



HM Government

1. Transparency: Flexible working and family related leave and pay policies

The consultation is available at: <https://www.gov.uk/government/consultations/good-work-plan-proposals-to-support-families>

The closing date for responses is: 11 October 2019

Please return completed forms to:

Team: Family-related Leave and Pay Team
Department for Business, Energy and Industrial Strategy
Postal address: 1st Floor Spur, 1 Victoria Street, Westminster, London, SE24 0DN

Tel: 020 7215 5000

Email: supportingfamiliesconsultation@beis.gov.uk

Personal / Confidential information

Please be aware that we intend to publish a summary of all responses to this consultation.

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes. Please see the consultation document for further information.

If you want information, including personal data, that you provide to be treated as confidential, please explain to us below why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we shall take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

I want my response to be treated as confidential

Comments: [Click here to enter text.](#)

About You

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	Respondent type
<input checked="" type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input type="checkbox"/>	Micro business (up to 9 staff)
<input type="checkbox"/>	Small business (10 to 49 staff)
<input type="checkbox"/>	Trade union or staff association
<input type="checkbox"/>	Other (please describe)

	If you are an individual, are you:
<input type="checkbox"/>	Employed
<input type="checkbox"/>	Self-employed
<input type="checkbox"/>	Unemployed
<input type="checkbox"/>	Retired
<input type="checkbox"/>	Not looking for work

	If you are an individual, are you:
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	If you are an employer, how would you classify your organisation?
<input checked="" type="checkbox"/>	Private sector
<input type="checkbox"/>	Public sector
<input type="checkbox"/>	Charity/Voluntary sector
<input type="checkbox"/>	Other (please specify)
<input type="checkbox"/>	other

Section 1: Publishing family related leave and pay and flexible working policies

The Association of British Insurers (ABI) is the voice of the UK's world-leading insurance and long-term savings industry. A productive, inclusive and thriving sector, we are an industry that provides peace of mind to households and businesses across the UK and powers the growth of local and regional economies by enabling trade, risk-taking, investment and innovation.

The UK insurance industry is the largest in Europe and the fourth largest in the world. It is an essential part of the UK's economic strength, managing investments of over £1.8 trillion and paying nearly £12bn in taxes to the Government. It employs nearly 303,500 individuals, of which around a third are employed directly by providers with the remainder in auxiliary services such as broking.

The ABI welcomes the opportunity to respond to the Department of Business, Energy and Industrial Strategy's consultation on the transparency of flexible working and family related leave and pay policies.

Insurers and long-term savings providers are committed to doing what they can to ensure our industry is attractive and inclusive to working parents.

In September 2019 the ABI and 21 of its insurance and long-term savings member firms signed up as the first wave cohort to an ABI-led initiative to publish their family related leave and pay policies on their company websites. We believe we are the first industry to coordinate this type of action and it was welcomed by Economic Secretary to the Treasury John Glen MP, Minister for Women, Victoria Atkins MP and Justine Roberts, Founder of Mumsnet, who has campaigned on this issue.

Publishing family related leave and pay policies on websites create important transparency for prospective employees. There is evidence that prospective employees are reluctant to ask about parental leave policies for fear it might affect whether they secure a job offer.

The ABI supports the publishing of family related leave under a voluntary approach as a first step to test the need and viability of a mandatory approach. The ABI believes career or inclusion pages on employer websites would be the most effective place to house information for prospective employees on family related leave and pay, and flexible working.

The ABI supports the publishing of flexible working policies which can help prospective employees – whether they are parents or not – to better understand how they might balance work and life. The ABI recognises that different roles may be able to offer employees differing types of flexible working and supports the publishing of statements about an employers' approach to flexible working as a minimum. The ABI also supports the publishing of simple statements on an employer's approach to flexible working in job adverts.

As the Government develops its approach to improving the transparency of family related leave and pay and flexible working policies, it should also consider small and medium-sized business, who employ 16.3 million people, totalling 60% of all private sector employment in the UK.¹

Question 1

Do you agree that large employers (250+ employees) should publish their family related leave and pay policies on their website?

Strongly agree	<input checked="" type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>
Strongly disagree	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please provide reasons for your answer.

Comments: [Click here to enter text.](#)

Publishing family related leave and pay policies on websites create important transparency for prospective employees. This is why the ABI and 21 of its insurance and long-term savings member firms took the step to make this important change.

There is evidence that prospective employees are reluctant to ask about parental leave policies for fear it might affect whether they secure a job offer. A survey by Mumsnet revealed 83% of respondents were reluctant to ask potential employers about parental leave policies because they feared it would make a job offer less likely². The survey also revealed 84% of people said parental leave and pay policies are important to them when

¹ <https://www.fsb.org.uk/media-centre/small-business-statistics>

² Mumsnet: <https://www.mumsnet.com/campaigns/survey-on-parental-leave-policies>

applying for or considering applying for a job. Publishing policies removes the need for prospective employees to ask and therefore any possible discrimination for doing so.

While Shared Parental Leave was brought in to help balance the division of parental leave among parents; we know that take up of Shared Parental Leave could be as low as 2%³. Women are therefore likely to be most impacted, where family related leave and pay is not published.

Transparent family related leave and pay policies also serve to underline an employer's commitment to welcoming and supporting working parents and many ABI members signed up to the ABI transparency initiative are also using it to showcase other policies and initiatives they have in place to further support working parents.

Making family related leave and pay transparent may also encourage regular review in line with best practice.

Question 2:

Do you agree that large employers (250+ employees) should publish their flexible working policies on their website?

Strongly agree	<input type="checkbox"/>
Agree	<input checked="" type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>
Strongly disagree	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please provide reasons for your answer.

Comments: [Click here to enter text.](#)

³ <https://www.gov.uk/government/news/new-share-the-joy-campaign-promotes-shared-parental-leave-rights-for-parents>

The publishing of flexible working policies can help prospective employees – whether they are parents or not – to better understand how they might balance work and life whilst working for the employer.

The ABI recognises that across our industry and others different roles may be able to offer employees differing types of flexible working. We also recognise that it can be a challenge for employers to capture and accurately represent this, for a range of different roles, so we support the publishing of statements about an employers' approach to flexible working as a minimum.

Question 3:

Do you agree that transparency of these policies will help employers to recruit and retain staff?

Strongly Agree	<input type="checkbox"/>
Agree	<input checked="" type="checkbox"/>
Neither Agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Strongly disagree	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please provide reasons for your answer.

Comments: [Click here to enter text.](#)

The publishing of family related pay and leave policies, and flexible working policies makes the most difference to prospective employees, who may otherwise not be able to access this information.

There is evidence that work/life balance is an important factor in recruiting and retaining employees⁴. The Aviva Employee benefits Survey found 41% of employees stating work/life balance as one of the key reasons why they joined their present employer, joint top with salary for informing their choice. It also found that 44% of employees stated work/life balance was one of the main reasons they continued in their current role.

Publishing family related pay and leave policies and flexible working policies can help inform prospective employees decision-making and helps to ensure a consistent approach from recruitment through to confirmation of employment.

Question 4:

Do you agree that, where the employer has a policy on family related leave and pay which extends the statutory minima, reworking and publishing your internal policy document on a public-facing website would not be a significant or expensive task?

Strongly agree	<input type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input checked="" type="checkbox"/>
Strongly disagree	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please provide reasons for your answer.

⁴ [Aviva Employee Benefits: A Survey from the UK Workplace, May 2019](#)

Comments: [Click here to enter text.](#)

The ABI supports employer transparency on family related leave and pay and we have led our members to publish details of their family related leave and pay on their websites.

We recognise however that the reworking and publishing of internal policy documents can be a more complex and significant task for global companies that employ people across different markets and need to summarise and publish the key elements of their offering for their various regions.

We therefore support the publishing of information that addresses key areas of transparency that are important to prospective employees.

ABI parental leave and pay initiative focuses on ensuring transparency in four areas:

- the contractual pay and leave offered to new mothers / new fathers / primary adopters / other parents
- the contractual pay and leave offered to those wishing to take parental leave or Shared Parental Leave
- any qualifying period for contractual leave and pay offered to parents
- any repayment conditions if the parent does not return to work.

Question 5:

Do you agree that, as for family related leave and pay, reworking and publishing your flexible working policy on a public-facing website would be simple and inexpensive?

Strongly agree	<input type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>

Disagree	<input checked="" type="checkbox"/>
Strongly disagree	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please provide reasons for your answer.

Comments: [Click here to enter text.](#)

It may be difficult for employers to publicise more than high level statements about their policy and approach to flexible working. This is because the type of flexibility an employer is able to offer may be dependent on the role. The ABI supports public statements on flexible working that welcome and encourage prospective employees raising their flexible working needs.

All employers have a legal obligation to consider statutory flexible working requests in a 'reasonable manner'. Beyond the legal requirements, many ABI members offer 'informal' or 'ad-hoc' flexible working to their employees, with some offering agile working and publicising this.

Question 6: How helpful would the following information be if it was held (and viewable) on a central database – for instance the Gender Pay Gap Reporting Portal:

	Very helpful	Quite helpful	Neither helpful nor unhelpful	Not very helpful	Not at all helpful	Don't know
A. Whether flexible working may be available from the start	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B. Approach to place, hours and times of work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Approach to informal flexible working (such as later starts to accommodate health and other appointments)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Enhancements to different types of family related leave and pay, for example: <ul style="list-style-type: none"> • Maternity Leave and Pay; • Paternity Leave and Pay; • Adoption Leave and Pay; • Shared Parental Leave and Pay; • parental leave taken in respect of older children; • or, any other contractual enhancements to family related leave and pay. 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

E. Please provide reasons for your answers.

Comments: [Click here to enter text.](#)

The ABI does not believe that the gender Pay Gap Reporting Portal is the most intuitive place for prospective employees to access information about an employer’s family related leave and pay, and flexible working policies.

Career or inclusion pages on employer websites are the places prospective employees visit to find out about and apply for job vacancies. It is also where they usually find information about a potential employer’s culture and employee benefits. The ABI therefore recommends transparency is best achieved by providing easily accessible information on career or inclusion webpages.

Policies like a company’s approach to place, hours and times of work are not just about gender, which is another reason why the ABI supports disclosure on employer careers or inclusion webpages, rather than the Gender Pay Gap Reporting Portal.

The ABI also believes that the Gender Pay Gap Reporting Portal is not the most appropriate place to host this type of information because it could give the impression that this a female-specific issue. There is a real need to encourage men to take up parental leave and consider flexible working arrangements.

Question 7:

To what extent do you believe that a job applicant's decision on whether to apply for a job depend on the publication of the information mentioned above?

A lot	<input type="checkbox"/>
Somewhat	<input checked="" type="checkbox"/>
Not at all	<input type="checkbox"/>

Please provide reasons for your answers

Comments: [Click here to enter text.](#)

The importance of family related leave and pay policies and flexible working policies will no doubt vary from candidate to candidate, based on their personal circumstances.

However, it is clear from an Aviva Employee Benefits study, that many people do value information on family related leave and pay, and flexible working, and that this can influence their decisions regarding prospective employers⁵.

The publication of family related leave and pay and flexible working policies also provides consistency for potential employees from the outset, so they are clear on what they can expect from the employer.

⁵ [Aviva Employee Benefits: A Survey from the UK Workplace, May 2019](#)

Section 2: A requirement to report or a voluntary approach?

There are already a number of mandatory reporting regimes in place, including gender pay gap reporting (mandatory for all large businesses, i.e. those with 250+ employees). These provide incentives on businesses to take action to improve their performance, so we are mindful of introducing additional regulation without testing a voluntary approach in the first instance – particularly given the impact the reporting requirement alone appears to be having in raising the profile of these issues.

However, the potential for change to be driven by greater transparency around existing policies should also be weighed against the potential stimulus for change which an action plan might provide. Around 50% of large employers already voluntarily supplement their gender pay gap information with a narrative or an action plan, which sets out the steps they are taking to narrow the gap. It may be that a dynamic action plan is a more effective way of driving cultural change also on this issue.

Question 8:

How effective do you believe a voluntary approach to encourage greater transparency about an organisation's approach to flexible working and family related leave and pay (e.g. through the Gender Pay Gap Reporting Portal) might be in providing information about employers' policies?

Very effective	<input type="checkbox"/>
Fairly effective	<input checked="" type="checkbox"/>
Not very effective	<input type="checkbox"/>
Not at all effective	<input type="checkbox"/>

Don't know	<input type="checkbox"/>
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Please provide reasons for your answer.

Comments: [Click here to enter text.](#)

The ABI has led a voluntary initiative, bringing 21 of its members together to publish their family related pay and leave policies. We believe we are the first industry to coordinate this type of action and are proud to see ABI members voluntarily signing up as the first wave cohort for this initiative.

The ABI believes a voluntary approach with guidance and best practice on disclosure set out for employers will provide a good framework for other sectors to act on this issue. We are therefore supportive of a voluntary approach as a first step to test the need and viability of a mandatory approach.

However, we do believe there are limits to a voluntary approach. For example, it may not provide enough impetus for firms who may encounter complexities around disclosing family related leave and pay because of their structure. This includes global firms who have different offerings in different regions, or firms who have multiple distinct business where benefits may differ. It is also likely that some employers may take much longer than others to act on family related leave and pay disclosure, as has been the case with the Women in Finance Charter.

If a voluntary approach is used to test the need and viability of a mandatory approach, the ABI believes it will be most effective if the Government articulates its target number of employers or sectors that would engage with the initiative. Similarly, it will be most effective if the Government articulates the scenarios that would trigger a shift from a voluntary to mandatory approach.

Question 9: How effective do you believe creating a facility on the Gender Pay Gap Reporting Portal on GOV.UK to record details about an organisation's policies on flexible working and family related leave and pay would be:

	Very effective	Fairly effective	Not very effective	Not at all effective	Don't know
A. To provide a central point of information for employees or prospective employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B. To let employers record the information as a part of the annual cycle of Gender Pay Gap Reporting?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Please provide reasons for your answer

Comments: [Click here to enter text.](#)

The ABI does not believe that the Gender Pay Gap Reporting Portal is the most intuitive place for prospective employees to access information about an employer’s family related leave and pay and flexible working policies.

The ABI believes employer website, career or inclusion pages are the most effective place for prospective employees to find out about family related leave and pay, and flexible working policies and the easiest place for employers to record, publish and update them.

A range of employees can benefit from their employer’s flexible working practices, be they male, female, parents or non-parents. The ABI therefore does not see any take-up logic for recording this information on the Gender Pay Gap Reporting Portal.

The Gender Pay Gap Reporting Portal already links to an organisation’s Gender Pay Gap report, where information on their policies to support both men and women will often be outlined as it relates to closing the gender pay gap.

While employer gender pay gaps may change from year to year, policies around family related leave and pay, and flexible working are unlikely to change as often, making a requirement to submit them annually alongside Gender Pay Gap Reporting unnecessary.

Question 10:

How effective do you believe it might be to encourage employers to set out how they are using greater transparency about their employment policies as part of their gender pay gap action plans?

Very effective	<input type="checkbox"/>
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Fairly effective	<input checked="" type="checkbox"/>
Not very effective	<input type="checkbox"/>
Not at all effective	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please provide reasons for your answer

Comments: [Click here to enter text.](#)

Encouraging employers to set out how they are using greater transparency about their family related leave and pay, and flexible working policies in their gender pay gap action plans may be helpful.

The ABI believes it is important to distinguish between making policies transparent and implementing effective policies, with the latter being the most important for addressing issues often outlined in gender pay gap reports.

Question 11:

Do you agree that it would make sense to enforce a reporting requirement of this kind in the same way as gender pay gap reporting (i.e. a requirement to provide this information as part of the gender pay gap reporting process)?

Strongly agree	<input type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input checked="" type="checkbox"/>
Strongly disagree	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please provide reasons for your answer

Comments: [Click here to enter text.](#)

The ABI supports any government ambition to see as many employers as possible publishing transparent and easily accessible information about family related leave and pay. This information is often invisible to prospective employees, yet we know it can be important to their decision-making and that they may be reluctant to ask.

The ABI supports a voluntary approach to transparency in the first instance and a mandatory approach if there is evidence that employers are not proactively engaging in delivering transparency.

If the Government were to enforce a reporting requirement on family related leave and pay, and/or flexible working policies, the ABI supports this information being published on employer website careers or inclusion pages.

The ABI does not see any specific benefits of consolidating employer reporting of transparency, under a mandatory approach, with the Gender Pay Gap Reporting process, save for ease of Government collecting and monitoring.

Section 3: A requirement to say whether jobs may be open to flexible working in an advert

If employers were to be required to say in a job advert whether flexible working was available, there would be a need to strike a balance between what information it was practical to provide, and what a candidate would find helpful.

Question 12:

Thinking about the balance between what it is practical to provide in a short job advert and what is useful to a candidate, which of the following is the best option (please select one)?

A simple statement (such as "Happy to Talk Flexible Working")	<input type="checkbox"/>
A short statement covering the organisation's approach to place, hours and times (e.g. "core hours") of work	<input type="checkbox"/>
A simple statement and a link to a published policy	<input checked="" type="checkbox"/>
A short statement covering the organisation's approach to place,	<input type="checkbox"/>

hours and times of work and a link to a published policy	
Other	<input type="checkbox"/>

If Other, please set out below

Comments: [Click here to enter text.](#)

Please provide reasons for your answer

Comments: [Click here to enter text.](#)

Many ABI members already publicise their support for flexible working and some advertise all job vacancies as suitable for flexible working as their default position.

Examples of what ABI members currently do include:

- Including wording in job adverts that flags the role may be part time, full time or as part of a job share.
- Including wording on job adverts that highlights their policy to allow employees to work from home, work to a flexible schedule or work to accommodate caring responsibilities.

The ABI supports employers publishing simple statements about their approach to flexible working to help set expectations for prospective employees. The ABI also supports linking to published policies, where there is more detailed information available .

The ABI recognises that different roles may be able to offer different levels of flexibility. Including statements in job adverts can signify the employer encourages and welcomes a conversation about employees' flexible working needs.

Question 13: If a requirement was introduced to state in job adverts whether flexible working may be available or not:

A. Who might the enforcement power sit with? Please describe.

Comments: [Click here to enter text.](#)

B. What should be the process for reporting a breach? Please describe.

Comments: [Click here to enter text.](#)

C. What should be the penalty for a breach? Please describe.

Comments: [Click here to enter text.](#)

If a requirement was introduced to state in job adverts whether flexible working may be available or not, we would expect the Government to learn from initiatives like Gender Pay Gap Reporting to inform the details of enforcement and handling breaches.

Question 14:

If a requirement to provide a link to your flexible working policy on the gender pay gap reporting portal was introduced, do you agree that it would be helpful also to ask employers to record whether they had advertised jobs as open to flexible working?

Strongly agree	<input type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input checked="" type="checkbox"/>
Disagree	<input type="checkbox"/>
Strongly disagree	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please provide reasons for your answer

Comments: [Click here to enter text.](#)

If a requirement to provide a link to flexible working policies on the Gender Pay Gap portal was introduced, the ABI expects employers would already include in their policy whether jobs were advertised as being open to flexible working.

Thank you for your views on this consultation.

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

At BEIS we carry out our research on many different topics and consultations, and your views are valuable to us. Would you be happy for us to contact you again from time to time either for research or about other consultations?

Yes

No