Call for evidence on parental leave and pay review

Response from Lewis Silkin LLP, 20 August 2025

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

- *As an individual*
- *As an academic, or on behalf of an academic or research organisation*
- *As a large enterprise, with at least 250 employees*
- *As a small or medium enterprise, with fewer than 250 employees*
- *As a large public authority, with at least 250 employees*
- *As a small or medium public authority, with fewer than 250 employees*
- *On behalf of a civil society organisation or group*
- *On behalf of an organisation that represents employers*
- *On behalf of an organisation that represents employees – for example, trade unions*
- *Other*

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

Lewis Silkin LLP, a law firm advising predominantly large and multinational employers in the private sector.

Question 5a. *Do you think that the current parental leave and pay entitlements supports these objectives*

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

  Yes / No
- *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*

  Yes / No
- *Ensuring adequate resources and leave for parents to facilitate the best start in life by supporting the healthy development of young children*

  Yes / No
- *Providing parents the flexibility to make balanced childcare choices, including co-parenting*

  Yes / No

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

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

  In our capacity as advisers, most of the enhancements we see employers choose to make are focused on pay rather than leave, with the exception of paternity leave. The low statutory rate of pay has a negative effect on take-up of leave (as evidenced by take-up of leave being higher among higher paid workers, and those in the public and education sectors, where enhanced pay is more likely to be available). In our experience, and in the sectors we advise

on, sufficient time off with meaningful pay is primarily enabled by employers voluntarily offering enhanced occupational maternity pay.

- *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.*

  The current low take up of shared parental leave / unequal sharing of time off inhibits the reduction of the gender pay gap.

  Consideration should be given to the role many grandparents play in supporting parents to stay in work and advance their careers, particularly given the high cost of childcare. With the retirement age increasing, it is becoming increasingly common for both new parents and grandparents to be of working age, making grandparental support less readily available. There are limited entitlements for employed grandparents to take leave for the purpose of caring for grandchildren.

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

  Lewis Silkin introduced a new gender-neutral parent policy in April 2024. All new parents are entitled to take up to 52 weeks' leave in connection with the birth/ adoption of a new child. We offer 26 weeks' full pay (subject to 12 months' service) and allow leave and pay to be taken in an unlimited number of discontinuous blocks in the 12 months following the birth of a child. This stands alone offering the same benefits to all, rather than being embedded within the statutory schemes.

  100% of men who have become a parent since the policy launched have taken 26 weeks' leave, showing the desire and need for longer paternity leave, and that maintaining pay is essential for partners to take leave. In addition, 40% of men have chosen to take discontinuous blocks of leave, mainly opting for two 13-week blocks of leave (the first following the birth of the child and the second from months 6-9 or 9-12 often to solo parent and support their partner to return to work).

  Our own experience, and anecdotally as advisers, is that parental choice is generally motivated by pay and the non-birth parent will generally only take more than 1-2 weeks' leave if it is paid in some way. Where leave is paid, take up is considerably higher. This is illustrated by our own evidence - for the 2 years prior to our policy introduction, no-one who had taken 2 weeks' paternity leave had extended it using unpaid leave, only paid annual leave.

  Our experience of advising mainly private sector employers is that they are increasingly coming under pressure to provide enhanced benefits compared to statutory leave and pay. This has traditionally been focused on maternity leave but in recent years has also focused on paternity leave and pay. As advisers, we are seeing more clients offer extended paternity leave and pay.

  We have also seen more employers offer arrangements outside the statutory framework, as this no longer reflects society's shift towards equal parenting from day one. Equal parenting is difficult to achieve if one parent is only entitled to two weeks' leave / pay as statutory paternity leave currently provides. Instead, more employers are opting for gender neutral parenting policies which allow both parents to choose leave suiting their circumstances, whether time off together or otherwise. This is increasingly being seen as a way to retain and recruit the best talent.

  The overall parental leave framework is overly complicated and fragmented. Taking leave and pay entitlements separately, there are 15 different entitlements. Whilst shared parental leave offers some flexibility for co-parenting, the scheme is complicated and difficult to understand

for many. It is also not always a suitable choice as it requires the mother to reduce their leave entitlement.