

# **Family Policy in the UK**

Third report for the project

**WELFARE POLICY AND EMPLOYMENT IN THE CONTEXT OF FAMILY  
CHANGE.**

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# 1 Overview

The provision of the post war British welfare state was based on a strongly gender differentiated model of family life, in which men were full time workers and women were full time carers – women and children were financially dependent upon men. The welfare state was based upon a Marshallian (1950) conceptualisation of social citizenship; social rights were the rights to economic welfare and security; a right to the share of full social heritage and to live the life of a civilised being according to the standards prevailing in the society. In the Marshallian conceptualisation of citizenship, paid labour is central. Participation or not in paid work defines the rights of social citizenship for the individual. It was through paid work that individuals became eligible for social benefits and these benefits were on the condition that the individual was prepared to look for and to take up the offer of paid labour (Boje and Almquist, 2000). In the context of the breadwinner model of the family, the provision of care was recognised as a private issue and, in contrast to paid work, was not considered to be part of the basic needs of citizens (Boje and Almquist, 2000). By placing emphasis on paid work as opposed to care, the male was taken as the norm of the citizen – women and children, by definition were not full citizens and were therefore not entitled to social benefits.

But demographic changes and the mass mobilisation of women in the labour market has highlighted the importance of re-examining gender relationships in the labour market, the family and welfare state policy. Part of this involves a reassessment of social rights of citizens on which welfare is based and the capacity and willingness of welfare states to accommodate the needs and demands of different population groups for benefits and services (Boje and Leira, 2000).

The New Labour government's election victory in 1997 marked a transition away from a 'familistic' regime towards a more 'individualistic' one. This involves the promotion of employment for all and thus has extended the right to access paid work and the capacity to form and maintain an autonomous household to women, as well as men. And, in March 1999 they made an historic commitment to end child poverty in 20 years, which recognised the economic rights of children. But to facilitate women's participation in the labour market, the state has to increase provision of services that enable women to balance home and work responsibilities, which inevitably means more public involvement with the organisation of care in the private sphere.

This report documents and analyses the extent that British family policy has supported men, women and children as citizens. It will examine the extent that New Labour and the Conservative government before them have acknowledged and facilitated the economic rights of all citizens. It will also discuss the extent that the state has extended citizenship to include and value care.

## 2 The right (not) to have children

### The right *not* to have children

Increased choice of when and whether to have children has been an important facilitator to women's increased entry into the labour market.

The right *not* to have children came about initially with the introduction of accessible contraception and, in a more direct way, with the introduction of legal abortion, which enabled women to make a real choice about whether or not to have a child. This section will trace the history of abortion law in the UK.

On 27<sup>th</sup> October 1967 the Abortion Act, and the right for women to have an abortion, became law in England, Scotland and Wales, and took effect six months later on 27<sup>th</sup> April 1968. This was the first time since 1861, when the Offences Against the Person Act made it illegal to procure a miscarriage, that abortion was legal. Regulations under the Act meant that abortions must be performed by a registered medical practitioner in a National Health Service Hospital or in a Department of Health approved location - such as British Pregnancy Advisory Service Clinics. An abortion may be performed on the approval of two registered medical practitioners, unless the termination is immediately necessary to save the life or to prevent grave permanent injury to the physical or mental health of the pregnant woman. It can be approved for the following reasons:

1. That the pregnancy has not exceeded its twenty-eighth week
2. The continuance of the pregnancy would involve risk to the life of the pregnant woman greater than if the pregnancy were terminated.
3. The termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant woman.
4. The continuance of the pregnancy would involve risk, greater than if the pregnancy were terminated, of injury to the physical or mental health of the pregnant woman.
5. The continuance of the pregnancy would involve risk, greater than if the pregnancy were terminated, of injury to the physical or mental health of any existing children of the family of the pregnant woman.
6. There is a substantial risk that if the child were born it would suffer from physical or mental abnormalities as to be seriously handicapped.

In 1990, an important change was made to the 1967 Act. Section 37 of The 1990 Human Fertilisation and Embryology Act was passed, which amended the 1967 Abortion Act by changing the upper time limit for abortions from 28 weeks to 24 weeks on statutory grounds 3 and 4. And there is now no time limit for statutory grounds 1, 2 and 5. Originally, the Act was based on the 1929 Infant Life Preservation Act, which stated that after 28 weeks, a child was capable of being born alive. But advances in medicine have meant that it is now possible, in some cases, to keep a baby alive born after about 24 weeks of pregnancy.

Because the abortion has to be approved by two doctors, this effectively places the power to decide in the hands of the medical profession, and does

not provide women with the legal right to choose. The UK differs from other European nations and the US in this respect. While in practice many doctors interpret the law liberally, they are nonetheless able to block access to services on the basis of moral opposition. If seeking an NHS abortion a woman initially has to go through her surgery or family planning clinic.

NHS provision for abortions is patchy. The amount of funding made available for abortion varies widely from borough to borough: in 2001, for example, 96% of abortions in North Cumbria were NHS-funded; in Dorset, the figure was 61%; in Kingston and Richmond, in Surrey, meanwhile, only 50%. Health authorities set different time ceilings on abortions - in some areas, they are refused to women who are more than 11 weeks pregnant. Waiting lists - even for an initial appointment - are commonplace. Much of the burden of abortion provision is undertaken by charities such as Marie Stopes International and British Pregnancy Advisory Service. In 2001, 33% of NHS abortions were contracted to such organisations, while 24% of all abortions were private - at a cost, on average, of £400 (Shabi, R, 2002).

Whilst a minority seek a tightening of the current abortion law (for example, the Society for the Protection of the Unborn Child), there are many organisations and individuals who want to see further liberalisation of the law. The Pro-choice Alliance believe that women should:

- Have easier access to free NHS abortion services
- Be able to choose for themselves whether or not to continue with an unplanned pregnancy.

In 1998, a campaign called Voice for Choice was launched on the 30<sup>th</sup> anniversary of abortion becoming legal. This aimed to fight for abortion on request in the first three months of pregnancy throughout the UK.

The 1967 Abortion Act has never been extended to Northern Ireland, where the issue of abortion is still governed by legal ambiguity. It is generally accepted that abortion may be available if:

- the woman has a serious medical or psychological problem which would jeopardise her life or health if the pregnancy were to continue
- the woman has severe learning difficulties
- abnormality of the foetus is detected.

But doctors are operating in a legal grey area; they impose their individual judgement and so availability varies from area to area. Women in Northern Ireland, unlike women in the rest of the UK, have no access to safe legal abortion, even in the private sector. As a result, women travel to Britain to obtain terminations. This means women in Northern Ireland have abortions later than in the rest of the UK, since it takes time to raise the money to enable them to do so (House of Commons Written Answer Vol 307 No 129 col 455, 2 March 1998).

## **The right to have children**

### *In vitro insemination*

The right to have children has only recently been introduced onto the government agenda. At the time of writing, the government is currently consulting the public about the possibility of offering free in vitro insemination (IVF) treatment on the NHS for certain couples. The guidelines have been produced by the National Institute for Clinical Excellence (NICE). They recommend that women between the ages of 23 and 39 with a diagnosed cause of infertility of any duration or unexplained fertility of at least three years duration should be offered free invitro fertilisation treatment on the NHS. Women younger than 23 years old should be offered free treatment where there is an absolute indication for in vitro fertilisation treatment. NICE also recommend that invitro fertilisation treatment should consist of a maximum of three complete 'fresh' treatment cycles. The formal guidelines will not be published until February 2004. But the fact that free IVF is even being considered is a major step in itself, recognising the current inequalities in accessing in vitro insemination treatment.

### *Adoption*

To adopt a child, an application must be made to the adoption agency. It will be for adoption agencies, and ultimately the courts, to decide whether someone is suitable to adopt. In 2002, New Labour introduced the Adoption and Children Act which included radical overhaul of the 1976 Adoption Act. Now unmarried couples are able to apply to adopt a child jointly – previously one partner could adopt and the other could apply for a residence order. However the residence order expired when the child was 16 years of age. Single people are also able to apply for adoption.

There is a lower but no upper age limit for adoption – people applying for adoption must be at least 21 years of age. However, age is taken into account in assessing the suitability of prospective adopters, as is whether the person applying for adoption smokes and their general health status. In all these areas - age, health and smoking, including health risks and life-style - the adoption agency's medical adviser investigates and obtains relevant information about an applicant in order to be satisfied that the applicant is able to take on the task of adopting a child and has the expectation of caring for the child through childhood and into adulthood.

Cultural and ethnic background are also taken into consideration. It is considered that placement with a family of similar ethnic origin and religion is very often most likely to meet the child's needs as fully as possible, safeguarding his welfare most effectively and preparing him for life as a member of a multi-racial society. However, the Government has made it clear that it is unacceptable for a child to be denied loving adoptive parents solely on the grounds that the child and adopters do not share the same racial or cultural background.

Unlike other areas of legislation, such as marriage, one's sexuality does not prevent someone from being considered as an adoptive parent, and therefore gay and lesbians can apply for adoption.

### **3 Parental rights and obligations**

#### **New Right**

Increasing anxiety in the 1980s and early 90s centred around the non-residential father and the separation of marriage and parenthood, driven by an increase in lone parenthood, divorce and unmarried motherhood and the possible demise of the two-parent family, which was seen as the central building block of civilised society. The main concern was that a growing number of men were living apart from their biological children, and that a high proportion of lone mothers dependent on benefits as opposed to paid wages or maintenance paid by the father of the child. The Courts were opting to allow a non-resident parent, the father, to concentrate his resources on the second family, leaving the first family to be supported by the state. The number of lone parents in receipt of state benefits consequently increased by 86% between 1981 and by 1988 only 7% of the cost of supporting lone families on benefit was being recovered from "liable relatives" (Davies, 1998). The government concern then was how to tie fathers into families. This culminated in the 1989 children's Act, which redefined parental responsibility to include responsibility towards the child; as "all the rights, duties, powers, responsibilities and authority, which by law a parent of a child has in relation to the child and his property" (section 3(1)).

Parental responsibility is conferred automatically on the mother of a child irrespective of her marital status. But, until 2003, whether the father also has parental responsibility depended upon whether he was married to the mother at the time of the child's birth. If he was married then he had automatic parental responsibility. Unmarried fathers could only obtain parental responsibility by registering a legally binding written agreement, subject to the mother's consent. If the mother refused her consent then an unmarried father could seek parental responsibility by making an application to the Court (The British Council). Without parental responsibility, unmarried fathers face many problems including the right to be respondent in court applications which affect their child and the right to consent to medical treatment of their child.

The Conservative government's abhorrence of the so called "dependency culture" finally led in July 1990 to an announcement of proposals for change in the child support system, followed by the 1991 Child Support Act, which is seen as one of the most controversial recent social policy legislation (Van Drenth et al, 1999). Its aim was to transfer the burden of the costs of the child from social security to the father. It therefore went against the grain of previous UK family policy, which maintained a divide between the public and the private. Under the *Child Support Act 1991* each parent of a qualifying child were made responsible for maintaining it and this maintenance assessment was to be enforced through the court if necessary. Non-residential fathers were now legally bound to provide financially for their biological children,

regardless of whether they had parental responsibility or not<sup>1</sup>. The Child Support Agency (CSA) was established to administer the maintenance, and begun operation on 4<sup>th</sup> April 1993. This transferred child support from a judicial to an administration setting.

The CSA was designed to increase the number of maintenance awards. However, the overall proportion of lone parents who reported receiving maintenance remained unchanged during the first two years of the Child support agency's operation. In 2001, only 31 percent of lone parents received child maintenance. This is an increase from 25 percent in 1999 but remains unchanged compared to the 1994 figures (table 1).

**Table 1: Receipt of child support 1999-2000: lone mothers**

	1999 (%)	2000 (%)	2001 (%)
No order or agreement	53	53	51
Order or agreement, not paid	22	20	18
Paid	25	27	31
	100	100	100
Unweighted base	2131	1874	1837

Source: Marsh and Perry (2003)

The formula to enable a child support officer to make an assessment was extremely complex, and was often unable to produce sensible results, and the agency was forced to go for 'soft targets' (Jenkinson, 2001). Partly as a result of this, the receipt and level of maintenance received varies by type of lone parent. Marsh and Perry (2003) found that formerly married lone mothers were not only more likely to be in receipt of maintenance but they also receive the most. Compared with 1994 the amounts received by formerly married lone mothers kept up with wage inflation, or better. But the amounts reported by single never partnered lone mothers began lower and remain unchanged (table 2).

**Table 2: Amounts of child support: by type of lone parent – total amounts**

	Mean amounts [median amounts]			
	1994	1999	2000	2001
Ex-married	£45	£57	£67 [£50]	£70 [£52]
Ex-cohabitation	£34	£33	£39 [£30]	£42 [£36]
Single	£27	£31	£31 [£22]	£32 [£27]
All	£39	£54	£56 [£42]	£57 [£46]

Source: Marsh and Perry (2003)

It has been argued that the child support agency was intended more as a tool of the treasury to return the cost of children to the private sphere rather than a tool to alleviate child poverty (Jenkinson, 2001). Very few women and children have found themselves better off as a result of the new system (Craig *et al.*, 1996). For the parent with care, there was no Income support disregard. Also, child support was not guaranteed, and non-compliance by the non-residential

<sup>1</sup> At the same time, the 1991 Criminal Justice Act came into effect, which also made it the parent's responsibility for any financial penalty imposed on their children under the age of 16, unless it was unreasonable.

father was not an offence; if the father could not or would not pay, the parents with care and their children received nothing from the state to compensate. There is even evidence that the CSA caused more arguments and loss of previously informal arrangements of payments, which had a disproportionate affect on the poorest children (Jenkinson, 2001). Furthermore, as Jane Millar (1996) has commented, those lone mothers who want to enter the labour market must achieve a reasonable and regular income and claim everything they are entitled to in the right order. Insecurity comes from the way in which everything interacts (if child support or wages go up, (what used to be) family credit payments go down), and from the fact the receipt of child support is not guaranteed from week to week (Van Drenth et al, 1999).

On the other side of the equation, one of the main criticisms of the legislation has been the tendency to reduce the man's second family to social assistance levels (Van Drenth et al, 1999). The legislation gave all biological fathers, unmarried and divorced, a persistent obligation to maintain, and the long-established practice by which the state assumed that the man would maintain his second family while it would support the first was formally abandoned (Van Drenth et al, 1999). The child support system thus increased required payments by non-residential fathers to their biological child and no allowance was made for their social children, who would suffer as a consequence. Only from 1995 was allowance made for some travel to work costs, and contact costs for the non-residential parent.

Little emphasis on discouraging child poverty, there was little emphasis on encouraging the father's caring role either: unmarried fathers were not automatically given parental responsibility but were obliged to pay child support automatically regardless of their contact or caring responsibilities/rights of that child. But from the child's point of view, contact, care and affection from a non-residential father are far more important than a small sum of money (Hayes and William, 1999). On the surface the disregard of contact costs suggests a recognition of the caring role of the father, but this only came into effect if pre-existing contact had been established. In other words, this was not an incentive to care but rather an incentive for those father's all ready caring to fulfil their financial obligation as well. The CSA was a way to reinforce the father's obligation to provide financially, as in the traditional two-parent breadwinner family. This was emphasised in that the formula employed contained an element for the support of the mother as well as the child, implicitly supporting female dependence on men (Van Drenth et al, 1999). Because fatherhood has been linked to marriage and the role of the provider, it has been difficult to develop a set of independent fatherhood policies centred as much on care as cash (Lewis, 2002).

When defining the idea of parental responsibility in 1989, there was little to suggest that the Conservative government was thinking about the day-to day contact business of care. Rather it was about enforcing the father's financial responsibility in order to safeguard the well-being of their children, to reduce the burden on social security budget and to protect society from their feckless and anti social behaviour (Lewis, 2002). The family, whether the parents were married or not, were being slotted into the traditional model of the breadwinner

family with its gender role models, in which the mother was the carer and the father was the breadwinner. The father's role as carer was embedded in their role as financial provider – encouraging and granting access increases the likelihood that the father will fulfil his responsibility to maintain. The resulting policy has therefore been punitive rather than enabling (Lewis, 2002), focusing upon obligations rather than rights.

### **New Labour**

The principal characteristic of New Labour's social policy is the linking of civic responsibility with rights. Under New Labour parenting brings with it particular duties and responsibilities - it is the state's role to enforce these responsibilities when parents fail to meet them. According to New Labour, it is the family, through parenting, that both requires and underpins individual responsibility in the community.

This emphasis on parenting responsibility led to The Adoption and Children Act of 2002, which came into effect in 2003, and made it easier for the biological, but unmarried father to obtain parental responsibility. An unmarried father who is the natural father of the child can now also acquire parental responsibility if they are named as the father on the child's birth certificate. However, their name must have been registered on the birth certificate after this new section of the Act comes into force. Therefore unmarried fathers who are already on the child's birth certificate before the Act was passed will not automatically acquire parental responsibility under the Act, but will either have to apply for a court order or enter into a parental responsibility agreement with the mother. The extension of ways to obtain parental responsibility for non-residential fathers also serves to increase the likelihood that he will pay child support; it will potentially decrease the resentment of father's paying for a child to whom they had no right to be responsible for in the wider sense.

The primary response of UK policy in the area of parental responsibility for non-residential fathers has been financially focused, ultimately with the purpose to encourage them to fulfil their economic obligations.

Reform of the child support system is a key area in New Labour's fight against child poverty, and the aim is that it should contribute to the reduction of child poverty by achieving a rise in the proportion parents meeting their financial obligations to their children. In 1999, the white paper "A New Contract for Welfare: Children's Rights and Parents' Responsibilities" was introduced and this was followed in 2000 by the child support pensions and social security Act. They aimed to reform child support and to simplify the system surrounding it.

Maintenance liability is now simply based on a proportion of the non-resident parent's income:

- 15 percent of their net income for one child
- 20 per cent for two children
- 25 per cent for three or more children

But there is a shortfall between the actual cost of children and the percentage system (Ridge, 2003). The starting percentage rate is low - Only the person with care with high earnings will be the same or better off.

There now also exists a £10 disregard for children whose parent with care is on Income Support or Job Seekers Allowance, called a 'child maintenance premium'. This addresses the previous inequity whereby the Person with care who was receiving Income Support/income-based job seekers Allowance had their maintenance payments deducted pound for pound from their benefit payments. However, £15 would go much further towards impacting the lives of poor children. Also, the £10 premium only applies to cases assessed under the new formula, leaving about 400,000 Persons with care, and their children, not gaining from this (Ridge, 2003). This undermines the intentions of the reforms to assist in reducing child poverty.

The new reforms also try to account for the potential consequences of child support payments on children living with an adult who has non-resident children. The amount to be paid is according to the income of the non-residential parent. Those with an income of £200 or less a week will pay less, with those with net incomes of £100 a week, or on a benefit, only paying £5 a week. Only in other exceptional cases, where the non-resident parent has certain specified child-centred expenses will the rates be lowered. Importantly, this includes a non-residential parent's commitment to social children, or biological children in a new marriage or cohabitation. The non-residential parent will now be able to reduce his financial liability to his biological child on the basis of the other children in his home.

However, even the flat rate of £5 per week may cause hardship for families managing on severely restricted budgets (Ridge, 2003). Indeed, up to 40 percent of non-residential parents are expected to have higher assessments under the new scheme, and 70 percent of these will be low-income parents receiving less than £200 per week (CPAG, 2000). Also, the income of the parent with care of the child is no longer considered – which effectively contravenes the 1999 White Paper's stipulation that it is the responsibility of both parents to maintain their children. Finally, allowance is no longer made for the non-residential parent's housing costs. This could potentially have drastic effects on the living standards of the children in these families.

In spite of the present government's commitment to end child poverty within twenty years, the CSA remains a tool of the treasury, returning the cost of families from state dependency to the private sphere. Whilst The Child Support, Pensions and Social Security Act 2000 is radically different from CSA 1991, both in application and the rhetoric surrounding it, fundamentally little has changed; there has not been the much needed radical rethink of the system.

Child support is still not guaranteed, whereby the Person With Care receives a standard fixed amount of maintenance directly from the government guaranteeing receipt of payment and then the government recoups the payment from Non residential Parents. From 31<sup>st</sup> January 2000, non-

compliance with the CSA became an offence, with either financial penalties or withdrawal of driving licenses. Automatic deductions from earnings for non-resident parents who miss payments will be made, and allow for a penalty of up to 25 percent of the amount due where payment are late. However, this is punitive to non-residential fathers, rather than providing the parent with care, and their children with any real security.

Moreover, child support is still not formally awarded to the child. Although, in the case of the younger children it would not actually make any difference in relation to how it is spent, this is important in respect of children's rights. The conclusion Corden (2000) made about the old system still has resonance today: "[t]here is a state commitment to improving children's living standards...policies are directed towards employing and enforcing parental responsibility rather than driving the focus of children's rights that has been so in other European countries" (p 82). It is to the issue of children's rights that we shall now turn.

## **4 Children's rights**

In 1992 the UK government ratified the *United Nations Convention on the Rights of the Child* (CRC). The Convention sets out principles and standards for the treatment of children, and for laws, policies and practice which affect children. Article 27 UN CRC obliges the government to guarantee to a child an adequate standard of living, and Article 4 places a duty upon the government to ensure a child's economic rights. The principle of children's welfare rights, the idea that society has an obligation towards sharing the costs of children and supporting children as *individuals* in their own rights, has been poorly developed in the UK (Ridge, 2003).

However, this year (2003) has seen for the first time the introduction of a Minister of State for Children in the Department for Education and Skills, and is intended to provide integrated leadership and responsibility for children's services and family. At the same time, responsibility for children's social services and the Teenage Pregnancy Unit has been transferred from the Department of Health to the Department for Education and Skills. The Family Policy Unit has been transferred from the Home Office to the DfES, and family law policy from the Lord Chancellor's Department.

Specific responsibilities of the new minister will include oversight of:

- Sure Start, Early Years, Childcare, Connexions, LEA Special Education Needs, and the Youth Service;
- The Children and Young People's Unit;
- Children's Social Services and the Teenage Pregnancy Unit, which will transfer from Department of Health;
- Responsibilities for family and parenting law and support (transferred from the Lord Chancellor's Department);

- The Family Policy Unit (transferred from Home Office)

It is intended that the integration of children's policy into DfES will create a single departmental focus for children, including disadvantaged children, improved co-ordination within children's services (including family and parenting support), and between these services and mainstream schools and education policy (<http://www.pm.gov.uk/output/Page3912.asp>).

The integration of all child-focused departments into one recognises children as individuals in their own right who are directly deserving of welfare. This move is much attributed to New Labour's historic commitment in March 1999 to end child poverty in 20 years. This has meant that children's economic rights have been acknowledged for the first time by a UK government and, in addition to the promotion of employment of all which is seen as part of the solution, this has led to greater state responsibility towards the welfare of the child. This particularly noticeable in the improvements and changes made to the tax and benefit system. The most important of these are discussed below.

### **Child benefit**

Child benefit is still the only benefit in the UK that is payable in respect of all children, regardless of their parent's income and labour market status. (Skevik, 2003). In 2003, over 12.7 million children living in around 7 million families were receiving Child Benefit (Ridge, 2003). Universal child benefit exists for all children aged 16, or under, or 16 to 19 if in full time non-advanced education. The same rate is paid regardless of income, and is generally paid to the mother, although families can opt otherwise. From April 2003, the rates of child Benefit rose in line with indexation to £16.05 week for the first child and £10.75 for each subsequent child. This compares to April 1997 figures of £11.05 and £9.00 (Dti, 2003) It is not necessary to have paid national insurance contributions and entitlement to child benefit is not affected by any income or savings. But the sustainability of child benefit has been questioned, with the concern that it may lose out in the battle of resources to the new integrated child tax credit (Ridge, 2003). This would result in the end of the principle of universal provision for all children, regardless of parental income and the loss of a benefit which has been seen as the child's 'badge of citizenship' (Lister, 1990. P59).

### **Tax credits**

In April 2003, a new integrated child tax credit and working tax credit were introduced. The child tax credit brings together different elements of support for children previously paid via income support, jobseekers allowance, working families' tax credit; disabled person's tax credit and the children's tax credit to create a seamless system of financial support for children, which will be paid to both working and non-working parents. The Working Tax Credit is a means tested supplement to low wages, regardless of the presence of children. Therefore adult and child related support has been separated whilst at the same time support for children of working and non-working has been integrated. Both are important for child rights. Creating separate support for children recognises children as individuals in their own right. Integrating work and non-work reduces some of the stigma attached to means-tested benefit

receipt and recognises children's rights to a secure level of support, which does not discriminate against them on the grounds of their parent's employment status (Ridge, 2003).

The new tax credits intend to build on trying to achieve the twin aims of promoting employment and tackling poverty.

*Child tax credit: tackling child poverty*

Entitlement to child tax credit is tapered but will not be totally exhausted until income reaches £58 000. Therefore, around 85-90 percent of families are entitled to some element of child tax credit. And if a family has a child under the age of one, entitlement continues for as long as their income remains below £66,000, due to the higher child element (baby Tax Credit) paid for children under one year (Treolar, 2002). The baby tax credit gives an additional £520 for the year in which a child is born. According to Polimod, 2.0 percent of households have babies aged under 1. Of these 55 percent benefit in full from the baby credit and an additional 13 percent benefit partially, either because there is a higher rate income tax payer parent who is on the taper or because they have less than £10 tax liability before the credit and/or because of benefit/WFTC withdrawal (Sutherland, 2001). But the baby tax credit can only be paid to one baby at a time, thus families with multiple births miss out on payments, despite the extra costs to the family that multiple births bring with them.

The child tax credit provides considerably more generous payments than the benefits it replaces. The rates of benefits for out-of-work families will be equalised with those benefit or tax credit for in-work families. Child benefit will be disregarded as income for income support purposes, and thus boost income of low-income families (Ridge, 2003). The approximate net gain for the first child will be £6 a week. The amount of £54.25 per week for a first child is guaranteed for all families with an income of less than £13,000 per year. Moreover, child support maintenance will be disregarded as income when assessing entitlement. The provision for awards will be reassessed for any fall in income.

**Table 3: Amounts received for a first child in a family earning less than £13,000 a year under the new system of tax credits**

<b>Income support child additions per week</b>	
Child addition	£33.50
Family premium	£14.75
<i>Total</i>	<i>£48.25</i>
<b>Child tax credit per week</b>	
Child element	£27.75
Family element	£10.45
Child benefit	£16.06
<i>Total</i>	<i>£54.25</i>

Source: Treolar, P (2002)

An important change in respect of child poverty is that the child tax credit will now be paid to the main carer of the children. This is taken to mean the person who usually cares for the children, normally the mother. This

addresses 'purse and wallet' concerns that money paid directly to the mother is more likely to be spent on children, whereas money paid to the father will be spent on himself (Ridge, 2003; Goode et al, 1998).

### *Promoting employment*

The other aim of the tax credits is to make work pay. The credits do this by reducing the poverty trap. The first £2,500 of any income rise in any tax year will be disregarded. This means that recipients will not see their tax credits reduced as soon as their income rises, so reducing the marginal deduction in anyone tax year. This increases incentive to move into employment but also to move up the earnings scale. It also increases incentive for non-working partners to move into paid work, since there are reductions from 55 percent to 37 percent in the tapering of their tax credits as their income rises – for every additional pound earned a claimant will be able to keep 63 pence in the pound compared with 45 pence in the pound under the old system., although these gains will remain subject to national insurance and tax (Treloar, 2002).

But the focus of New Labour's tax and benefits reforms increasingly privilege those receiving in-work benefit. This obviously has important implication for children who live in families experiencing considerable barriers to entering paid employment, such as lone-parent families and families where there are disabilities (Millar and Ridge, 2001).

### **Baby Bonds: child trust fund**

All children born after September 2002 will be eligible to open an account when they become available in 2005. If they are from a family who is in receipt of unemployment benefits or eligible for the full tax credit, they will have £500 placed into their account. Those in household with higher incomes will get £250. This money can be added to by families, friends and later the child her/himself. Together with top-ups made by the Government, each child's account will grow to an average of £3000 to £4000. When the child turns eighteen they will be able to access the money and spend it as they see fit.

This is a new concept that aims to reduce child poverty via redistributing asset wealth, the distribution of which is currently far more unequal than that of income. In 1998, the top 1 percent of the population held 17 percent of all personal wealth. By 1999 this figure had increased to 23 percent. Nearly half the households in Britain earnings less than £200 a week have no savings; and 72 percent of lone parents have no savings at all (Kober, 2003). Holding an asset in early adulthood does, on average, lead to improved life chances – therefore the idea of baby bonds is to tackle the long-term outcomes of child poverty, and to reduce intergenerational poverty (Kober, 2003). But the policy assumes that the poor can afford to save. Other benefits take into account savings and make the assumption that 'if they can afford to save, they cannot be poor'. This policy however turns this assumption on its head. Whether the poorest will be able to afford to make additions to their child's nest egg is to be seen.

### **Educational Maintenance Allowances (EMAs)**

Educational Maintenance Allowances are to be introduced in September 2004. The details of the design are still to be finalised, as the scheme is in its pilot stage. But the overall aim is to encourage children from low-income families to stay on in education to improve their skills and qualifications and to enhance their future employability. Incentive payments for children is a relatively new idea. Some EMAs pilots include further incentives such as retention bonuses for good attendance and achievement bonuses

Whilst EMA's are income-tested weekly allowances, which depend on the parental income, it is likely that they will be paid directly to the young person. This will provide an income for young people making the transition from childhood to adulthood and is an important recognition of individual rights and the need for financial independence (Ridge, 2003). Findings from the evaluations of the EMA pilots show that where EMAs were paid directly to the young person, transitions to independent and financial maturity were enhanced, but if paid to the parents, young people's transitions to financial independence were reduced (Legard et al, 2001). On other hand, paying EMAs to parents provides a critical boost to family income for families managed on a low income and supporting children and young people in further education. However, when sanctions are used to encourage compliance – a learning agreement must be signed which includes agreed attendance and specified learning goals, and breach of this can result in payments being stopped or reduced - as they are in some pilot areas, there is evidence that when young people break learning agreements the whole family suffers from the subsequent reduction in EMA payments (if the EMA is being paid to the parent rather than the young person themselves) (Legard et al, 2001).

Early results from pilot evaluations indicate that there has been some positive effects on the participation and retention of children in post-16 education (Ashworth et al, 2001; Legard et al, 2001; Maguire et al, 2002).

The UK has a poor record of children's rights. But New Labour's aim to eradicate child poverty has refocused the economic rights of individual children within the tax and benefit system. New forms of financial support, increases in provision and greater redistribution of resourced to children and their families has taken place. But the move is away from universal provision towards targeting provision, albeit at a larger group than the traditional mean-tested support. This move away from universalism towards what New Labour has dubbed 'progressive universalism' has important implications for the citizenship of children and the principle of welfare rights for all children regardless of parental income status (Ridge, 2003).

## 5 Family Friendly labour market

The extension of economic citizenship rights to women and children has meant that the current Labour government, in contrast to the previous Conservative government, has placed balancing work and family life high on the agenda. In order for mothers to access employment, and for child poverty to be eradicated, and in order to retain those mothers (and fathers) all ready in employment, provision has to be made to enable women to combine their caring role with paid work. But there are also issues surrounding organisation of care by gender, and the value attributed to caring itself. There is also recognition by the Labour government that mothers' disproportionately bear the burden of care, even when both parents are in full time employment, and so to increase mother's employment men need to undertake a share of the unpaid domestic work. There is also recognition that caring is a right, and obligation; men miss out on their right, and responsibility, to share in the care of their children (Dti, 2003). But the extent that the government actively encourages men's involvement in care is still limited by the emphasis that the male breadwinner family has had upon the British Welfare state.

In this section, we shall discuss the two ways that enable parents to combine work with care. The first is the 'defamiliarisation' of care, extra-familial child care. The second is 'refamiliarisation' of care in the form of policies such as parental leave schemes. The important difference between these two approaches is that policies designed to support the 'defamiliarisation' of care focus on the transition of the main carer (usually the mother) into paid work by reducing their care responsibilities. In contrast, 'refamiliarisation' policies focus on parents' transition into care by reducing their employment responsibilities. They are a means by which both employed mothers and employed fathers are given the opportunity to undertake care for their children with some wage compensation.

### **Defamiliarisation' of care: extra-familial child-care**

The UK (and Ireland) are unusual in Europe in having a large for-profit childcare provision sector as opposed to a state non-profit sector. The Conservative governments of the 1980s and 1990s did little to improve childcare provision despite advice by the Equal Opportunities Commission to develop a national child care strategy (Bagilhole and Byrne, 2000). Public nursery daycare provision was allowed to reduce by nearly a half (Harker, 2000), and the UK lagged behind many of the northern EU countries. In the mid 1990s, only 2 per cent of childcare for children under 3 years of age was publicly funded in the UK (Skinner, 2000). Publicly funded provision for children aged between 4 and 6 was better at 60 per cent, although this was only because the majority of children at this age were eligible to start primary school education (European Commission Network on Childcare, 1996).

The issue of state provided childcare didn't come on the agenda until the appointment of the current labour government in 1997. The prompts behind the new commitment to childcare provision are both demand and supply led. First, it was in response to the increasing mothers' labour market participation

and - in the absence of adequate state funded childcare – there was a threefold increase in childminders and a sevenfold increase in private nurseries (Skinner, 2002). Second, the provision of childcare is essential to New Labour's policy to increase maternal employment further, particularly that of lone mothers in order to reduce child poverty. The aim is to increase provision of care and to reduce the costs of childcare in order to enable parents to get back into paid employment and to enable them to afford to stay there once they are back. Another objective is to invest in the health, well-being and education of all children, targeted at those living in deprived areas, so that they are better prepared for school (Land, 2002).

In 1998, a consultation document Meeting the Childcare Challenge introduced the first *National Childcare Strategy* to make child care more accessible by increasing available places; making child care more affordable; and raising the quality of child-care (Mooney et al., 2001). The main components of childcare strategy are:

- investing money to expand childcare. By 2003-4 there will have been a threefold increase from £66 million in 2000-1 to over £200 million in the annual investment in childcare.
- 1 million new childcare places for 1.6 million children by March 2004.
- a commitment to guarantee pre-school nursery early education places to all four year olds, extended to all three year olds by 2004. This includes the ambition to provide a childcare place in the most disadvantaged areas for every lone parent entering employment by 2004. This is related to the Government's target of 70 percent of lone parents back in work by 2010.
- pilot schemes for Early Excellence Centres show the value of integrated services for children and parents, bringing together daycare, early education and family support. There will be up to 100 centres by 2004.
- the Neighbourhood Nurseries Initiative will bring 45,000 affordable new childcare places to deprived areas by 2004.
- A *New Opportunities Fund* from National Lottery money for the expansion of out-of-school clubs;
- the national Sure Start programme is bringing a range of services to families with children under four in deprived neighbourhoods. The programme will be extended to 500 areas by 2004 (Daycare trust, 2003)
- Financial and other support for the development of childcare partnerships to expand services locally (Skinner, 2002).

#### *Increasing available places*

Pre-school education is free and has been increased, funded by general taxation, and is not contingent on income or area. Policies for pre-school provision in Britain are still based on an assumption that there is a distinction between care and education. The funding, staffing and location of provision

labelled 'education;' are different from those labelled 'care' (Land, 2002). But the strategy does not intend to provide fully funded childcare services for all ages. The private/voluntary sectors are expected to fill the gaps in provision.

#### Early years education

Early years education is provided mainly through the education system in nursery school and in nursery/reception classes in primary schools, provision in the private/voluntary sectors is also available as daycare organisation can now apply for grants to provide early education to 3 and 4 year old children. The places offered are part time, which do not fit in with parents' employment, and therefore arrangements have to be made for additional care (Land, 2002). Some parents using private/voluntary services may be charged a fee.

Data for early education measures the numbers of children attending. There is therefore some double counting due to children attending more than one provider. The data is patchy, although the most comprehensive data is for England. The change in the number of children under 5 in early education in England is shown in table 4. There has been considerable increase in the number of children attending voluntary/private early education service in England – almost fourfold increase in just three years. However, the numbers of children attending nursery school/classes shows modest decreases. The proportion of children under 5 attending some form of early education in England has increased from 58 percent to 90 per cent in just three years (1999-2001), although double counting means that this is probably an over-estimation.

**Table 4: Number of children under 5 in early education in England**

	1997	1998	1999	2000	2001	2002
Private/voluntary	*	*	95, 100	364, 800	386, 200	
Nursery school/classes	713,509	720,478	722,004	713,600	709,600	701,200
% under 5 in early education	56	57	58	88	90	

Source: Skinner, C (2002)

#### Childcare

There are three main types of formal day-care available for children under school age in the UK: *day nurseries* and *registered childminders* offer full or part-time childcare. *Playgroups* offer opportunities for young children (aged 0-5) to socialise and play, usually a few hours per day, and therefore are less able to help parents return to work. For children of school age, out-of school-clubs are available during term times and holiday schemes during the school holidays. These fill the gap in school hours/terms and can facilitate parental employment (Skinner, 2002). In 1997 there were childcare places for one in nine children over eight years of age including holiday and after school schemes. By 2001, there were places for one in seven children. However, this average hides the variation that exists in levels and types of provision. Table 5 shows that, whilst day nurseries have increased since 1997 (by 9 percent between 2000-01), other kinds of provision, such as childminders have decreased. The private sector now provides most of the pre-school places in

day nurseries and the voluntary sector and self-help sector has declined (Land, 2002). There are also wide regional differences in provision.

**Table 5: Children's day care facilities 1997-2001<sup>1</sup>**

	1997	1998	1999	2000	2001	% change 2000-01	Places/1000 children		
							Average England	Highest region	Lowest region
Day nurseries	193,800	223,000	247,700	264,200	285,100	+9	95	120	68
Play groups	383,700	383,600	347,200	353,100	330,200	-7	110	170	40
Childminders	365,200	370,700	336,600	320,400	304,600	-5	69	82	33
Out of school clubs	78,7000	92,300	113,800	141,100	152,800	+8	82	210	57
Holiday schemes	209,000	256,500	435,000	490,400	594,500	+22	260	510	100

<sup>1</sup>Children aged 0-4 day nurseries and playgroups

Children aged 0-7 childminders

Children aged 5-7 out of school clubs and holiday schemes

Source: DfES, *Statistics of Education: Children's Day Care Facilities March 2001*, No.8/01Covtober 2001, Tables 7,8 and 9

### *Informal childcare*

In 1999, the most common form of care used by households in England and Wales was informal care, as shown in table 6. Grandmothers are the highest providers of care in the England and Wales –nearly two thirds of children under 2 had been cared for by a grand-parent in the last year. Also, brothers and sisters are increasingly expected to care for their younger siblings – in 1999, 11 percent of 8-11 year olds had been cared for by a sibling in the last year. This indicates several things: a shortfall in the supply of child care; child care that is not provided at appropriate times of the day; and the high cost of childcare. So whilst provision has increased, demand still outstrips supply, and is pushing up prices.

**Table 6: Types of providers used for children aged 0-11 year olds over the last year, 1999**

%	0-2	3-4	5-7	8-11
Childminder	11	13	10	7
Daily Nanny	2	2	2	1
Live-in-Nanny	1	1	1	1
Babysitter	13	15	18	17
Creche/nurse	26	38	7	1
Playgroup	20	44	5	1
Nurse/reception Class	10	30	12	*
Family centre	1	*	*	*
Out of school club	4	6	14	16
Ex-partner	5	5	8	9
Grandparent	64	57	60	57
Older sibling	2	3	6	11
Other relative or friends	37	36	40	44
Other	1	1	2	2
Base (unweighted)	1575	1071	1729	2220

Table 2.6 and 2.7 (La Valle, I., Finch, S., Nove, A., Lewin, C.(2000) *Parents' Demand for Childcare*. DfEE Research Report 176, Nottingham: DfEE Publications.)

### *Making childcare more affordable*

The burden of childcare costs still falls largely upon the parents. The Daycare Trust's 2003 survey of the cost of nurseries, childminders and after school clubs shows how parents face increasing childcare bills. Table 7 shows that the typical cost of a nursery place for a child under two is now £128 a week or more than £6,650 a year, up 6.7% in the last year. This compares to the average weekly household income of £550 and average weekly spending on food and housing combined of £77.60 (Daycare Trust, 2003). Moreover, the costs vary between regions. In some parts of the country, particularly London and the south east, the cost of a nursery place was much higher than average – typically £168 a week in inner London, or over £8,730 a year, with some parents paying much more; the highest nursery cost identified in the survey was £300 a week. The typical cost of a full-time place with a childminder for a child under two is £118 a week. The typical cost for an after school club is £34 for 15 hours a week.

**Table 7: Typical weekly childcare costs (£) for a full-time nursery or childminding place and 15 hours a week for after school club place in England 2003**

	Nursery (under 2 years old)	Nursery (over 2 years old)	Childminder (under 2 years old)	Childminder (over 2 years old)	After- school Club
Inner London	168	152	139	141	30
Outer London	154	136	138	131	30
South east	161	149	133	131	37
South west	111	103	117	112	34
East England	147	136	141	138	48
West Midlands	104	101	94	92	32
East Midlands	105	104	109	109	35
Yorkshire and Humberside	111	107	107	107	23
North West	107	101	93	93	30
North East	112	107	108	113	38
National average	128	119	118	117	34

*Source : The figures were compiled by a survey of 111 of the 150 Children's Information Services in England.*

There is no income related relief for the cost of childcare burdened upon parents, except in the form of tax credits. In 2001, the Working families tax credit was introduced and the childcare element of that was designed to contribute to the cost of childcare for parents in work. In April 2003, this was replaced with the Working Tax Credit. The Working Tax Credit contains a childcare element to help working parents with the cost of registered and approved childcare. It will provide up to 70% of childcare costs of up to £135 for one child and £200 for two or more children. So parents with one child in childcare could receive up to £94.50 per week, whilst parents with two or more children could receive up to £140 per week. To be eligible for the childcare element of Working Tax Credit lone parents must be working 16 hours or

more per week; couples can apply where both partners work 16 hours or more or if one works 16 hours or more and the other receives disability benefit. Registered or approved childcare includes day nurseries, childminders, out of school or holiday clubs, out of school clubs on school premises, run by a school or local authority, playgroups & pre-schools, crèches (if they run more than 2 hours a day, for more than 5 days a year), childminders approved to care for children in parents' own home (from April 2003), domiciliary worker or nurse from a registered agency who is approved to provide care in parents' own home (from April 2003).

Working families on lower incomes who get help towards their childcare bill through the childcare tax credit still have to find at least 30% of the cost of childcare. The current average award through the childcare tax credit of £40.61 a week is less than a third of the typical cost of a nursery place (Daycare Trust, 2003). Parents pay three-quarters of the cost of childcare in the UK, with the government paying most of the rest plus a small contribution by employers. The high cost of childcare in Britain is a key reason why only 13% of parents with dependent children use formal childcare services all the time (Daycare Trust, 2003).

Also, as a result of the distinction between care and education in the UK, workless household with children have little financial help with access to childcare provision. So, whilst three million children live in families where there is no working adult, only 20,000 children can access services paid for by their local authority. Moreover, only limited support is available for lone parents undertaking education and there is none for mothers with a partner in employment.

The high cost of childcare faced by parents in this country means millions of children are missing out on the benefits of quality childcare (Daycare Trust, 2003). There are 600,000 children under three living in poverty and only 42,740 free or subsidised places for disadvantaged families. There is only one subsidised childcare place for every fourteen children under three living in poverty (Daycare Trust, 2003). In 1999, only 42 per cent of children aged 3-4, and only 15 per cent of children under 3, were accessing any kind of pre-school education or childcare (Daycare Trust, 2001).

#### *Raising the quality of childcare*

One factor limiting the growth of high quality childcare in the UK is the problem of recruitment and retention of childcare staff (Strategy Unit, 2002; Rawstrone, 2002). This also limits the quality of the provision, since how good services are depends upon the workforce- how it is organised, trained, payed etc. Table 8 shows the characteristics of childcare workers, compared to other 'caring' occupations. It is evident that a high proportion of care workers, but especially childcare workers, are women. With an overwhelmingly female workforce, childcare work, especially nursery work, is assumed to be 'womens' work. Caring is something that is assumed to come natural to women (Moss, 2003). As a result, paid care work is little valued, little rewarded and therefore lacking in attractiveness. As a result, care workers are young, poorly trained, and poorly paid.

**Table 8: The characteristics of childcare workers compared to other occupations**

	% women	% under 25 years	% qualified at NVQ3 or higher	Gross pay per hour (£)	% in private for profit sector
<b>Child care workers</b>	97.5	26.3	36.2	5.12	62.8
Nursery workers	98.9	35.6	44.1	5.48	50.5
Childminders	97.7	20.6	27.1	4.14	88.5
Playgroup workers	94.0	16.4	36.0	5.13	41.8
<b>Social care workers</b>	86.3	11.6	37.8	7.20	39.4
Care assistants	88.9	15.6	21.1	5.52	53.9
<b>Education workers</b>	77.5	6.2	81.7	9.56	7.4
Teachers	71.6	5.4	97.3	11.07	7.2
Education assistants	93.9	8.1	38.8	5.71	7.8
<b>Nursing workers</b>	88.6	7.5	75.1	8.76	13.6
Nurses/midwives	89.8	6.4	95.3	9.80	13.9
Nursing assistants	85.9	10.0	30.9	6.47	13.1
<b>All women workers</b>		16.6	40.2	7.55	62.4

Source: LFS Spring quarter 2001 and 2002. Analysis carried out by the Thomas Coram Research Unit.

A number of researchers in recent years have referred to an emerging 'crisis of care' (eg. Lewis, 2001). Basically, supply is falling whilst demand is increasing. The rise of parental employment means greater need for childcare for all aged. But the supply of informal carers, especially of grandmothers, is decreasing, as they themselves are more likely to undertake paid work (Moss, 2002). Moreover, the number of women entering the labour market with low qualifications – the main forms of entrances to childcare work – are falling as levels of education rise. Britain has taken for granted that women will be willing and to continue to offer informal, low paid or unpaid care work. Market care work is equated to unpaid caring within in the home. But, as more attractive offers become available, viewing it this way this will become increasingly unrealistic.

A start has been made to increase the number of childcare places, to improve access to provision of pre-school nursery education provision in the UK, and to lower the costs of childcare for certain groups, namely low income employed of parents. This improvement is labour market driven – to increase the number of mothers in employment and to meet demand of those all ready in employment. The ultimate aim is to reduce child poverty. But the need of the child, of their education and general wellbeing, is little considered.

Several important obstacles need to be overcome to improve childcare provision further. The first is to value the act of caring itself, and of those who care. The second is to lower the costs of childcare further for all parents, regardless of employment status. By limiting support for costs to those in employment is not consistent with the government's objective of increasing quality and quantity of skilled labour, which it recognises as being a route out of poverty for individuals and their children (Land, 2002). Without change and improvement, child poverty will not be reduced.

### **‘Refamiliarisation’ of care – Leave to look after children**

Another way to support parents in employment, and to encourage those not all ready in paid work to do so is to introduce leave to care for children. Compared to other European countries, the UK has a poor record in relation to statutory leave from work to care for children. Up until the current Labour government, the existing leave was entirely geared towards maternal withdrawal from work at the birth of her child. In 1975 paid maternity leave provision was introduced but, in line with the breadwinner family, the father was not formally recognised to have any great involvement in care. Also, if mothers worked, the state expected them to make a complete break from employment, or at least whilst the child was very young. It was only when the statutory right to retain ones job after maternity leave, regardless of the number of hours worked, was introduced in 1996 that mothers were encouraged to re-enter employment after the birth of a child. More recently the statutory provision to leave to care for the family has improved, albeit from a very low baseline. The New Labour government has begun to explicitly encourage parenting by supporting workers with family responsibilities. In January 2003, a white paper was published describing the measures being taken to address the issue of ‘balancing work and family life’.

#### *Maternity and Paternity leave and pay*

The Labour government has increased both the length of paid maternity leave and the level of payment. As of April 2003, the length of statutory maternity leave was increased from 18 to 26 paid weeks, regardless of length of employment and 26 additional unpaid weeks if employed for 26 weeks’ continuous employment by the beginning of the 14th week before the expected week of childbirth. The amount paid is 90 per cent of earnings for the first 6 weeks and then a flat rate for the final 20 weeks was increased from the current £75 a week to £100 a week (or 90% of the woman's average weekly earnings if this is less than £100 a week). The aim was to prevent mothers from being detached from the labour market.

At the same time, paid statutory paternity leave was introduced for the first time, paid at the same flat rate as statutory maternity leave. Fathers can take the leave within eight weeks of the birth or adoption placement. This is an explicit attempt to increase the father’s involvement in care.

Adoptive parents can choose which parent takes Statutory Adoption Pay (SAP), which is the same as maternity leave, and which takes the two weeks paid paternity leave. So, unlike maternity and paternity leave for birth parents, leave for adoptive parents is not determined by gender.

Maternity, paternity and adoptive leave pay are contingent on being employed for 26 weeks’ continuous employment by the beginning of the 14th week before the expected week of childbirth; having average weekly earnings in the eight weeks prior to the qualifying week (15 weeks before giving birth), which are not less than the National Insurance Contributions Lower Earnings Limit, and being over the age of 16. The leave is also contributory. But mothers (not fathers) who are self-employed and those employed but not entitled to statutory maternity pay are eligible for a maternity allowance, which is based

on average weekly earnings in a specific period. It is paid for 18 weeks and the maximum amount that can be paid in those 18 weeks is £1120.

The unemployed are entitled to a Sure Start Maternity Grant. The Sure Start Maternity Grant was introduced in 2000 to replace the maternity payment from the Social Fund for some groups on low incomes, and has been rapidly increased in amount since its introduction. The amount has been £500 since June 2002. Mothers are eligible for the Grant if either they or their partner are getting one of the following:

- Income Support
- Income-based Jobseeker's Allowance
- Working Tax Credit where a disabled worker is included in the award
- Child Tax Credit at a rate higher than the appropriate maximum family element.

A Sure Start Maternity Grant can be claimed at any time from the 29th week of pregnancy until the child is three months old. If the baby is adopted, the grant must be claimed within three months of the adoption and the baby should be no more than 12 months old at the claim. Those granted a parental order for a surrogate birth must claim within three months of the date of the parental order. However, receiving the grant is contingent on receiving advice on the health needs and general welfare of the baby – and the mother's health, if the claim is before the baby's birth.

#### *Parental leave*

Parental leave was first introduced in 1999. This entitled each parent, and adoptive parent, of children born on or after 15 December 1999 to take 13 weeks unpaid leave to look after each child until the child's fifth birthday, or the fifth anniversary of the adoption. Parents of a disabled child can take their entitlement up to the child's 18<sup>th</sup> birthday. Parental leave can be taken in blocks of up to four weeks a year. But on 10<sup>th</sup> January, 2002, parental leave was extended from 13 to 18 weeks, and extended to those children born or adopted after 15 the December 1994. But a huge disabling element of parental leave, preventing parents from taking up the leave, is that it is unpaid.

#### *Time off for dependents*

The right to time off for emergencies involving a dependent was introduced on 15<sup>th</sup> December 1999 gives all employees the right to a reasonable amount of unpaid time off work to deal with an emergency involving a dependent, and not to be dismissed or victimised for doing so. The right covers any problems arising with childcare – for example if a childminder is ill or fails to turn up. Whilst this leave is unpaid, there is no qualifying period for entitlement and no limit on the number of times an employee can exercise this right, providing it is for genuine reasons.

#### *Flexible working*

The white paper also introduced a new right for parents with children under six or disabled children under 18 to request flexible working patterns, although the employer does have the right to refuse requests where there is a clear business reason. The right is designed to meet the needs of both parents and

employers, and should facilitate discussion by encouraging the employees and employers to consider flexible working arrangement that suit them both. This will be reviewed in three years time.

Whether the improvements made to statutory leave support fathering on an equal basis as mothering is debateable. The white paper describes the changes as being key to a number of government policy objectives and recognises that 'enabling parents to better fulfil their family responsibilities, when most need to combine these with work, is central to improving conditions in which children grow up, achieving greater equality between women and men, and increasing productivity in the work place' (Department of trade and industry, 2003). They therefore recognise care as an important parental responsibility, and acknowledge that fathers miss out on the opportunity to care for their children [p.14]. But more emphasis is put on the consequences for paid work; gender inequality from the mother's point of view; and care as an issue for mothers' and their labour market participation. Fathers' contribution to unpaid work is considered in the context of reducing the burden of caring responsibilities that working mothers endure and the result this potentially has on mother's employment and earnings.

The emphasis placed on the mother's (as opposed to the father's) role as carer is demonstrated by the weight placed on the lengthy maternity leave relative to paternity leave and the fact that parental leave remains unpaid. Rather than a genuine commitment to gender equality in regards to care, the reason that parental leave is included at all is perhaps merely to fulfil the UK's obligations in respect of the 1996 European Commission Directive on Parent leave. The right to care is still recognised as largely a *women's* prerogative and one that is vital for *women* to access their right to paid work, a key objective both for the government's welfare to work policy and their commitment to halving child poverty by 2010. In this sense, statutory leave provision in the UK is still largely based upon the male breadwinner family. The changes address the gendered care gap to some extent but are still fairly conservative in comparison to the continental European countries.

## **6 Conclusion**

The UK welfare state is built upon the breadwinner family, a definition of social citizenship that encompasses the right and obligation to undertake paid work, and a line between the public and the private. A move towards a more individualistic state has been hindered because social policies are still based upon these principles. Women are still expected to be the main carers within the home, and men the main breadwinners. The emphasis on the male breadwinner is demonstrated by the obligation of non-residential father's to provide financially for their children, with little emphasis on caring. It is also demonstrated by the emphasis on maternal, rather than paternal, leave from paid work and by limited state provision of childcare. The organisation of care is still viewed as a private responsibility, and one that falls upon women. Whilst childcare is promoted, women are supplying the services. It is women who have to organise their working life around child care, and it is women who are expected to deliver care. When men have been encouraged to care, such

as through paternity leave, it has been as a secondary role, and to facilitate mother's employment rather than to facilitate the father's role of carer in its own sake. Whilst this model may go some way to tackle child poverty, it will do so in a limited way by forcing women to take on work designed to fit around their caring obligations. Whilst all this is being negotiated, children's rights as individuals are largely forgotten.

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