

Government Equalities Office: Returning to work after time out for caring – a Government call for evidence

Response from the Childhood Bereavement Network (CBN)

Executive Summary

1. We welcome the opportunity to respond to this consultation. We are responding specifically on behalf of parents whose partner has died, and who are bringing up dependent children. Within this group, we differentiate between those who were married to their partner, and those who were cohabiting, as provision for these two groups differs.
2. The Childhood Bereavement Network, the national network for organisations working with bereaved children and young people. Our 250+ member organisations provide a range of local community-based services to children following a death: usually a mixture of 1:1 and group support activities, responding to the family's assessed needs.
3. Over the last five years we have led a coalition of charities campaigning around changes to bereavement benefits for widowed parents and their children. This has drawn on extensive consultations with widowed parents on the barriers and enablers of their return to work, in the context of supporting their grieving children.
4. Around 40,000 working age parents die each year, leaving dependent children. 4% of single parents are bringing up children on their own because they have been widowed of their spouse, and more than twice the proportion of single fathers are widowed, compared to single mothersⁱ.
5. Widowed parents' working patterns before and after the death of their partner vary. Around 3/5 of those claiming Widowed Parent's Allowance are in workⁱⁱ.
6. While returning to work is undoubtedly beneficial for some widowed parents, this is not always the case. Encouraging parents to return to work should not be at the expense of meeting their children's emotional needs.

'I wanted to be with my daughter all the time; she had just lost her daddy; I didn't want her to feel she'd lost her mummy too.'ⁱⁱⁱ

7. The system of financial support for widowed parents has recently been reformed, with the justification that the old system of ongoing Widowed Parent's Allowance could act as a trap, creating a disincentive to work and risking welfare dependency. The evidence does not support this argument, and we are concerned that the reforms will be counterproductive.
8. Therefore, our recommendations include:
 - **a rethink of Bereavement Support Payment, with a full consultation on an appropriate length of time over which parents should be supported.**

- **the lifting of full worksearch conditionality requirements for widowed parents for at least two years following the death, with the offer of employment support from JobCentre Plus to be accessed on a voluntary basis**
- **improved training and guidance for work coaches should receive improved training and guidance to ensure they are aware of circumstances in which worksearch requirements can be suspended for parents of distressed bereaved children**
- **eligibility for Bereavement Support Payment should be extended to widowed parents who were living with but not married to their partner**
- **a consultation on circumstances in which a statutory entitlement to time off would be beneficial for bereaved employees, and feasible for their employers. This should also explore support for the self-employed.**
- **the introduction of carer's leave, allowing a defined period of absence with a guaranteed return to work.**
- **a requirement on employers to have a bereavement policy in place, using the ACAS guidance as a template**
- **the planned increase in help with childcare costs under Universal Credit should be applied to those parents on tax credits.**

Working patterns for widowed parents

1. Parents have a wide variety of working patterns before and after the death of a partner. These are influenced by the nature of the employment leading up to the bereavement, the nature of the bereavement and whether it was preceded by a period of illness, the physical and emotional needs of the children, the emotional needs of the parent following the death, the availability of childcare, and the availability of flexible and suitable work. Reasons for not working after the death can be grouped into those which
 - **were unrelated to the death** (eg the widow(er) had been a stay-at-home main carer for the children, or had their own health difficulties)
 - **preceded but were related to the death** (eg the widow(er) had given up work to care for the dying partner or the children)
 - **followed the death** (eg needed to care for the children or other dependents, unable to find sufficiently flexible work or childcare, own emotional needs following an extended period of caring / own emotional needs following the shock of a sudden death).
2. The pressures on widowed parents returning to work differ from those on other lone parents in some key respects.
3. First, they are having to manage their own and their children's grief, which does not disappear quickly as the wider community often expects. Studies indicate a 'late effect' of bereavement with some children showing new and greater difficulties two or three years after the death of parent^{iv}, despite a relatively mild initial reaction. Regardless of the age at which they were bereaved, children often revisit or re-experience their grief as they mature cognitively and emotionally^{vi} and face additional changes such as starting school, bringing new parenting challenges for their surviving parent. The most robust longitudinal survey available found that

the availability and consistent, nurturing presence of the surviving parent was one of the strongest predictors of bereaved children's emotional health and behaviour^{vii}.

4. Second, many divorced and separated parents are able to rely on the other parent to share childcare and the emotional responsibility for the children. Widowed parents do not have this possibility – they are on their own with their children's needs.
5. Going back to (or starting) work has varied impacts on the grief of different individual parents. Some find it helps with the emotional aspects: having a distraction, a role and identity outside the family, the possibility of further support, and maintaining a sense of normality. But for others, it is a significant source of additional stress: with worries about unmanageable demands, a fear of behaviour in the workplace, loss of confidence, difficulties juggling childcare, and anxieties about how work impacts on their children's emotional state^{viii}.

Financial support to help parents get back to work

6. In April 2017, the system of financial support for widowed parents and their children was reformed. Widowed Parent's Allowance (WPA), paid until the youngest child left full time education, was replaced with Bereavement Support Payment, paid for just 18 months. 91% widowed parents will be supported for a shorter time under the new system.
7. Families with longer term income support needs will be supported through Universal Credit, with its associated work conditionality. Conditionality requirements will be suspended for six months following the death, and claimants with children may in certain circumstances request three further one-month suspension.
8. One of the drivers for this reform was the policy aim of encouraging widowed parents back to work, because of concerns about *'a complicated payment and contribution system which, at its worst, can harm people's long term job prospects by distancing recipients from the labour market.'*^{ix}
9. We do not believe these concerns are well-founded. 3/5 of claimants of Widowed Parent's Allowance were in work. The old benefits could be kept on top of wages but were means-tested in the receipt of other benefits (meaning they were worth much more to those in work). Parents report using their WPA to allow them to work in a more flexible way so they can support their children's new and emerging grief support needs, including separation anxiety and difficulties at times of further transition^{x xi}. These are very common reactions among bereaved children, who are at increased risk of poor wellbeing, mental health difficulties and suicide^{xii}.
10. The government's own research showed that *'for most people the benefits had no impact on whether or not they returned to work, with many stating either that they would have wanted or needed to return to work regardless of the benefits, or they would have felt unable to regardless'*. Analysis of data from the British Household Panel Survey showed most bereaved partners retain, return or enter work within 18 months of bereavement. Women who became non-working sole parents when their partner died had all started thinking relatively soon how they would re-engage with the labour market, and within 12-18 months some were making plans for, or had embarked on further work or training^{xiii}.
11. This shows that the reforms are likely to have been unnecessary. We are also concerned that they will be counterproductive. Obliging parents to seek or take up work or increase their hours before their children are ready could have a detrimental effect on children in two ways: by

increasing the parent's stress levels and depressive symptoms (strongly correlated with children's emotional and behavioural difficulties) and by reducing the parent's availability to the child (quality of bond and family routines promote children's healthy adjustment)^{xiv xv}.

'Subjecting people whose partners have died to the same requirements and the same regime of sanctions as other Universal Credit claimants is presumably not a policy aim. To do so would undoubtedly lead to unintended emotional and psychological stress for many, and in some cases lengthen time away from work'. **SPRU, University of York**

'The conditionality requirements would lead to additional emotional pressures on widowed parents which could in turn increase mental health difficulties, potentially putting children's adjustment at risk and delaying the parent's return to or entry into the labour market'. **Childhood Bereavement Network**

'When your entire world has fallen apart, as it did for us when my husband died from an aggressive cancer in his early forties, the last thing you want to worry about is how to cope financially, to feed and clothe you and your children. In my case I have managed to return to work and am coping, but childcare costs are high. Families like ours need ongoing support in order to rebuild our lives.' **Widowed parent**

'I lost my husband with no warning, weeks after the birth of our first child. My husband worked and should have been there to provide for our family with me. His death left us with only me being able to work and to provide for our child. Divorced or separated parents can rely on one another but in my case I can only rely on the Widowed Parent's Allowance. It has allowed me to go back to work actually, as the childcare cost would have been too high otherwise. The reform is defying its purpose to help people going back to work!' **Widowed parent**

12. The Government has committed to reviewing the impact of Bereavement Support Payment 'when sufficient evidence is available to assess all aspects of the policy, including its effectiveness.'^{xvi} This will require detailed quantitative analysis of labour market trajectories under both the old and the new system, along with qualitative evidence about the impact of conditionality requirements on the emotional health of widowed parents and their children over the mid to long term.
13. **We recommend a rethink of Bereavement Support Payment, with a full consultation on an appropriate length of time over which parents should be supported.**
14. **We also recommend the lifting of full worksearch conditionality requirements for widowed parents for at least two years following the death**
15. **We recommend improved training for work coaches to ensure they are aware of circumstances in which worksearch requirements can be suspended. These include one-month suspensions when a bereaved child is distressed.**

Support for unmarried, cohabiting parents

16. Parents who were living with but not married to their partner were not eligible for the old Widowed Parent's Allowance, nor for the new Bereavement Support Payment.
17. In certain circumstances, they will be eligible for Universal Credit, and their full conditionality requirements will be relaxed for six months after the death. However, they and their children do

not receive the same level of support – including support to return to work – as their married counterparts.

18. Many couples don't realise they wouldn't be eligible: more than half (53%) of people cohabiting with a partner believe wrongly that living together for some time brings them the same legal rights as if they were married^{xvii}. This confusion is partly because the means-tested benefits and tax credit systems treat couples as one unit, whether they are married or not. The Family Test^{xviii} includes cohabitation within its definition of couple relationships, and the Family Law Reform Act 1987 identifies parents as being parents irrespective of whether they are married or not^{xix}.
19. Unmarried partners are often in a worse position financially than those who were married: they may be ineligible for death benefits or pensions. If the person died without making a will, unmarried partners don't inherit anything automatically.
20. During passage of the Pensions Bill, which introduced the new BSP, the Minister of State for Pensions raised the practical difficulties of determining the nature of a partnership, saying how uncomfortable it would be to ask intrusive questions about a relationship, shortly after one person had died. However, many of the administrative processes around a death could be seen as intrusive, but are recognised as being necessary, and it seems unlikely that families would find making a claim for bereavement benefits any different (particularly if it was going to make a significant financial difference to the family).
21. While there are undoubtedly difficulties in establishing the nature of a cohabiting relationship, these aren't insurmountable. The tax credit and means-tested benefit systems are already set up to manage cohabiting couple claims: and many couples will have had such a joint claim before one of them died. The Armed Forces Pensions Scheme successfully uses a definition of 'eligible partner' to determine who can receive a pension.
22. **We recommend that eligibility for Bereavement Support Payment is extended to widowed parents who were living with but not married to their partner.**

Protected time off for caring and following bereavement

23. Some working parents will have needed to take time off before the death, to care for their dying partner or to pick up that person's caring responsibilities for the children.
24. Following the death, temporary time off to organise the funeral and other practical matters, and to manage the initial shock is usually needed. Some widowed parents need to take a couple of weeks, while others a few months. This may be on full pay offered as compassionate or special leave, or through annual leave. Some take time off on reduced pay or statutory sick pay, which can then affect their future employment prospects.
25. Overall, there is a lack of clarity over what employers can and should make available, and much is left to individual managers. If working parents are unclear about what is available, or find the arrangements insufficient, then they are more likely to leave work permanently. As well as the impact on the finances of their family, this has an impact on skills and experience within the organisation and the broader labour market.
26. Self-employed widowed parents face particular challenges, for example re-establishing contacts and finding new contracts after the death when their emotional state made this very difficult.

27. The Parental Bereavement (Leave and Pay) Bill introduces a statutory entitlement to two weeks off work (within an 8 week window) for parents whose child has died.
- 28. We recommend that the government consults on wider circumstances in which a statutory entitlement to time off would be beneficial for bereaved employees, and feasible for their employers. This should also explore support for the self-employed.**
29. **We also recommend the introduction of carer's leave, allowing a defined period of absence with a guaranteed return to work.**
- 30. We also recommend that employers be required to have a bereavement policy in place, using the ACAS guidance as a template.**

Availability of childcare

31. Many widowed parents cite the availability and affordability of suitable childcare as one of the major barriers to them returning to work. This is the case both for those who were stay-at-home parents before the death, and those whose partner was doing the childcare before they died. This is a broader issue for single parents^{xx}. Childcare costs now take as much as half of disposable income for some single parents and many report borrowing from friends, family or a formal lender to cover childcare costs^{xxi}.

'You'd have to walk into a really well paid job to be able to afford all the childcare needed to be able to work'.^{xxii}

- 32. Now that the full rollout of Universal Credit has been delayed, we recommend that Government applies the planned increase in help with childcare costs (from 70 to 85%) to those on tax credits.**

Support for re-training

33. Many widowed parents consider retraining so that they can find work that would fit better around their children's needs. Again, childcare can be a barrier to accessing this training.
34. A recent concession means that work search requirements under Universal Credit can be suspended for a year for lone parents of three and four year olds who are in training, but many lone parents are reporting that they have not been told about this^{xxiii}.
- 35. We recommend that the Government extends the offer of 30 hours free childcare for parents of three and four year olds to those in education and training.**
- 36. Further, we recommend that Government ensures workcoaches are aware of – and correctly applying – the suspension of worksearch requirements for those parents of three and four year olds claiming Universal Credit**

For more information about this response or the work of the Childhood Bereavement Network, please contact Alison Penny apenny@ncb.org.uk

We would like to be kept informed about the progress of this work.

-
- ⁱ Gingerbread analysis of Labour Force Survey (April-June 2015). Headline figures available at <https://gingerbread.org.uk/content/365/Statistics>
- ⁱⁱ DWP (2013) Further analysis on the reform of bereavement benefits for new claims from April 2016 <https://www.gov.uk/government/publications/further-analysis-on-the-reform-of-bereavement-benefits-for-new-claims-from-april-2016>
- ⁱⁱⁱ Oldfield K, Adams L, Gunstone B (2012) Department for Work and Pensions Research Report No 790: Bereavement benefits: findings from qualitative research http://statistics.dwp.gov.uk/asd/asd5/report_abstracts/rr_abstracts/rra_790.asp
- ^{iv} Worden JA (1996) *Children and Grief: When a parent dies* New York: Guilford Press
- ^v Christ (2010) 'Children bereaved by the death of a parent' In Corr, C and Balk D (eds) *Children's Encounters with Death, Bereavement and Coping* New York: Springer Publishing Company
- ^{vi} Christ (2010) 'Children bereaved by the death of a parent' In Corr, C and Balk D (eds) *Children's Encounters with Death, Bereavement and Coping* New York: Springer Publishing Company
- ^{vii} Worden, JW (1996) *Children and grief: when a parent dies* New York, Guildford Press.
- ^{viii} Oldfield K, Adams L, Gunstone B (2012) Department for Work and Pensions Research Report No 790: Bereavement benefits: findings from qualitative research http://statistics.dwp.gov.uk/asd/asd5/report_abstracts/rr_abstracts/rra_790.asp
- ^{ix} Department for Work and Pensions (2011) *Bereavement Benefit for the 21st Century*. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/220372/bereavement-benefit.pdf (accessed 31 July 2017).
- ^x <https://www.theguardian.com/money/2017/apr/01/benefit-cuts-put-pressure-grieving-families> , <https://www.theguardian.com/money/2017/jan/29/young-bereaved-cuts-to-financial-support-12000>
- ^{xi} Corden A, Hirst M, Nice K (2011) *Financial implications of the death of a partner*. York: Social Policy Research Unit, University of York. Available at: <https://www.york.ac.uk/inst/spru/research/pdf/Bereavement.pdf> (accessed 31 July 2017).
- ^{xii} Penny A and Stubbs D (2015) *Bereavement in Childhood. What do we know in 2015?* London: National Children's Bureau.
- ^{xiii} Corden A, Hirst M, Nice K (2008) *Financial Implications of Death of a Partner* Working Paper No ESRC 2288 12.08 <http://www.york.ac.uk/inst/spru/research/pdf/Bereavement.pdf>
- ^{xiv} Worden, JW (1996) *Children and grief: when a parent dies* New York, Guildford Press.
- ^{xv} Christ, G (2000) *Healing Children's Grief. Surviving a parent's death from cancer*. New York: Oxford University Press.
- ^{xvi} <https://hansard.parliament.uk/commons/2017-02-27/debates/6ed82618-e0a2-450d-8cb1-f21736e438d2/DraftBereavementSupportPaymentRegulations2017>
- ^{xvii} Barlow, A., Burgoyne, C., Clery, E., & Smithson, J. (2008). Cohabitation and the law: myths, money and the media. In A. Park, J. Curtice, K. Thomson, M. Phillips, Mark C. Johnson, & E. Clery (Eds.), *British Social Attitudes : The 24th Report*. (2007/2008, pp. 29-53). London, England: SAGE Publications Ltd.
- ^{xviii} Department for Work and Pensions (2014) *The Family Test: Guidance for Government Departments*
- ^{xix} <http://www.legislation.gov.uk/ukpga/1987/42/section/1>
- ^{xx} Rabindrakumar S (2017) *Paying the price. Still 'just about managing?'* London: Gingerbread https://gingerbread.org.uk/file_download.aspx?id=10229
- ^{xxi} <https://gingerbread.org.uk/content/2187/The-facts-single-parents-in-London>
- ^{xxii} Oldfield K, Adams L, Gunstone B (2012) Department for Work and Pensions Research Report No 790: Bereavement benefits: findings from qualitative research http://statistics.dwp.gov.uk/asd/asd5/report_abstracts/rr_abstracts/rra_790.asp
- ^{xxiii} Gingerbread (2017) *Universal credit rollout inquiry – Gingerbread written submission to the Work and Pensions select committee*. <https://gingerbread.org.uk/content/2392/Universal-credit>.