



## Sports in the news – what do the employment lawyers think this July?

### Moving the Goalposts on Paternity Leave

The charity [Pregnant then Screwed](#) recently conducted a [survey](#), which asked 7,763 fathers and secondary caregivers in the UK to answer questions about the current provision for paternity leave in the UK. The results were published this month and make for eye-opening reading.

As a father who has recently undertaken both a period of paternity leave (and then, subsequently, a period of shared parental leave) I was intrigued to see the extent to which the results reflected my own experiences.

As a sports fan, it also caused me to return to an idle thought that often surfaces when watching football; do the professional players take leave when they become fathers, and do they even know about their rights? Do they care? I've often listened with amazement to commentary in which it's mentioned in passing that a player "*welcomed his third child to the world yesterday, ahead of today's match*" or that another "*rushed to the hospital*" after the previous game to be with his new-born baby. My response to these uninterrogated comments is invariably the same: "*don't they know their rights?*". It may be that this is the proof I need to confirm that I'm not cut out to be a professional footballer (something that I probably needed to hear sooner or later) but I can't help but think that it says something about the attitudes that persist in football that these stories seem to be commonplace and unchallenged.

(I should pause at this point to apologise for talking primarily about male footballers in this article – female footballers and sportswomen, of course, face far greater challenges when it comes to balancing parenthood and profession, something that we talk about in [this article](#).)

As a quick reminder: fathers and secondary caregivers (I'll revert to "fathers" for the rest of this article, for brevity) are entitled to two weeks' leave on the birth of a child, and that is paid at a rate of £156.66 a week or 90% of their average weekly earnings (whichever is lower). Fathers can also participate in the shared parental leave ("SPL") regime, under which they can take an extended period of leave as long as the primary caregiver (usually, the mother) reduces her leave by a corresponding period of time. SPL is paid at a

statutory rate that tracks the maternity regime, so (for example) if the father commences SPL after the mother has completed 39 weeks of maternity leave, there is no statutory pay. If he commences it after she has completed 6 weeks, but before 39 weeks, the rate of pay will usually be £156.66 until the couple, in combination, have completed 39 weeks of leave. Still with me?

The Pregnant then Screwed survey results suggest that there is a strong desire in the UK for improved paternity rights; 99% of those surveyed said that they wanted better paternity rights in the UK, and 80% said that their companies offered no enhanced paternity leave. A whopping 46% said they would seriously consider moving jobs to an employer who offered better paternity leave policies – a response that suggests paternity rights could become increasingly important for retaining top talent (in much the same way as maternity rights are rightly recognised to be).

The survey also points to the significant difficulties that fathers and secondary caregivers face when taking their statutory two weeks of paternity leave. 28% of respondents with at least one child said they did not take full statutory two weeks of leave on the birth of their most recent child, and of those who did take full two weeks (10 days) 32% said they struggled financially as a result of that decision.

However, the picture amongst professional footballers appears to be very different. A [detailed article](#) in The Athletic, which partly inspired this article, shows the extent to which paternity leave “doesn’t exist” in professional football. It references Dan James playing football and scoring in a penalty shootout on the evening of the day his baby was born, and Phil Neville leaving his wife in a frankly desperate situation, whilst in labour, to attend training. The driving factors appear to be the sense of intense competition inside professional clubs; the worry about losing your place in the team; and an underlying assumption that men don’t (or shouldn’t) prioritise childcare in the same way women might. Curtis Davies says he “*never even thought about*” extended time off, because “*you don’t want to lose your place in the team*”. Similarly, Ben Foster recalls being frozen out of the England team by the then-manager, Fabio Capello, after the latter had become irritated with Foster’s desire to miss training to attend the birth of his second child.

That’s not to say that no footballers take leave, but it’s certainly an outlier and, according to the Athletic’s reporting, tends to occur where there are extenuating circumstances or compassionate grounds to sanction a longer period of absence. Even Ben Mee, who opened up (bravely, and eloquently) about the challenges he faced when his daughter was born after only 24 weeks in [this article](#), only took a week’s paternity leave, and joined calls with other Premier League captains from the hospital. And that was during a period where football was suspended due to the Covid-19 pandemic.

The fear of losing your place in the team might feel abstract to non-sportspeople, but it’s oddly reflective of some of the findings in the Pregnant then Screwed survey. The survey found that one in five dads who wanted to take longer paternity leave felt unable to because of the negative impact it would have on their career. Similarly, the underlying concern amongst footballers that taking paternity leave would lead to detrimental treatment by their clubs is also reflective of the survey results. According to Pregnant then Screwed, 14% of survey respondents who had taken paternity leave reported they faced workplace discrimination as a result.

Fathers (and secondary caregivers) in the UK clearly feel a strong desire to see longer, more generous statutory paternity leave introduced in the UK. Footballers might not feel the same way, or maybe they just feel unable to express it. I can’t help but feel that the football industry (the cultural influence of which is, let’s face it, extraordinary) could use its mighty influence to help the likes of Pregnant then Screwed, who are doing worthy work, to improve things for footballers and non-footballers alike. Imagine if all professional football clubs undertook to provide 6 weeks of full paternity pay, and if footballers made a statement about supporting their teammates and peers who chose to take that leave? That could really move the goalposts.