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## Great Britain: 'things can only get better...'

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## CHAPTER FIVE

“Great Britain: Things can only get better...”

*Wendy Sigle-Rushton*

### **1. Introduction**

As is the case in many other industrialized countries, the divorce rate in Great Britain has increased markedly over the second half of the 20<sup>th</sup> century. There had previously been short-lived increases linked to policy changes (such as the availability of legal aid in 1950), but the divorce rate did not begin to follow a consistent and steep upward trend until the early 1960s. Although average annual growth rates continued to be positive, they were much smaller between 1976 and 1995 than they were during the 1959-1975 period (Smith, 1997). Data for the United Kingdom as a whole show a similar picture to that of Great Britain.<sup>1</sup> The crude divorce rate increased substantially

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<sup>1</sup> When reading this report, it is important to note that Great Britain is not equivalent to, but part of the United Kingdom. Great Britain comprises the contiguous regions of England, Wales and Scotland. Its political system is relatively complex and unique in that, to varying degrees, different regions have different legislative powers. Since 1998, both Scotland and Wales have enjoyed (different) devolved powers. Scotland, in particular, is responsible for a good deal of its own legislation. Moreover, statistical information is sometimes collected and reported for the United Kingdom as a whole (covering Northern Ireland and Great Britain), sometimes just for Great Britain, and – in an increasing number of cases – for England and Wales, Scotland, and Northern Ireland separately. Whenever possible the information presented in this report will be for Great Britain, although sometimes only information for the UK or part(s) of it is available. When this is the case, it will be made explicit in the text.

from 1960 to 1980. It subsequently stabilized and decreased (but only slightly) after 1995 (Eurostat, 2004a).

At the same time that divorce rates were rising, the evolution of the economy and the expansion of the service sector meant that women had increasing access to jobs that offered flexible hours and did not require physical strength. Amongst the working-age population, the female participation rate increased from 47 percent in 1961 to 55 percent in 1971 (Hakim, 1980: 559). Since then, the rate has climbed to around 70 percent – well above the Lisbon targets for female employment (DWP, 2006). The coincident rise in divorce and female employment might seem to suggest that as divorce became more common, women were increasingly better prepared for its financial consequences. This is probably more the case for childless women than it is for mothers. Despite their increased presence in the labour market, British mothers continue to reconcile work and family by engaging in part-time work, and often only after their children have entered school. Although the gender pay gap for full-time workers is not extremely wide, part-time workers in Britain face a good deal of occupational segregation and an extremely large part-time pay penalty. For example, in 2003-04, about one quarter of all female part-time workers in Great Britain were shop assistants, care assistants or cleaners. In contrast, only 4 percent of part-time (versus 15 percent of full-time) working women were managers or senior officials (Manning and Petrongolo, 2004). Moreover, research shows that a past spell of part-time work is linked to lower pay even after the person returns to full-time work (Francesconi and Gosling, 2005). Hence, the choices that women with children (and other caregiving responsibilities) make early on might lead to considerable economic difficulties years later should they divorce.

This chapter considers the British context as it relates to the economic consequences of divorce. We will begin by providing an overview of demographic and labour market trends since the 1970s. Next, we will consider the British approach to family law and family policy. Recent developments in family policy are something of a break from the past and indicate a growing recognition of the need for public support for families. The effects of these changes will not be captured in most empirical studies that rely on data collected during the 1990s, but the overall effect of policy changes is likely a matter of extreme. Conditions have probably gotten better. But consistent with an historical reluctance to interfere in the functioning of the labour market, the government has tended to rely on exhortation as opposed to regulation (Crompton, Brockman and Lyonette, 2005). Labour market conditions, combined with a fairly weak family policy regime, all point to the persistence of high poverty risks for women following a divorce.

## **2. Recent demographic and labour market trends**

Similar to its European counterparts, Great Britain has experienced a great deal of family and social change, progressing through what some have termed the Second Demographic Transition (Lesthaeghe, 1995). In the first stage of this transition, birth rates begin to decline, age at marriage begins to increase and divorce rates begin to rise. Next, cohabitation becomes more common, as does childbearing within cohabiting unions. In the third stage, divorce rates begin to plateau, post-marital cohabitation increases, and fertility plateaus with an older age profile. In this section, we will outline the extent and timing of some of these changes as they have occurred in Great Britain – many of which have taken place co-incidentally and are arguably interrelated with one another and with changes in divorce patterns. We will begin with a discussion of trends

in partnership formation, paying particular attention to changes in the popularity of marriage. We will then move on to discuss two trends that are related to these changes: declining fertility and changes in family structure. Finally, we will conclude with an overview of the British labour market and rates of poverty, with a special focus on the issue of child poverty.

### *2.1 Marriage and consensual unions*

Between 1960 and 1970, marriage was popular, and the crude marriage rate in the United Kingdom was increasing. This trend subsequently reversed, and between 1970 and 2000, as divorce rates were largely climbing, the crude marriage rate fell from 7.7 to 5.1 per thousand mean population. Part of the decline is due to the fact that marriage has been increasingly postponed. Median age at marriage has progressively increased from below 25 for both men and women in the early 1960s to over 30 in recent years (Murphy and Wang, 1999; Bynner et al., 2002; ONS, 2005). Over this same period, the proportion of first marriages among wives fell steadily, from 90.7 to 70.6 percent. The latter is due, in part, to an increase in the number of people who are likely to remarry because of rising divorce rates.

Ermisch and Francesconi (2000) suggest that changes in marriage patterns should not be interpreted as a rejection of marriage but as a postponement of it, and that the increasing popularity of consensual unions is a contributory factor. Empirical evidence provides some support for their position. Consensual unions have become increasingly common, especially among people who have never been married. Between 1976 and 1998, the proportion of unmarried women who were cohabiting in Great Britain increased from 9 percent to 29 percent (Haskey, 2001). In 1968, only 1 in 20 British women had cohabited prior to marriage. By 1990, this number had increased to

12 out of 20 (Bynner et al, 2002). Although at the moment, cohabitation is most common at younger ages and is often a precursor to (first) marriage, projections for England and Wales suggest that amongst the unmarried, the proportion living in consensual unions will continue to increase across all age groups (Haskey, 2001). These changes in the propensity to cohabit mean that the percentage of women who are partnered has declined, but only slightly, over the past few decades. However, the slight decrease in the percentage of women who have partners is due to the fact that marriage is being foregone to some extent as well. The proportion of females who were never married was only 8 percent for the cohort of women born in 1955 and increased to 14 percent for the cohort of women born in 1960 (Eurostat, 2004a).

## *2.2 Fertility*

At the same time that changes in divorce, marriage, and cohabitation have been taking place, the total fertility rate (TFR) in Great Britain has been falling. In 2004 the TFR was 1.74 children per woman in Great Britain (see Data Table). Although higher than the EU-25 average of 1.5, the TFR is still well below the replacement rate, and has been since the early 1970s (Eurostat, 2004a). Of course, the TFR can be misleading when childbearing is being postponed, and this does appear to be the case in Britain (high teenage pregnancy rates notwithstanding). Nonetheless, cohort measures of completed fertility, although less recent, tell a similar story. The cohort of women born in the UK in 1945 had a completed fertility rate that was just above replacement level. Those born five years later had just over two children per woman, on average. The cohort of women born in 1963 – some of whom may still have more children – have only had 1.90 children per woman (Eurostat, 2004a). One possible reason for declining fertility is the increasing popularity of consensual unions. Despite the fact that the percentage of births

outside of marriage has been increasing since 1960 and is higher in the United Kingdom (42.3%, see Data Table) than the EU-25 average (31.6%) (Eurostat, 2004a; 2005), fertility rates are lower in consensual unions than in marriages. This is due both to lower rates of conception in consensual unions and to the fact that many of those living in consensual unions still choose to marry when they have a child.

### *2.3 Single parents*

Changes in patterns of family formation and dissolution have led to changes in the structure of families and households in Great Britain. Since the mid-1980s, the proportion of all households headed by a single parent has remained relatively stable at around 9-10 percent (see Data Table). This figure includes all single-parent families – those with dependent and/or non-dependent children. Between 1971 and 1991, the percentage of single-parent households with *dependent* children doubled, from three percent to six percent. The proportion then remained stable up until 2002 (ONS, 2003), and is currently higher than in most other European countries – second only to Sweden in the EU-15 (Eurostat, 2004b). Changing the unit of analysis from families to children, data from 2002 suggest that one fifth of all dependent children in Great Britain live in single-parent households, a proportion which has doubled since 1981 (ONS, 2003). Only one in seven solo mothers report having never lived with or been married to the father of their children, and very few lone mothers are widows (McKay 2002). This means that partnership breakdown is the predominant pathway into solo parenthood, and that increasing divorce rates are responsible for much of the increase in single-parent families. Taken together, the evidence just presented implies that a considerable proportion of British children experience the divorce of their parents and the economic consequences that follow.

#### *2.4 The British labour market*

The British labour market is characterized by high employment rates for both men and women and – relative to the rest of Europe – fairly low levels of regulation. Unemployment rates have halved from 10 percent in the mid-1980s to around 5 percent between 2001 and 2005 (see Data Table), and long-term unemployment has fallen by more than 80 percent since 1997. The proportion of children living in workless households has also fallen by 2.6 percent since 1997 (Sutherland, 2005). Nonetheless, these figures mask a good deal of heterogeneity within the British population. Chronic unemployment remains a problem for some individuals, and figures from 2004 show that two-fifths of long-term unemployed persons who enter work find themselves out of work again within six months. More than a quarter of temporary employees would like a permanent job but cannot find one.

The employment rates of women have been rising over time, but employment rates and rates of growth differ substantially by level of education, ethnicity, and family structure. Mothers with small children have far lower participation and employment rates than other women. For single mothers, employment rates are even lower, but they have been increasing in recent years. For example, the employment rate of single mothers was just over 55 percent in 2004, up from 44 percent in 1996 (Sutherland, 2005). This percentage is also small relative to the general population of women aged 25-49 in the United Kingdom, where 72 percent report their main activity status as employed or self-employed (Eurostat, 2004b). Only the Netherlands has such a small percentage of single mothers in paid employment.

Although the headcount rates for employment are high and suggest some level of gender equality, they obscure some important aspects of the British labour market as



they relate to the economic independence of women, and of mothers in particular. Despite high employment rates, many women – and a small but increasing number of men – work part time, and many women work fairly short part-time hours, often less than 16 hours per week. Although rates of employment amongst British mothers with children under the age of six rose from 43 to 56 percent between 1990 and 2000 (see Data Table), most of that increase was in part-time employment; increases in full-time equivalent employment were much more modest (Harkness, 2005). This has important consequences for gender inequalities in earnings in both the short and long term and also has important consequences for the economic well-being of women and children following a divorce. Relative to other European countries, part-time jobs are more occupationally and vertically segregated (Francesconi and Gosling, 2005; Manning and Petrongolo, 2004). As a consequence, many women (and some men) trade flexible hours for low-paid and low-skill jobs. Of those working-age adults who earned less than £ 6.50 per hour in 2004, nearly two-thirds were women and half were part-time workers (Palmer, Carr, and Kenway, 2004a; 2004b).<sup>2</sup> This has led to concern that the segregated full-time/part-time labour market has resulted in an inefficient utilization of skills because a high percentage of part-time workers believe themselves to be working below their potential (Darton and Hurrell, 2005; EOC, 2005). In addition, individuals who experience a spell of part-time work and then later return to full-time employment face wage penalties well into the future, suggesting that part-time work – even when it is a temporary strategy – substantially affects a person’s long-term position in the labour

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<sup>2</sup> Low pay is also strongly associated with qualification levels. For example, more than half of those with no qualifications earn less than £ 6.50 per hour.

market (Francesconi and Gosling, 2005). This pay penalty affects women more than men because women usually shift to part-time work in the middle of their working lives when they have to reconcile work with childcare and elder care responsibilities (EOC, 2005). This life cycle-related pay penalty is an important reason for women's inferior economic position following divorce, particularly in the case of women who have had children (and/or taken on caregiving responsibilities) in the past.

Compared to the regimes in other Western European countries, the British government is reluctant to intervene in the labour market. There is fairly strong equal opportunity legislation, but the substantive effects for those whose work patterns deviate from the standard male model are somewhat limited. For example, the Part-time Workers' (Prevention of Less Favourable Treatment) Regulations, which aim to secure parity between part-time and full-time workers in terms of holiday entitlements, sick pay and pensions, were introduced in 2000. Their potentially positive impact is weakened by the degree of occupational and job segregation that exists between full-time and part-time workers, which makes it difficult to find comparable workers in order to make a case for unfair or discriminatory treatment. And as long as the labour market remains highly segregated, women's access to well-paying jobs will be limited unless they are willing and able to work full-time. The labour market increases the economic risks of divorce for those women who are unable or unwilling to do so.

While many part-time workers are poorly paid and unable to exercise their full potential, concerns have also been raised about the fact that many full-time employees – particularly fathers – are stressed as a result of increased work intensification and long hours (Hurrell and Davies, 2005). Despite having some of the longest working hours in Europe, Great Britain is not achieving the same levels of productivity as other European

economies like France and Germany (HM Treasury, 2004). About two-thirds of all employees report regularly working overtime (both paid and unpaid), and the most common reason for doing so is work pressure (Stevens, Brown, and Lee, 2004). Even if it is not related to productivity gains, research shows that working overtime is related to men's wage growth and job retention (Harkness, 2005) – so in the British labour market, it is often an un-stated requirement. Unfortunately, this work culture of long hours and high intensity creates an obstacle to decreasing the horizontal and vertical segregation of part-time or other flexible work opportunities. Moreover, it reinforces a gendered division of paid and unpaid work, because men's time is taken up with long hours of work, which, in turn, shifts caregiving responsibilities onto the female partner. Such incentives for specialization leave neither partner in a position to assume both the economic and caregiving responsibilities for children in the event of a divorce or separation (EOC, 2005).

### *2.5 Poverty*

Using a relative poverty rate and the most common threshold for low income (60 percent of median income),<sup>3</sup> data show that in the late 1990s, the United Kingdom had one of the highest rates of poverty amongst more economically developed countries. In terms of child poverty, it looked even worse. But this was not always the case. Relative poverty rates, particularly in households containing children, began increasing in the 1980s. In 1979, about 12 percent of children were living in households with low

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<sup>3</sup> In 2003/04, before deducting housing costs, this equated to £ 200 per week for a couple with no children, £ 122 for a single person, £ 291 for a couple with two children and £ 214 for a single parent with two children (Palmer, Carr, and Kenway, 2004a).

incomes, and by 1996/97, this figure had risen to 25 percent. One reason for this was the increase in divorce and single-mother families and, somewhat related, the increased risk for children of living in workless households (Sutherland, 2005).

Of course, most studies of the economic consequences of divorce utilize data that were collected during these years of high poverty and high rates of joblessness in single-parent families. Although lone parent families remain extremely vulnerable, policy changes that have taken place since the late 1990s have reduced poverty and have likely affected the economic position of those divorced families that have dependent children. In 2003/04, an estimated 12 million people in Great Britain were living in households whose income was below the 60 percent threshold. This figure is 2 million less than it was in 1996/97, but it remains much higher than it was in the early 1980s. Similar to the overall trend, the percentage of children living in low-income households has been falling. In 2003/04, about 3.5 million children were living in low-income households – a drop of 0.75 million since 1996/97. In contrast, the percentage of working-age, childless adults living in low-income households has remained relatively stable and even gone up slightly (Palmer, Carr and Kenway, 2004a; 2004b). The different situations of children and childless adults can be explained by changes in the social security system which are targeted at reducing child poverty but do not put much focus on poverty more generally.

Despite recent declines in the number of children living in low-income households, children are still 1.5 times more likely to live in low-income homes than adults are. Almost 2 million children live in workless households, and this is an important risk factor for poverty – although high levels of income inequality, particularly important for women facing part-time pay penalties, mean that work is not

always sufficient to lift families above the low-income threshold. Children living in single-parent households, many of whom have experienced parental divorce, remain at a greater risk of living in poverty. Estimates for 2004/05 suggest that about 22 percent of children in lone parent families are living in low-income households, compared to only 13 percent of children living in two-parent households (Sutherland, 2005). However, children living with couples are more likely to be poor than children who live with solo parents in many other European countries, suggesting that minimal government support leaves many families economically vulnerable (Rainwater and Smeeding, 2004).

### **3. The family in British family law and family policy**

In this section, we will describe the way in which British law and policy approach family issues. Historically, families have been expected to make choices and bear the financial (and emotional costs) costs of those decisions privately. When relationships break down and the government is not required to provide income support, there continues to be a strong emphasis on negotiation and mutual consent. Families are encouraged to sort out custody issues and the division of property amongst themselves. Moreover, when the government has sought to intervene to a greater extent – as in the case of child support – the more interventionist approach has been far from successful.

#### *3.1 Family law*

Although no-fault divorce was implemented in Scotland in 2005,<sup>4</sup> the law for England and Wales continues to be fault-based and, for the most part, based on the Matrimonial

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<sup>4</sup> In 2005, the Scottish Executive passed a divorce reform; thus, its divorce law now differs from that in England and Wales. This bill reduces the mandatory separation period from two years to one where there is mutual consent and from five years to two when the divorce is contested. In addition, desertion is

Causes Act (1973) which allows for divorce solely on the grounds of “irretrievable breakdown”. Irretrievable breakdown is evidenced when one of the following five facts is established as “proof”: adultery of the other spouse; unreasonable behaviour of the other spouse; desertion after two years; separation with mutual consent after two years; separation with no consent after five years.

Despite a general reliance on negotiated divorce settlements, when an agreement cannot be reached, the division of marital assets is left to the discretion of the court. During the 1980s and 1990s, discretionary approaches focused predominantly on the needs and reasonable requirements of the spouse with caregiving responsibilities. For families with low levels of assets, this approach generally favoured the parent who cared for the children, most often the female partner. In contrast, for wealthier families – those with more assets than required to meet their needs – a larger share (typically two-thirds) tended to be awarded to the male spouse. Although the court’s decision regarding division of assets was discretionary and therefore uncertain, this rule of thumb likely increased the bargaining power of husbands and affected the division of assets even amongst those families who reached their own agreements (Dnes, 1998).<sup>5</sup> It was not until 2000 that the House of Lords ruled that the starting point should be an equal division of assets. This was the same year that pension-sharing rules were introduced, so

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eliminated as a grounds for divorce. It also extends the legal regime to cohabiting couples, granting legal protection in the event of partnership breakdown or death of the partner.

<sup>5</sup> For Scotland, the Family Law Act of 1985 states that the starting point should be an equal division of assets. Therefore, the 1/3 rule of thumb applies to those families divorcing in England and Wales.

for most families analyzed in the mid-to-late 1990s, women in wealthier families were likely to be discriminated against in the division of marital assets following a divorce.

The maintenance aspects of the Divorce Reform Act of 1969 and the Matrimonial Causes Act of 1973 were formulated at a time when marriage rates were extremely high, and it was implicitly assumed that remarriage would follow divorce. The assumption of (rapid) remarriage meant that less attention was directed towards support for ex-wives and biological children. Related to this was an emphasis on the need for a “clean break” which would help adults to move from a bad relationship to a good one with fewer remaining financial and emotional ties (Smart, 1999). However, the provision of social security support for first wives, which developed during the 1970s as a way of supporting clean breaks, became increasingly expensive because divorced women either did not remarry, or because they remarried but subsequently divorced. The proportion of lone mothers dependent on state benefits rose from 20 percent in 1961 to 66 percent in 1987 (Bradshaw and Millar 1991).

In the late 1980s and early 1990s, the government responded to the increasing costs of supporting single-mother families and began to redefine parental obligations with an emphasis on tracing absent fathers and recovering maintenance. This policy development deviated in important ways from the pre-existing approach to divorce and child maintenance agreements. In 1991, a Conservative government passed the Child Support Act, which required all non-resident fathers to economically support their biological children without reference to their current living arrangements and obligations. This was contrary to the previously implicit assumption that men should support the families with whom they currently live. The law was meant to shift responsibility for supporting single-mother families from the state to individual men,

increasing both the percentage of fathers providing support and the amount that they provided. The law was implemented retroactively, so that men who believed they had had a “clean break” divorce were suddenly at risk of being required to provide maintenance. The discretion applied by the courts with respect to maintenance decisions was replaced by a complicated formula which took fathers’ living costs into account using social assistance levels. This meant that for many fathers, child support obligations were likely to increase by large amounts. Had they been effective, these policy changes would have had little impact on the economic situation of low-income families following a divorce, because for those mothers who received state benefits, child support payments went not to them but to the Treasury. The net effect of these changes would be to lower the economic well-being of divorced men with children without increasing the economic well-being of divorced women with children to any great extent.

But child support policies have been far from effective. The Child Support Agency (CSA) went into operation in 1993 and has faced a series of problems, failures and criticisms from the outset (Lewis, 2002; Blaiklock, 2004). Recently, the Department of Work and Pensions carried out an extensive review of the CSA, hoping to improve collection outcomes and address its 1 billion pounds of arrears (*Guardian*, 7 November 2005). The result of this review, the 2006 Henshaw Report, called for “a simpler system of child support that enables and encourages parents to make their own maintenance arrangements with firm and effective State intervention where that is not possible.”<sup>6</sup> In other words, current calls are for a return to the traditional liberal approach

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<sup>6</sup> [http://www.dwp.gov.uk/childsupport/henshaw\\_report.asp](http://www.dwp.gov.uk/childsupport/henshaw_report.asp)



characterized by mutual consent with low levels of public regulation and interference, and, if the results are consistent with past outcomes, this policy will probably result in fairly low levels of child maintenance and work to protect the incomes of fathers after they divorce.

### *3.2 Family policy and anti-poverty measures*

In the United Kingdom, family policy has historically been minimal, reflecting the country's liberal, individualistic and market-oriented ideology. Taxes tended to be individualized (although there was some tax relief for married couples in the past), and for married couples, issues of fertility and childcare were considered private matters (O'Donoghue and Sutherland, 1999; Randall, 1999). On the other hand, the United Kingdom was unique (along with the Netherlands) in that it expected lone mothers to remain at home and care for their children full-time, and provided low levels of income support so that they could do so (Millar, 1996). But changes in recent years have reflected a marked move towards greater governmental support for families with children, especially when those families are engaged in (low) paid work. Many of the consequent policy developments – which could be characterized as an attempted move to a “citizen worker model” – have affected the circumstances of families with children, and especially of single-parent families (Drenth, Knijn, and Lewis, 1999). Although much of the government's support for families with children continues to be limited to those on low incomes, increased rights and levels of support have been extended to all families. Some of the more important aspects of recent policy reforms and developments include improvements to maternity and parental leave entitlements, including the right of parents with small children to request part-time hours; above-inflation increases in child benefits (counterbalanced for some families by the removal

of the lone parent supplement); work-activating changes to the tax system; and improved government support for childcare. Although these changes took place so recently that their effects will not be reflected in many fairly recent estimates of the economic consequences of divorce, we can nonetheless speculate about the impact they are likely to have.

### *3.2.1 Maternity leave*

Statutory maternity leave has existed since the 1970s, but it was originally only available to women who had been continuously employed with the same employer for at least two years (5 years for women working short part-time hours). A large percentage of working women failed to meet this requirement. Entitlement was only extended to all working mothers in the early 1990s, but even so, there is a two-tiered system of Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML).

Until recently, all women employees were entitled to 26 weeks of OML, and those who had completed 26 weeks continuous employment with their present employer ending with the 15th week before the baby was due were eligible for a further 26 weeks of AML. For babies due on or after 1 April 2007, maternity leave was extended to one year for all women, regardless of the length of service. At the same time, entitlement to Statutory Maternity Pay was extended to 39 weeks.

### *3.2.2 Parental leave*

Parental leave – an unpaid, individual entitlement consisting of thirteen weeks per parent per child – was first introduced in December 1999. Leave can be taken in blocks or in multiples of one week up until the child is 5 years old, but parents are not permitted to take more than four weeks of leave per calendar year. All employees with

at least one year of continuous employment with their present employer who have – or expect to have – parental responsibility for a child are eligible. Consistent with its reluctance to impose strong regulations on the labour market or to interfere in “private matters”, the government’s Summary Guidance states that “wherever possible employers and employees should make their own agreements about how parental leave will work in a particular workplace” (DTI, 2006). Moreover, if employers “cannot cope”, they are permitted to postpone a period of leave for up to six months.

### *3.2.3 Right to request part-time hours*

Legislation was also introduced in 2003 which gives parents of children under the age of six (under 18 if the child is disabled) a Right to Request to Work Flexibly in their existing jobs. As of April 2007, this right to request was extended to those with caregiving responsibilities for adults as well. This is a potentially positive measure, given the considerable segregation between full-time and part-time work. Research suggests that thus far the majority of requests for flexibility have been granted (Palmer, 2004; see also Holt and Grainger, 2005), but other national evidence suggests the practice is quite limited, and only those who think that their requests will be granted ask for consideration in the first place (Manning and Petrongolo, 2004). Likewise, local labour market studies suggest that flexible working arrangements are not widespread. Some firms have extended this right to all employees (CIPD, 2005), but since the scheme remains discretionary, the decisions that firms make are likely to vary with the state of the labour market. Furthermore, qualitative studies have reported that, in practice, the operation of flexibility on a day-to-day basis rests on decisions made by line managers irrespective of formal company policy (Perrons, 1999; Yeandle et al., 2002; Standing, 2006).

### 3.2.4 *Child Benefit*

The Child Benefit is a universal cash payment made available to all families with children under the age of 16 and, since April 2006, to families with “qualifying young persons” aged 16, 17, 18 and 19. In order to qualify, a young person must meet education or training requirements. The payment is made directly to the main care provider, generally the mother. A higher rate of Child Benefit is paid for the eldest child in a family. As of April 2006, the benefit amounts to £ 17.45 per week for the eldest child and £ 11.70 per week for each additional child. Compared to the amounts paid in other EU-15 countries, this level of benefit places Britain in the lower middle range of the ranking for different amounts of household incomes, just above the four Southern European countries (de Henau, Meulders and O'Dorchai, 2002).

In addition to the Child Benefit, for all children born since September 2002, there is now a *Child Trust Fund* into which the government pays £ 250 at the time of birth (£ 500 for poor children). Additional funds are added when the child is seven years old. These savings (along with additional contributions by families or friends up to an annual limit) are tax-free, and the funds can be accessed when the child reaches the age of 18.

### 3.2.5 *Taxation changes*

In the late 1990s, the government introduced a series of targeted tax reforms aimed at providing additional support to families with children. Key policies include an integrated refundable tax credit for out-of-work families and low-paid working families (with a supplement in the first year of a child's life) and additional benefits for parents who work 16 hours or more per week (the Working Tax Credit). The effect of these

policies has been to make the tax system increasingly less individualised, to directly increase the incomes of poor families with children, and to increase the number of households eligible for benefits (Sutherland, 2005). More than three times as many working age adults received tax credits in 2004/05 as those who received what was then called the Family Credit in the early 1990s ([http://www.poverty.org.uk/summary/key\\_facts.htm](http://www.poverty.org.uk/summary/key_facts.htm)). While changes to the tax system have improved the financial situation of many families, the impact of these policy changes on gender equality among low income couples with children has been criticized. Because eligibility for tax credits is calculated at the household level, they may work to discourage second earners – usually mothers – from entering the labour market and building up work experience. Hence, tax credits may work to reinforce the male breadwinner model and incentivize decisions which would exacerbate the economic risks faced by mothers should they eventually divorce.

### *3.2.6 Improved access to child care*

In May 1997, the government launched a National Childcare Strategy. The strategy aims “to ensure good quality, affordable childcare for children aged 0 to 14 in every neighbourhood, including both formal childcare and support for informal arrangements.”<sup>7</sup> Although the plan has been criticised for providing too few places to children under three years old (Rake, 2001), half a million new childcare places have nevertheless been made available since 1997. In addition, there has been an expansion in free early education for all 4-year-olds and an increasing number of 3-year-olds. All

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<sup>7</sup> <http://www.surestart.gov.uk/aboutsurestart/about/thesurestartprogramme2/challenge/>

4-year-olds are guaranteed a free early education place if their parents want one, but the hours provided are part-time, and the minimum provision amounts to just 12.5 hours a week (Rake, 2001). For many dual-earner families, taking advantage of free early childcare means that they must rely on a complex mix of formal, informal and back-up support, both for care and for transportation between care sites. Logistical requirements of this sort prevent some mothers from taking up paid work. The situation is particularly difficult for single mothers who are less able to rely on assistance from fathers and for families with more than one child (Skinner, 2003).

### *3.2.7 Anti-poverty measures*

In order to address high rates of relative poverty and child poverty, the government has, in recent years, implemented a wide range of new measures and reformed some aspects of the welfare state. As Holly Sutherland (2005) suggests, taken together, the piecemeal reforms can best be summarized as attempts to reduce poverty “without preventing ....labour market improvements....” (Sutherland, 2005:12). Some of the more important measures include the introduction of a national minimum wage as well as the introduction of the “New Deal” employment activation programmes. Overall, the government has increased the amount of support that it offers to low-paid families (with a stronger emphasis on families with children), but it has been more radical in its reforms to the tax system and more cautious in its efforts to impose additional regulations on the labour market.

The first legislation for a national minimum wage was passed in 1998. It took effect in April 1999, and has worked to raise the wages of the lowest paid – the majority of whom were women and part-time workers. Hence, this legislation should have an effect on the economic position of single-parent families. Concerns about the costs it

would impose on businesses and the effect it might have on unemployment rates meant that the main rate was originally set at a fairly low £ 3.60 per hour (with a lower youth rate of £ 3.00 per hour). However, it has been raised in each subsequent year, and as of October 2006, stands at £ 5.35 per hour (with a lower youth rate of £ 4.45 per hour for 18-21 year-olds, and an even lower development rate of £ 3.30 per hour for 16-17 year-olds). Despite periodic increases, the rate remains relatively low, and because it is nationally set, it is well below a “living wage” in more expensive areas like London.

At the same time that it introduced a national minimum wage, the government implemented a series of “New Deal” work activation programmes. Different programmes were made available to different segments of the population (younger workers, older workers, the long-term unemployed), including two groups comprised mostly of women: partners of the long-term unemployed and single mothers. Single parents of children under 16 who receive benefits are now required to attend information meetings once a year (more often if the child is older than 14) to discuss the possibility of finding work and to receive help and assistance should the lone parent choose to do so. However, there is no requirement that the single parent take up work while he or she has a child under the age of 16. These measures were meant to inform those single mothers who were not employed of the new and increased benefits of entering the work force. Relative to New Deal programmes with high levels of male participation, funding for schemes aimed at solo parents and partners of the unemployed is fairly limited, and only about half as much is spent per head (Rake, 2001).

Finally, in order to address the persistently high rates of poverty amongst childless adults, the Working Tax Credit, which had originally been made available only to families with a dependent child, was subsequently made available to couples without

children who are low paid and work more than 30 hours per week. Reductions in social security contributions (without a decrease in social security entitlements) were also introduced for all low-paid workers.

### *3.3 The likely impact of recent policy changes*

Taken together, recent policy changes should lessen the economic consequences of divorce for women with children. The increased eligibility for maternity leave – if linked to greater labour market attachment and earnings growth – should protect mothers against the economic consequences of divorce, although women may still face part-time pay penalties (and other disadvantages associated with low labour market regulation) if they request and are granted part-time hours. Employment incentives, a minimum wage, and the increased availability of childcare – particularly for lower-income families – should work to increase the number of working mothers after (and to a lesser extent before) a relationship dissolves. Greater economic support for children in general should improve the economic circumstances of single-parent families headed by women, whether or not they work. Although women and children will still bear most of the economic costs of divorce, recent policy changes should work to lessen the burden to some extent. Recent attempts to address the poverty of working-age adults without children should provide a buffer against the economic consequences of divorce for childless adults as well.

## **4. Consequences of partnership dissolution**

Empirical analyses of longitudinal data suggest that – similarly to the situation found in many other countries – women in Great Britain experience a substantial drop in household income following a divorce, particularly when they have children (Jarvis and Jenkins, 1999). Moreover, their short-term average and median changes in income are



large relative to those experienced by British men who divorce. Indeed, some studies find that on average, British men experience a modest increase in household income subsequent to divorce (Jarvis and Jenkins, 1999; Andreß et al., 2006). Estimates from the early nineties (1991-1994) suggest that women's household income declines by 18 percent after a divorce, while men's income increases by about 2 percent. Although methods and measures differ across studies, making comparability difficult, estimates from the second half of the 1990s suggest that declines in household income for women may have grown even larger as the decade progressed (DeWilde, 2003; Uunk, 2004).<sup>8</sup> These studies estimate income declines as high as 27 to 36 percent for women who divorce. Although similar results have been found for many other industrialized countries, evidence also suggests that compared to other countries where welfare provision is more generous, the short-term economic consequences in Britain are relatively severe (Dewilde, 2003; Uunk, 2004; Andreß et al., 2006). Given that during the 1990s, women had weak positions in the labour market, weak bargaining power to obtain a fair share of marital assets, little recourse to maintenance from a former husband, and received little or no child support when there were children involved (Marsh et al., 2001), large changes in household income relative to other countries are not surprising.

Some authors have suggested that men face a good deal of economic disadvantage subsequent to divorce as well, but that a reliance on monetary indicators like earned income tends to mask the short-term deprivation that they experience. Evidence from an analysis with welfare regimes as the unit of analysis suggests that for

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<sup>8</sup> These latter studies did not consider the economic position of men following a divorce.

liberal countries (data for the UK and Ireland are combined), that may be the case. When monetary indicators are used, the changes in well-being for divorced men are small and insignificant. In contrast, when a relative deprivation index is used, although women continue to fare worse, there is evidence that men also face high levels of deprivation following a divorce. The authors point to the fact that women tend to remain in the family home, at least when there are children involved. They suggest that the gender gap in access to good quality housing and household durables – at least in the shorter term – may work to favour women. This may not be reflected well in purely monetary measures but will show up in questions regarding housing quality (Aassve, Betti, Mazzucco, & Mancarini, 2006). Although different measures have the potential to provide a more nuanced picture of changes in men's economic status after a divorce, it remains true that regardless of the deprivation measure used, women in liberal countries still tend to fare worse both relative to their ex-partners and relative to women who divorce in other countries. The gender gap in overall well-being narrows because men fare worse on some (less commonly used) measures than others. The situation for women is remarkably stable across different measures; therefore, the conclusion that women bear a disproportionate share of the economic costs of divorce is not overturned.

Few authors have examined the economic consequences of divorce in Great Britain or any other country over the longer term, and most existing studies have focused on families headed by single mothers (whether due to divorce or childbearing outside of a partnership) rather than on the divorced population. Evidence from an American study of solo parents suggests that one of the most important determinants of economic recovery for single mothers over the longer term is re-partnering (Page and Stevens, 2004). This work suggests that children in families that divorce experience a

50 percent drop in household income after the divorce. For those who do not remarry, household income is still 45 percent lower than that of two-parent families even six years after the divorce. In contrast, amongst the remarried, income is about the same (insignificantly higher). Similarly, Jenkins and Schluter (2003) show that in Great Britain, most lone parent families that increase their labour supply (and hence increase their chances of exiting poverty) do so by adding a new partner to the household. Given women's inferior labour market and economic position, the incentives for re-partnering in Great Britain are probably fairly strong. Analyses of British data show that 70 percent of previously cohabiting people and 43 percent of previously married people find another partner within five years of a relationship breakdown. Rates of re-partnering are slower for those who are older or have custody of a child, however, and women with these characteristics are likely to have had the largest declines in household income (Ermisch, 2002). Comparative evidence on rates of re-partnering is scarce, so it is difficult to confirm that these figures are higher or lower relative to other countries. One of the few comparative studies focusing on the longer-term economic consequences of divorce (not single motherhood) also presents some evidence that higher rates of re-partnering may be responsible for what appears to be the relatively fast economic recovery of divorced women in (Andreß et al., in this volume). But cross-national differences in re-partnering and its economic consequences is an area that requires further exploration and research (see the literature discussed in Andreß et al., in this volume).

Although comparative research provides valuable information about variations in risk and vulnerability, making sense of the long-term economic consequences of divorce – and doing so using a comparative perspective – can be particularly

challenging, not least because data are often only available for specific periods of time, and the prevailing contextual factors are likely to differ dramatically across countries. For example, when interpreting the relative speed with which British women recover their pre-divorce incomes, it is very important to take into account that most studies of divorce in Britain use data collected during the 1990s. Using data from this time period means that recovery of pre-divorce income (measured and deflated for example in year  $t-1$ , where  $t$  is the year of divorce) will tend to overstate the speediness of economic recovery following divorce, at least relative to many other countries. Between 1991 and 1998, Britain went through a period of strong economic growth. Median real adjusted household income rose by 11 percent during that time period. In contrast, over the same time period, median adjusted incomes in West Germany (and many other European countries) remained stagnant (Jenkins and Schluter, 2003). So pre-divorce income is a more meaningful measure for German women than it is for British women – who, because of the country's strong economic growth, were chasing a fast-moving target. Put another way, a woman who had a median household income in 1991 may have got back to that level of real income in 1998, but in 1998 that same level of income would now be 11 percent below the median. This is an important challenge facing researchers who want to examine economic consequences over the longer term and who want to use a comparative perspective to interpret their findings. The economic climate in the countries being compared may make comparisons of economic recovery based on measures of real income difficult to interpret and may require the use of several measures to get a complete picture of differences across countries. Income measured as a percentage of the relative poverty line might yield substantively different results than (inflation-adjusted) real incomes.

## **5. Conclusion**

Rates of divorce in England and Wales are amongst the highest in Europe, and Haskey (1996) estimates that if divorce rates continue at around the mid-1990s level, two in five marriages will eventually end in divorce, and many of these families will include young children. Data from 2004 show that one fifth of all children affected by divorce were under five years old, and just under two-thirds were under 11. These patterns are important because evidence suggests that women and children bear a disproportionate burden of the economic costs of separation.

Traditionally, Great Britain has been liberal in its approach to welfare and individualistic in its approach to family matters (both during and subsequent to a relationship breakdown). Relative to other Western European countries, family matters tended to be relegated to the private sphere, while attempts to deal with their consequences were generally left to the market. Although some important changes have occurred in recent years, most of the empirical evidence on the economic consequences of divorce pre-date those potentially important policy changes, and the earlier policy context is therefore relevant for understanding the findings of existing studies.

Although the earlier policy context is important for interpreting the findings of existing studies, we should not forget that important changes have occurred. The national minimum wage, the expansion of childcare, more generous tax credits, and increased rights to request work flexibility should all have worked to improve the situation, at least for those women who are able to enter the labour market. Women's economic circumstances after a divorce have probably improved. Even so, British family and anti-poverty policies still do little to address the gender inequalities that result from a relationship breakdown. For women, the economic costs of divorce are

likely to be somewhat lower, but remain great, especially when there are children involved. Improved but limited family policy means that mothers can expect little compensation for the costs of raising children. Additionally, weak child support policy means limited financial support from the non-resident father. As a consequence, the only feasible route to economic recovery for women subsequent to divorce is via their own or a new partner's labour market participation. But because the British labour market is highly unregulated and continues to assume a male model of work, it fails to acknowledge or accommodate caregiving responsibilities. This reality makes the reconciliation of work and caregiving difficult, and for some women – despite recent policy changes – re-partnering may still be (and continue to be) the most effective route to economic security.

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