children.

14. Secondly, more work must be done to ensure that children can create meaningful relationships that extend beyond just their mother. The default leave model when a child is born or adopted remains the mother taking an extended period of leave. Promoting children's welfare requires that other caregivers are also given the chance to take a longer period of leave to build this connection with the child.
15. Finally, we argue that the current focus only on encouraging fathers to care is not necessarily in the best interests of the child. Parental leave legislation in the UK has focused on a traditional, two parent family. Yet, this is not how many families, particularly working-class, live their family lives. For example, children born to parents who are not living together are 'geographically concentrated in areas of high deprivation with low-wage economies' (Kiernan *et al.*, 2022). These families would be better supported if eligibility for leave was extended out to wider family members, such as grandparents, as this would enable someone to assist the mother in the particularly labour intensive first year.
16. That said, we recognise that these sorts of measures are unlikely to combat the gendered division of labour. This is because extending eligibility for SPL would likely result mainly in grandmothers, rather than grandfathers, taking the leave (see [Mitchell, 2019](#)). The result of any such legislative change may be that men's caring labour is 'bypassed' in favour of another woman, reinforcing the association between women and care.
17. We suggest that this dilemma is examined by the Government as part of the present review. We also argue that further empirical research is required to help to understand the support that single mothers require.

**(iv) Providing parents the flexibility to make balanced childcare choices, including co-parenting**

18. Working-class parents, in particular, are denied flexibility in how they co-parent. As paternity leave is so short and the 18 weeks of parental leave is unpaid, the only legislative tool that provides parents with the potential for any flexibility is SPL. Whilst its ambition of encouraging men to care remains important, SPL has been a particularly weak entitlement for working-class families.
19. This is partly because of complex and unnecessary eligibility requirements, which unduly restrict access. At a minimum, the requirements to be an 'employee' and to meet minimum eligibility requirements must be removed if more families are to access SPL. This must additionally be supplemented by some period of income-related pay. After all, the gender pay gap means that fathers' incomes tend to be the most important within the family, and 'those in lower-paid jobs are unlikely to be able to sacrifice their income to take leave, because they are less likely to have savings to supplement' the low, flat rate of pay (Bendall and Mitchell, 2023). Employers' lack of support for family-friendly policies in more working-class workplaces further restricts parents' flexibility in allocating childcare and paid work (Dunatchik, 2022).
20. Moreover, as working-class mothers are less commonly performing paid work, they may simply not have leave to transfer. Even where they do, they are less likely to want to transfer that leave. Despite many working-class fathers having performed a more hands-on role in parenting than their middle-class counterparts, both women and men in lower-paid work are more likely to hold traditional attitudes towards parenting (Legerski and Cornwall, 2010). Mothers are frequently considered best placed to provide the emotional aspects of childcare by both parents (Duncan, 2005). This means that 'when faced with this choice, working-class parents' more traditional attitudes are likely to mean that neither parent thinks that maternity leave should be transferred. After all, doing so would deprive each parent of carrying out their 'natural' role' (Bendall and Mitchell, 2023).
21. Consequently, the maternal transfer model (i.e., where leave is transferred from mother to father) does not, in reality, offer working-class families flexibility and must be abandoned. Instead, both parents should be entitled to an extended period of leave as a standalone, non-transferable right. Although Swedish research suggests that this will not necessarily impact working-class

men in the same way as their middle-class counterparts (Ma *et al.*, 2020), it would mark an important start.

22. However, these points must also be borne in mind in the context of our responses to 5b(iii) above. It cannot be assumed that the only two people who can provide care and promote the child's welfare are the parents. If families are to be provided with genuine flexibility, then consideration should be given to how access to leave could be extended to non-parents.

**Question 6: Are there further or other objectives that you would like to see included as part of the parental leave and pay review?**

No.

**Question 6b: Please list and briefly explain each one, including providing links to any relevant evidence.**

N/A.

**Question 7: Please prioritise the objectives, including any additional objectives, in order of importance (for example with 1 being most important).**

All these objectives are very important, and as our submissions have shown, they are also interlinked.

- Providing sufficient time off work with adequate pay to support maternal health
- Ensuring adequate resources and leave for parents to facilitate the best start in life by supporting the healthy development of young children
- Supporting economic growth through labour market participation by enabling more parents to stay in work and advance in their careers, including reducing the gender pay gap
- Providing parents the flexibility to make balanced childcare choices, including co-parenting

**Question 8: If you have any additional comments, evidence or suggestions that you have not had the opportunity to provide elsewhere, please do so here.**

N/A

August 2025.