

A Role for Grandparents? Child Welfare at the Heart of Work-Life Balance

Can regulating the role of grandparents help to prioritise the welfare of the children? Currently parents face financial demands of working whilst also having to provide care for their children at home. **Ruksar Sattar** explores why it is important for child welfare to be the centre of attention when discussing legislation regarding work and home life...

Whilst recognising the valuable contributions of the existing reconciliation policies and legal measures towards the promotion of a family-friendly workplace, my research reveals that very little attention has been paid to the welfare of children within the reconciliation discourse.

“Parents worldwide are confronted by the demands of participating in paid work and providing care for their children”

I argue that the Court of Justice of the European Union has, instead, reached decisions which disregarded and potentially are to the detriment of the very welfare of the children it seeks to protect.

Fundamental to my research is the need to emphasise the importance of children in the development of policies and legal measures for the reconciliation between work and family life. Contrary to what appears to be the policymakers' view that children are objects and obstacles to the participation of parents in the labour market, my research argues that children are subjects in their own right with their own needs and potentials. It is crucial that the welfare of children forms part of relevant employment law dialogue.

A core aim of my research is to consider how to address the disregard for the welfare of children within the reconciliation discourse. It is proposed that one of the possible ways to do so is through the regulation of the role of grandparents who play a significant role in childrearing. According to the Eurochild, 63% of UK grandparents provide care to their grandchildren. Grandparents provide full-time care for their grandchildren regularly, and often facilitate a work-life balance for their children by providing childcare whilst parents are at work. Such care may either take the form of occasional childcare when the need arises, or be more structured, through the provision of regular childcare. The provision of informal care by grandparents not only allows the state to explore different avenues to look at the topical issue of childcare, but it also allows intergenerational learning which contributes to the emotional, social and cognitive



Grandparents directly facilitating reconciliation by providing informal childcare.

Parents worldwide have long been confronted by the demands of participating in paid work and providing care for their children. Over the last few years, the United Kingdom's legal framework has significantly changed to address this evolving social reality and the European Union has played a pivotal role in this through the introduction of the reconciliation of work and family life principle. Under this principle, a dynamic set of policies and legal measures have gradually been developed focusing on the tension inherent in juggling work and family responsibilities.



Image reflecting the importance of grandparents in the education and welfare of children in our society.

development of children. Taking this into consideration, my research urges policymakers to do more to recognise and support the vital contributions that grandparents make to the social and economic well-being of their grandchildren, their families and the state as a whole.

“... children are not only the future of the economy but they are also subjects in their own right with their own needs and potentials.”

Policymakers must recognise that the reconciliation principle will only ever be successful when leave, time, and childcare provisions are regarded as complementary and developed in parallel. Care-giving and care-receiving have always been universal and inevitable parts of the human condition, and childcare initiatives should reflect this ubiquity through structured childcare provisions that recognise the time and leave necessary to raise children. Given the benefits of the provision of informal care by grandparents, my research recommends that policymakers extend the existing leave and time measures to grandparents and introduce new childcare provisions which recognise grandparents as integral

carers alongside parents. One of the proposals is based around the introduction of welfare benefits for grandparents who provide informal childcare. In investigating the support services available in Europe to grandparents who provide informal care to their grandchildren, Eurochild reported that 65% of the grandparents surveyed criticised their states for the lack of funding and support available for the provision of childcare they provide.

“... extend the existing leave and time measures to grandparents and introduce new childcare provisions which recognise grandparents as integral carers alongside parents.”

Questions may be raised in relation to the eligibility criteria for the attainment of the proposed welfare benefits in the UK. My research recognises the need to devise a system that tackles these concerns by proposing a robust criterion for access to the welfare benefits. Similarly, concerns may be raised in relation to the voluntariness of grandparents in providing informal childcare.

Many grandparents are still at work due to the continuous increase in the state pension age. Even though most grandparents enjoy caring for their grandchildren, caring for children in addition to work commitments can be detrimental to grandparents' health, which can result in greater dependence on the public health care system and in higher costs for the NHS.

My research recognises these concerns and aims to identify a means to ensure grandparents voluntarily choose to provide care to their grandchildren. Despite these concerns, the UK government has recently recognised that this is an area worth exploring. My research will thus endeavour to contribute further to the existing debates in this emerging field.

Questions that need to be asked

Given the social and political context just described this research hopes to address a very relevant question, namely:

To what extent could the regulation of the role of grandparents contribute to place the welfare of the child at the heart of work-life balance?

However, at least three additional questions emanate from this:

1. To what extent is the consideration for the welfare of children lacking within the traditional reconciliation discourse and theoretical framework?
2. Do the current relevant reconciliation policies and legal measures at both EU and UK level take into consideration the welfare of children?
3. What reforms can be proposed to address the disregard for the welfare of children and to what extent does the regulation of the role of grandparents put the welfare of the child at the heart of the reconciliation principle?

How to find the right answers

My research utilises two distinct methodologies, combining the traditional doctrinal or theoretical approach with the developing socio-legal interdisciplinary approach.

Doctrinal research is the expository process used to identify, analyse, and synthesise the content of the law. In order to illustrate the extent to which consideration for the welfare of children is lacking within the reconciliation policy and legal measures, my research requires a process of selecting and weighing materials taking into account hierarchy and authority within the wider social

context to support a particular principle. Most doctrinal scholars would agree that the immediate first step in doctrinal research is to understand the content of the law before being concerned about its derivation or effects on society. Despite the general criticism that doctrinal research is too narrow in its scope and application of legal understanding by reference primarily to case law, doctrinal research is necessary to demonstrate how the law (here, relating to reconciliation) has developed in terms of judicial reasoning and legislative enactment. As a result, given that the second question of my research focuses on discovering what the law is through an evaluation of primary sources (legislation, case law and policies) as well as analysing the law through an examination of secondary sources (textbooks and journal articles), the doctrinal research approach is essential.

In contrast with the doctrinal research approach, socio-legal research looks beyond the legal doctrine to understand law as a social phenomenon or type of social experience. My research analyses the causes for and consequences of the disregard for the welfare of children, and therefore requires a consideration of the social factors involved which impact current law and practice. Apart from showing whether the laws have achieved their intended effect and revealing how the law actually works in practice, socio-legal research can assist in law reform proposals by linking law to policy goals. A socio-legal critical approach is vital to my research because I focus on analysing the impact of the existing provisions on society as well as the impact of proposed recommendations for redressing the disregard for the welfare of children.

Impact on Law and Society

My research has the potential to enhance social and economic well-being in the UK. It has the potential of having not only a conceptual impact contributing to the understanding of policy issues and furthering debates but also an instrumental impact influencing the development of policy and altering legislation.

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My research aims to explore the possibility to establish a normative framework through the extension of the existing leave and time measures to cover the new social reality of grand-parenting and the introduction of new childcare provisions geared towards grandparents. The European Commission and the UK government have recently recognised that this is an area worth exploring.

Ruksar Sattar is a School of Law PhD student at the University of Leicester. She successfully secured an AHRC Midlands3Cities PhD studentship. She is happy to be contacted about any aspect of this article written for Frontier at rs525@le.ac.uk.