



Evolving Family Models in Spain

A NEW NATIONAL FRAMEWORK FOR IMPROVED
SUPPORT AND PROTECTION FOR FAMILIES



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Foreword

Family models are evolving rapidly in OECD countries. Only a few decades ago, most families followed the traditional married-couple male-breadwinner model. Today, families look very different. Partnering behaviours have changed substantially, and many more children are now living with unmarried cohabiting parents, in single-parent families or in “re-constituted” families. In the labour market, dual earning has become the norm for most couples in most OECD countries.

The changing nature of families and family life means that family policy must change, too. The OECD has long emphasised the need for governments to modernise and reinforce their family policy packages, starting with the *Babies and Bosses* series in the early- to mid-2000s. The common message throughout the OECD’s work is that family policy can only succeed if it provides co-ordinated, integrated assistance to all families in all their forms. This means offering families a continuum of support from birth up until adulthood, helping parents meet their work and family goals and protecting all families from poverty and disadvantage, whatever their circumstances.

This report on Spain builds on the rich body of OECD data and policy work on families and children. The report takes a look at family support and protection in Spain and reviews approaches to family policy in EU countries. The report proposes directions for reform to bring Spain’s family policy in line with evolving family models and expand investment in family support. Particular attention is devoted to incorporating family diversity into the national policy framework and addressing structural under-investment in family policies in order to improve family well-being, reduce child poverty and make family life easier for all.

The report was prepared in the OECD Directorate for Employment, Labour and Social Affairs (ELS), under the supervision of Veerle Miranda and the senior leadership of Stefano Scarpetta (Director of ELS), Mark Pearson (Deputy Director of ELS) and Monika Queisser (Head of Social Policy). It was written by Sarah Kups and Veerle Miranda, with valuable contributions from Anna Escobedo (University of Barcelona), Martina Garcia Aisa, Jordi Ribot Igualada (University of Girona), Sophie Riding (independent consultant), Willem Adema and Olivier Thévenon. Lucy Hulett and Jayne Maddock provided logistical, publication and communications support during the project.

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The Project benefitted from input to policy questionnaires, discussions, virtual meetings and technical workshops with a wide range of stakeholders over the period November 2020 – July 2021, including representatives of the Ministry of Social Rights and the 2030 Agenda; Ministry of Health; Ministry of Labour and Social Economy; Ministry of Inclusion, Social Security and Migration; Ministry of Equality; Ministry of Education and Vocational Training; Ministry of Justice; Ministry of Transport, Mobility and Urban Agenda; Ministry of the Presidency; State Secretariat for the 2030 Agenda; regional social services; non-

governmental organisations and associations working with families; and national and international family policy experts.

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Executive summary

Over the past decades, Spanish families have become smaller and less ‘traditional’ in their composition. With one of the highest fertility rates in Europe well into the second half of the 20th century, Spain now has the lowest rate in the region, at 1.3 in 2018 compared to the EU average of 1.5. Many young couples wait to have a child, in part because finding stable employment and housing can be difficult for them, but also because of fear of financial difficulties or an unsatisfactory work-life balance. Simultaneously, the legalisation of divorce and social acceptance of co-habitation has led to more diverse family compositions, with a decline in the share of children born to married parents and an increase in the number of children living in single-parent or reconstituted families. For instance, the share of new-borns with unmarried parents nearly tripled from 18% in 2000 to 47% in 2018.

With an increase of more than 50% in the share of mothers who are employed over the past two decades, the dual earner family model has now become dominant in Spain. Even so, the share of children under the age of 15 living in households where all adults are working remains, at 59% in 2018, slightly below the EU and OECD averages (62% and 61% respectively) and substantially below the shares observed in countries like Denmark, the Netherlands, Portugal and Sweden. Women continue to have more responsibilities in unpaid care and housework than men, but there are indications that these patterns have started to change in line with the increased availability of paternity leave and joint physical custody regulation.

While family law has evolved quite strongly alongside these societal changes, family policy – i.e. the combination of benefits, services, tax breaks and leave arrangements that support family members in raising and providing care to minor children and other dependent persons – has undergone some changes but few major reforms. The only national legal framework on family policy currently in place is the 2003 Law regarding the protection of large families. Existing family policies already acknowledge situations of additional needs of certain family types, but they often rely on the adjustment of individual laws rather than on a comprehensive view of all families. There is no basic common definition of a family unit for granting social benefits or tax breaks, and the rules to assess the financial capacities of families diverge across benefits and services. A new legal framework for family policies would help to address these inconsistencies, while acknowledging that each family has different needs.

Across many dimensions, people in Spain benefit from well-being outcomes that are similar to or better than the OECD average. Yet, a significant share of the population struggles with insufficient income, unemployment and high housing prices. These challenges are particularly affecting households with children, which tend to be more vulnerable than other population groups. Indeed, childhood poverty is very high in Spain compared to most other OECD countries, with nearly one in five children (19.3%) living in relative income poverty compared to an OECD average of 12.9%. A recent cross-OECD analysis shows that improvements in the rates and quality of parental employment would go a long way in reducing the poverty risk among Spanish children. However, family policies should also be strengthened in various ways, including through the introduction of a universal child benefit, an increase in social spending targeted at low-income families, adjustments to the child support scheme in case of divorce, and integrated family services with low barriers.

Changes in several other policy areas, including parental leave, working time, ECEC, primary education, out-of-school-hours care, family mediation and positive parenting programmes, would make it easier for families to combine work and family life and improve their well-being. For instance, while Spanish maternity and in particular paternity leave entitlements are comparatively generous, the absence of a paid parental leave can force parents to return to work before having secured formal childcare for their baby. Early childhood care and education (ECEC) is already near-universal for children from age three onwards, but parents of younger children may still struggle in finding affordable options for formal care of their children. In addition, quality and affordable after-school programmes not only allow parents to combine work and family responsibilities, but can also foster equal opportunities for children who may otherwise not have access to the same enriching cultural and sports activities and help with homework as other children do. The overall goal should be to offer families a continuum of support from birth up until adulthood and help parents meet their work and family goals.

Since different ministries and government levels in Spain are responsible for policies that affect families, family policy could become more impactful if different relevant actors, including the state, regional and local governments, service providers and advocacy organisations align their policy instruments. Various co-ordination and co-operation bodies operate in Spain, but their performance needs to be improved. In addition, while laws and policy programmes sometimes include monitoring and evaluation requirements, these are not always carried out as planned nor entirely independently. By monitoring and evaluating reform implementation and impact in a more systematic manner, future policies could be improved and may help to make family policy more objective and evidence-based.

Part I The current situation of family support and protection in Spain

1 The changing profile of Spanish families

This chapter provides an overview on the current trends that are leading to an increasing diversity of family forms and family life in Spain. Spain has the lowest total fertility rate among EU countries and many Spanish families are becoming smaller. Furthermore, the country has experienced a modernisation of the institution of the family in the last decades, which led to the liberalisation of marriage and divorce laws, more egalitarian gender roles, a wider acceptance of the diversity of family forms, and the emergence of new kinship roles. Across many dimensions, people in Spain benefit from well-being outcomes that are similar to or better than the OECD average. Yet, a significant share of the population struggles with challenges such as insufficient income and risk of poverty, unemployment and high housing prices. This is particularly true for households with children, which tend to be more vulnerable than other population groups.

The profile of the typical family is changing across the OECD, but even more drastically so in Spain. From being one of the countries with the highest fertility rates in Europe, Spain now has the lowest rate in the region, leading to decreasing family sizes. Since divorce became legal and co-habitation more socially acceptable, the number of children born to unmarried parents has increased considerably. At the same time, the share of mothers who are employed increased by more than 50% over the past two decades, though it remains below the OECD average. This chapter provides details on these and other trends that are leading to an increasing diversity of family forms and family life in Spain. It also describes how Spanish families fare in terms of their life satisfaction, poverty and ability to access housing.

The changing structure of Spanish families

Spanish society values families and family life highly, but the way that families look and live is changing. The country has undergone a process of individualisation in parallel with the maintenance of a strong sense of modernised family solidarity (Meil, 2011^[1]; Meil, 2006^[2]). Societal acceptance for family diversity in the form of new family models and a growingly multicultural society is also relatively high (Ayuso, 2019^[3]).

Many Spanish families are becoming smaller

Spain has the lowest total fertility rate among EU countries. The total fertility rate – the synthetic average number of children that would be born to each woman if she were to give birth to children in alignment with the current age-specific fertility rates – has been below both the EU and OECD averages since 1983. Only Korea among OECD countries has a lower total fertility rate: 1.0 compared to 1.3 in Spain, 1.5 across the EU and 1.6 across the OECD in 2018 (OECD, 2021^[4]). The rate among Spanish nationals (1.17) is even lower than among foreign women living in Spain (1.59). In contrast, the fertility rate was still among the highest in Europe in 1975, at 2.8 children per women. There were slight rebounds during the economic boom in the mid-2000s, enhanced by immigration flows and the higher fertility rates among first-generation immigrants (OECD/European Union, 2018^[5]), but these changes were only temporary.

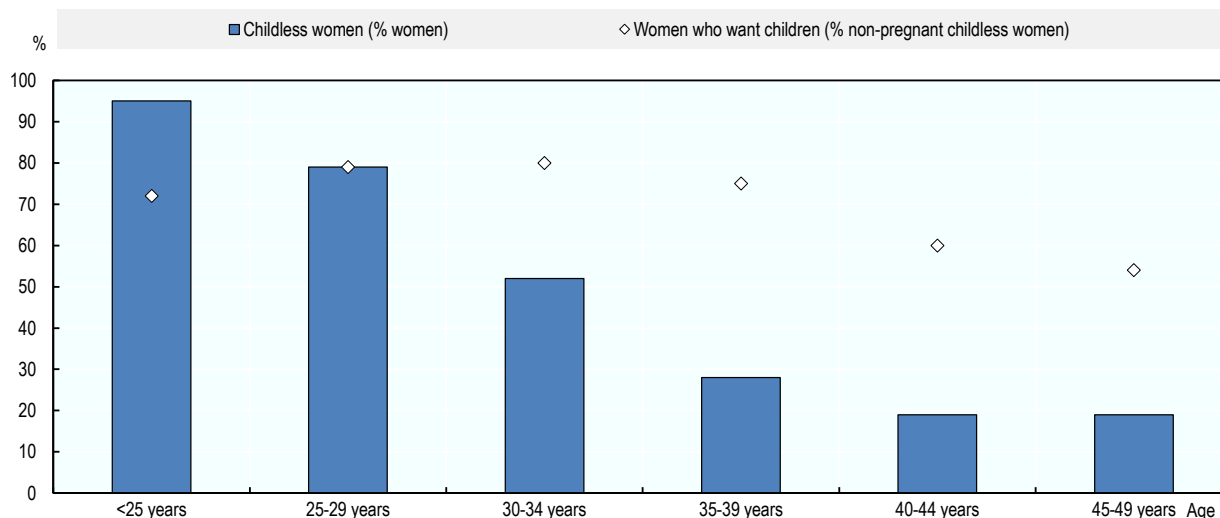
One of the main reasons for the low fertility rate is the postponement of childbearing. In Spain, the mean age of women at their first birth is 30.9 years, which is only a slightly younger age than in Italy (31.1) and Korea (31.6) (OECD, n.d.^[6]). The extended period of young adults living in their parental home is one factor that contributes to later child birth. Young people often feel the need to complete their education, establish themselves on the labour market and save for home ownership first before leaving their parental home, given that rentals are often unavailable or unaffordable.

Actual fertility in Spain is below the desired level. This gap was already observed in the 1990s, when the observed total fertility rate of 1.2 was noticeably below the average desired number of children of 2.2 (Bernardi, 2005^[7]). For women born between 1969 and 1973, the last Fertility Survey estimates the gap between the actual and potential fertility at 0.2 children per woman (Esteve and Treviño, 2019^[8]).

One of the contributing factors to this fertility gap are women who remain childless despite wanting to have children. The share of childless women drops from 95% among under-25-year-olds to 19% among 40-49 year-olds (Figure 1.1). Among these childless women in their forties, more than half would still like or would have liked to have at least one child. In addition to fecundity and health problems – cited by a quarter among women in their forties – and not having a partner – cited by 22-25% of childless women starting from age 30 –, economic and work-life balance reasons are very important, in particular among women in their thirties. An adverse economic environment with low economic growth and high unemployment is negatively associated with fertility, suggesting that economic stability and expectations for the future impact couples' decisions to start or grow their families (Hoorens et al., 2011^[9]).

Figure 1.1. More than one in two childless women in their forties would have liked to be a mother

Share of childless women and share of women who would like to have at least one child, by age group, 2018



Note: The statistics are based on the 2018 Fertility Survey.

Source: Esteve and Treviño (2019^[8]), *The main whys and wherefores of childlessness in Spain*, https://ddd.uab.cat/pub/worpaper/2019/204270/perdem_a2019m04n015iENG.pdf.

In addition to people who remain unwillingly childless, parents may also have fewer children than they would like to. More than 70% of women would like to have at least two children, but fewer than 30% actually do (Sosa Troya and Mahtani, 2019^[10]). In heterosexual couples in which the woman is 20-44 years old, the couples in which both have high educational attainments and stable jobs are more likely to have two children. Otherwise, for couples where the two partners have differing circumstances, stable employment is a more decisive factor than a high educational attainment for having a higher fertility; and a better woman's employment position is most conducive to a higher fertility (Bueno and García-Román, 2021^[11]).

Children are present in a slightly larger share of households than across the EU on average, but there are fewer large families. In 2019, about one-third (32.5%) of households had at least one child member. This share is somewhat lower than the maximum of 38.7% observed in Ireland, but above the EU average of 28.8% and significantly higher than the shares observed in countries such as Sweden, Germany and Finland (22.9-21.0%). Among households with children, half are single-child households (50.0%, compared to 47.4% across the EU). Fewer than one in ten (9.1%) are households with at least three children. Despite the strong orientation of Spanish family protection policy towards the support of large families (see Chapter 2), this share is hence lower than the EU average of 12.7% and those in countries such as France (18%), Finland (20.3%) and Ireland (25.2%) (Eurostat, 2020^[12]).

Families are becoming more diverse

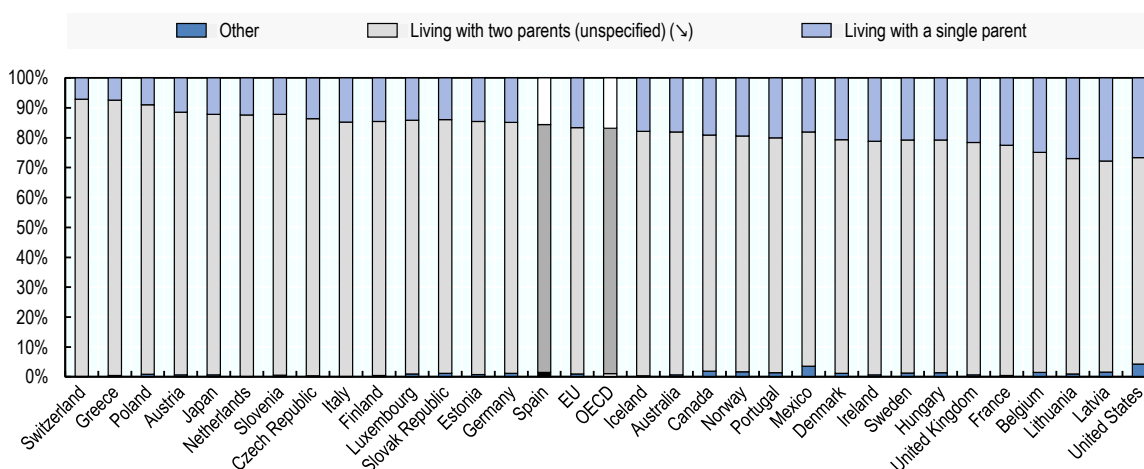
The process of secularisation (González and Requena, 2008^[13]) and the change in values and attitudes of the Spanish population have paved the way for the modernisation of the institution of the family. It led to the 2005 liberalisation of marriage and divorce laws, to more egalitarian gender roles, to a wider acceptance of the diversity of family forms, and to the emergence of new kinship roles. This section discusses how the prevalence of unmarried, blended and single parent families has evolved and how views about what constitutes a family have changed.

Children living in diverse families

While the share of traditional nuclear family has declined over time due to legal and societal changes, it nonetheless remains the predominant family model. In 2018, 82.8% of minor children were living either with both of their parents or within a reconstituted family (i.e. with two adults who were both parents), 15.6% with a single parent and 1.5% in other arrangements (Figure 1.2). These shares are similar to OECD and EU averages. Compared to 2004, the proportion of minor children living with married parents declined by 7 percentage points; while the shares living with cohabitating parents or a single parent rose by four and 7 percentage points, respectively. While about one in ten children under the age of six lives with a single parent – with the absolute majority living with their mother – the number rises to more than one in seven among six to 11 olds and more than one in five among 12 to 17 year olds.

Figure 1.2. About three-quarters of minor children in Spain live in households with two parents

Distribution (%) of children (aged 0-17) by presence of parents in the household, 2018 or latest available year



Note: Data for Mexico refer to 2010, for Australia to 2012, for Japan to 2015, for Canada and Iceland to 2016, and for France, Hungary, Ireland, Luxembourg, Turkey, the Slovak Republic, and Switzerland refer to 2017. For Japan and Mexico, children aged 0-14 'Parents' generally refers to both biological parents and step- or adoptive parents, who could either be married or cohabitating. 'Living with a single parent' refers to situations where a child lives in a household with only one adult who is considered a parent. 'Other' refers to a situation where the child lives in a household where no adult is considered a parent.

Source: OECD (n.d.^[6]), Indicator SF1.2 "Children in Families", *OECD Family Database*, http://www.oecd.org/els/soc/SF_1_2_Children_in_families.xlsx

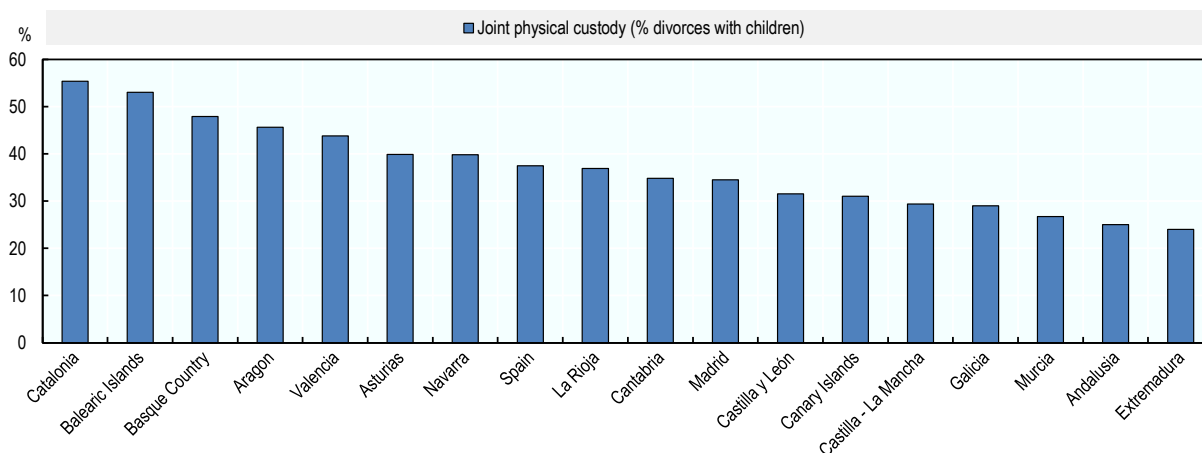
One reason for the declining share of married families is the increasing number of divorces over the last several decades, though there has recently been a decline. The crude divorce rate increased by 0.3 per 1 000 people each decade between 1980 and 2000, but the rise accelerated afterwards. In 2019, with 91 645 registered divorces, Spain's crude divorce rate was 1.9 per 1 000 inhabitants (INE, 2020^[14]). This rate roughly corresponds to the EU-28 average and France and Portugal's rates, but it is much higher than in Italy (1.5) and Greece (1.0) (OECD, n.d.^[6]). The steady fall in the number of marriages since the beginning of the 21st century partially explains the recent drop in the number of divorces (6.4% between 2017 and 2019). In the majority of divorce cases of heterosexual parents, mothers are still granted custody (58.1%).

Despite its relatively recent introduction in 2005, joint physical custody is now granted in 37.5% of cases (INE, 2020^[14]). However, the national average hides important regional differences that may be related to different patterns of maternal employment (Figure 1.3). The impact of the 2005 change in law was greater

than expected because from 2010 on, a few North-eastern regions with civil legislation powers such as Aragon, Catalonia, Valencia, Navarra and the Basque Country passed laws that established a legal presumptions of joint physical custody (Flaquer, 2015^[15]; Solsona and Ajenjo, 2017^[16]; Solsona et al., 2020^[17]).

Figure 1.3. The share of joint physical custody is twice as large in some regions than in others

Share of joint physical custody in judicial rulings on divorces with children, 2019



Source: INE (2020^[14]), *Estadística de Nulidades, Separaciones y Divorcios*, https://www.ine.es/dyngs/INEbase/es/operacion.htm?c=estadistica_C&cid=1254736176798&menu=ultiDatos&idp=1254735573206.

Another reason for the declining share of married families is the increasing number of children born out of wedlock. Since 2000, the share of children born whose parents were not married has nearly tripled, from 17.7% to 47.3% in 2018.¹ A higher share of college-educated women compared to women with lower educational attainment are cohabitating rather than being married, but among cohabitating women, those with lower educational attainment are more likely to give birth than those with intermediate or higher education. Separations of unmarried couples with children have been soaring in the last few years. An estimate for 2017 suggests that they represent 47% of the sum of separations and divorces (Flaquer and Becerril, 2020^[18]; Flaquer and Becerril, 2020^[19]). In Spain as well as elsewhere, unmarried couples are more likely to separate than married ones. Their fragility can be not only explained by the weakness of partners' commitment resulting from a lack of legal bond, but also by the stress of economic difficulties (Castro-Martín and Seiz, 2014^[20]). Although little information is available about the legal features of separations filed by unmarried parents, a crucial finding is that 59% of separations are contested compared to only 23% of divorce cases.²

Divorces and separations can lead to reconstituted or blended families when parents find a new partner, but comparable data on this phenomenon is limited. According to a 2013-14 study based on the Health Behaviour of School Aged Children,³ 6% of young adolescents aged 11 to 15 were living in such a family. This prevalence was below the EU-25 average of 8% and the share in France (13%). A 2016 study based on the 2011 Spanish Census suggests that among heterosexual couples that live with a child under the age of 18, one of the members of the couple is not a parent of the minor child in 7.4% of cases (Ajenjo-Cosp and García-Saladrigas, 2016^[21]). In about half of reconstituted families, there were no common children. The same study's estimates for the prevalence of reconstituted families based on the EU-LFS data were considerably lower, though the authors note that the survey's suitability of this analysis is limited. Nevertheless, the EU-LFS analysis allows an international comparison, which once again places Spain in the lower-middle among European countries in terms of the prevalence of this family form.

Social attitudes on family and family diversity

People in Spain and elsewhere value family very highly. According to the last wave of the European Values Survey (EVS/WVS, 2021^[22]), at 88% and 86%, the percentage of Spaniards who considered their family as very important in their life and as trusting them completely are equal to the cross-country averages. A higher share of people in Spain maintain more-than-weekly contact with their parents or children: 78% and 87%, compared to the cross-country averages of 61% and 67%. Although nine in ten people in Spain and European countries overall consider that having children is an important element of a successful marriage or partnership, having children is no longer considered a key element for achieving happiness, and women are not stigmatised for not having children. The decision to have children is considered a private matter. Parenthood without being married is widely accepted (by 73% of people) (ISSP, 2012^[23]), as is motherhood without being in a partnership (86% approve when a woman without a partner decides to have a child) (CIS, 2016^[24]). Eighty-eight percent approve when two persons with different racial background decide to have children (CIS, 2016^[24]).

The understanding of marriage has also deeply changed. A consensual conception of partnership, away from the institutional understanding of marriage, has emerged during the last decades and become dominant in the population as a whole. Attitudes towards cohabitation moved away from being considered scandalous towards being tolerated and finally even recommended as a trial period before marriage. In fact, more than eight in ten including many older and religious people agree with the statement that it is alright for a couple to live together without intending to marry (ISSP, 2012^[23]). In most cases, the openness towards cohabitation does not imply a rejection of marriage. Nonetheless, one-third of Spanish respondents considers marriage an outdated institution, a proportion that is among the highest in the surveyed European countries and significantly higher than the average of 20% (EVS/WVS, 2021^[22]). Attitudes towards divorce have also changed profoundly. Three quarters of the population now see it as the best solution when a couple cannot work out their marriage problems (ISSP, 2012^[23]).

Attitudes towards same-sex couples have profoundly changed. While conservative and religious individuals initially rejected the introduction of the so called “egalitarian marriage” in 2005, it is widely accepted today. In a 2016 survey, 76% of respondents supported that “two persons of the same sex could marry” (CIS, 2016^[24]); and by 2019, 86% of Spaniards (compared to the EU average of 69%) thought that “same sex marriages should be allowed throughout Europe” (European Commission, 2019^[25]). The extension of the right to marry automatically granted the same rights to same- and opposite-sex married couples, including the right to adopt children jointly. Views on same-sex parenting remain more split, even though it is still a majority – 64%, to be precise – that considers these couples as equally competent parents as heterosexual ones (EVS/WVS, 2021^[22]). This share is smaller than in Nordic countries (around 75%), but substantially larger than the EU average (37%). Older, less educated and more religious people as well as men and people living in rural areas support this type of family much less frequently.

The acceptance of the egalitarian marriage does not imply at all that there is no discrimination against LGBTI individuals. As a recent survey by the European Union Agency for Fundamental Rights (2020^[26]) shows, 21% and 38% of LGBTI citizens living in Spain have ever felt discriminated against in employment matters and other areas of life, respectively; and only one in two among them revealed their sexual orientation to most or all of their family members. These shares are almost identical to the EU28 averages.

The share of families with a migrant background is increasing

Until the 1980s, Spain was predominantly a country of emigration, but has become an important destination for immigrants since then. The first massive immigration wave started in the last years of the 20th century, in a context of economic liberalisation and growth, high demand of cheap labour and high acceptance of employers hiring irregular workers, particularly in the construction, agriculture and domestic services sector. Roughly ten years later, foreign-born individuals grew to represent around 14% of the population and 17% of the labour force, with important regional differences (Flaquer and Escobedo, 2009^[27]). .

Since 2010, the number of foreigners with legal residence initially descended but then grew again significantly, over the 2018 to 2020 period (from 4.7 million residents in January 2018 to 5.2 million in 2020, after having reached a peak of 5.8 million individuals in 2011) (INE, 2021^[28]).

Spain's immigrant population is now relatively large and comes from a variety of countries. In 2019, the foreign-born population share (including both regular and irregular immigrants as long as they recorded in municipal registers) of 14% placed Spain in the middle of OECD countries in terms of immigrant concentrations, though still far below the rates of close to 30% observed in Australia and Switzerland (OECD, 2021^[29]). Among the population with a foreign nationality, Romanian, Moroccan, British, Italian, Chinese and Bulgarian citizens are the largest groups. Moreover, over the last decade, for example more than 220 000 Moroccans, 190 000 Ecuadorians and 150 000 Colombians gained Spanish citizenship (MITRAMISS, 2021^[30]).

Immigration to Spain is neither predominantly male nor female. Currently, 47% of registered foreigners are women; and 51% of the inflow of new immigrants in 2018 were women. This compares to an OECD average of 44% among new arrivals in 2018. Only Australia and the United States have a very slightly higher share of women among immigrants; while in some countries, such as Slovenia, Latvia and Lithuania, the share of men exceeds 70% (OECD, 2020^[31]).

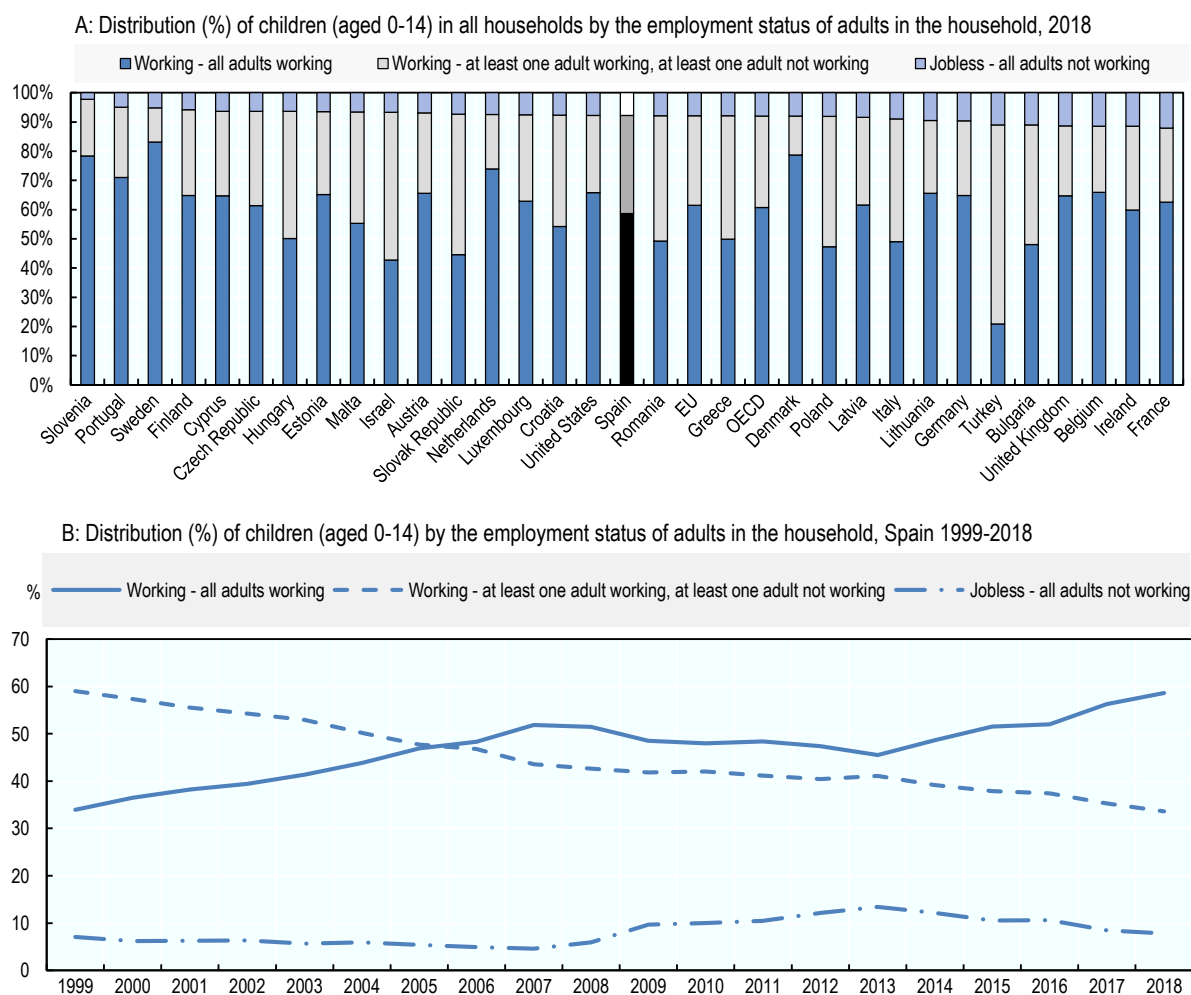
A higher share of immigrant-headed households are families than among native-born households. This is true for Spain as well as on average across the EU and the OECD. In 2016, among immigrant-headed households (meaning that at least one of the household heads was born abroad), 5.2% and 37.6% were single- or dual-parent households, 3.8 and 13.4 percentage points higher than among native-born headed households. These differences to the composition of native-born households was even larger than on average across the EU and OECD. However, the household size of immigrant-headed households is only slightly higher than among native-headed households (2.75 compared to 2.44, a similar difference as across OECD countries) (OECD/European Union, 2018^[5]).

Shifts in Spanish family life

The dual-earner family model became dominant

Since the turn of the century, the dual earner family model has become more prevalent in Spain. Starting at 34% in 1999, the share of children under age 15 in households where all adults are working rose to 58.6% by 2018 (Figure 1.4). However, the share remains below the EU and OECD averages (61.5% and 60.7% respectively), and substantially below the shares observed in Denmark, the Netherlands, Portugal and Sweden. Unlike in countries such as Germany, the United Kingdom and most notably the Netherlands, where one half to three-quarters of dual earner couples have one full-time and one part-time worker, this family situation applies to fewer than a quarter in Spain. The share of children living in jobless households experienced a surge in the aftermath of the global financial crisis (13.4% in 2013) and has yet to return to its pre-crisis levels. In 2018, more than nine out of ten of children in Spain (92%) were living in households with at least one adult working, a situation comparable to the EU and OECD averages.

Figure 1.4. The dual earner family model is dominant in Spain



Note: Data for Turkey refer to 2013, and for Israel to 2017. For Israel and the United States, data refer to children aged 0-17. For the United States, data cover children living with at least one parent and refer to the labour force status of the child's parent(s) only, and refer to whether or not the child's parents are active in the labour force, as opposed to in employment.

Source: OECD Family Database, Chart LMF1.1.A, <http://www.oecd.org/els/family/database.htm>.

In single-parent homes, the share of working parents is higher in Spain than on average across the EU and the OECD. In 2018, 74% of children aged 14 years or younger living with a single parent had their parent working either part- or full-time, compared to the EU average of 70.3% and the OECD average of 69.6%. In about a fifth of these cases, the parent was working part-time. The pattern that the majority of working single parents do so full time is common across European countries, with the exception of the United Kingdom.

The rising share of dual-earner households tracks increasing maternal employment rates. Between 1999 and 2019, the share of mothers with at least one child under the age of 15 who were working rose from 42.8 to 67.5%. Over the same period, attitudes towards maternal employment became noticeably more positive: while in 2000, 42% of respondents in Spain to the World Value Survey still agreed with the statement that pre-school children suffer when their mother works outside the home, by 2017, this share had decreased to 25% (EVS/WVS, 2021^[22]). This maternal employment rate nonetheless is 5.5 percentage points below the EU average.

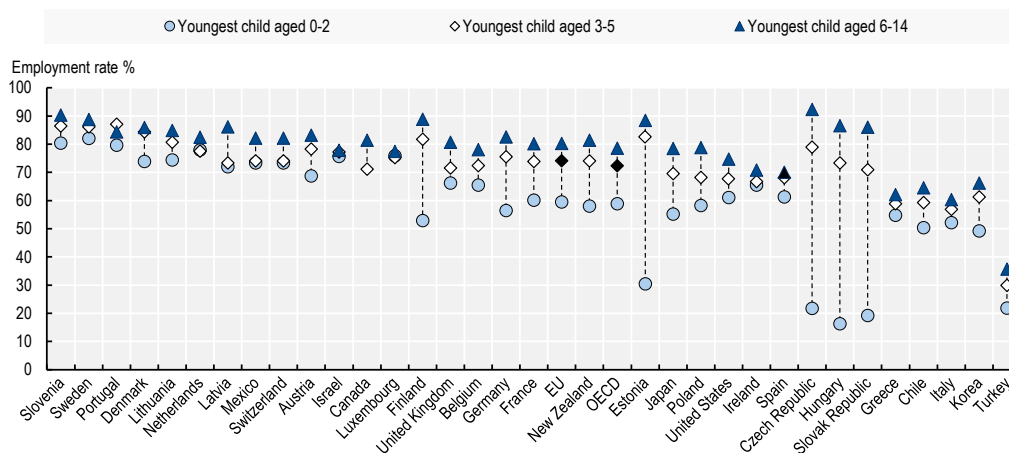
The age of the youngest child and the mother's education level have less of an impact on maternal employment rates in Spain than in most EU countries, but the number of children has a larger impact. Comparing the rates among mothers whose children are of school age with those whose youngest is under the age of three, the difference amounts to 8.9 percentage points in Spain compared to 20.8 percentage points on average across the EU (Figure 1.5, Panel A). The gap is still substantially larger in countries such as France and Germany, while the gradient is much less perceptible for example in the Netherlands, Sweden or Portugal. Except in Denmark or Sweden, having three or more as opposed to one or two children is associated with a drastically lower maternal employment rate in all selected EU countries. In the case of Spain, the maternal employment rate of mothers with two children is 2.1 percentage points lower than among mothers with one child (Figure 1.5, Panel B). But among mothers with three or more children under the age of 14, the employment rate is 18.4 percentage points lower. Finally, a mother's education level is an important influencing factor in whether she is employed or not. In each of the selected European countries, more than 80% of mothers with a tertiary degree are employed, and the share even reaches 86.1% in Sweden (Figure 1.5, Panel C). Maternal employment falls in all countries for low educated mothers, except in Portugal. In the Spanish case, at 49.9%, the employment rate of mothers with less than an upper secondary degree is higher than the EU average (45.1%), while the rates for those with upper secondary and tertiary degrees are below the EU average.

Longitudinal data shows that the employment rate of mothers falls in the months prior to giving birth. A representative sample of Spanish Social Security registered labour trajectory records of individuals who became parents for the first time in 2003 showed that a third of mothers were registered unemployed at some point in the three years after giving birth (Escobedo, Navarro and Flaquer, 2007^[32]). At 20%, the share is highest in the first year, with a peak of cases just after the end of maternity leave, and did not return to their prior employment situations afterwards. The contributory unemployment benefit thus appeared to be used to a much wider extent than the unpaid parental leave, which only 2% of the sample benefitted from. The employment situation of fathers, in contrast, did not change much. Only one of every five fathers had any spell of registered unemployment over the same three-year period, and they were on average half as long as mothers' unemployment spells. Complementary qualitative research conducted in the same period indicated that some mothers, in particular those who worked in less qualified jobs, opted for paid unemployment when it was possible, for example after completing a temporary contract. This allowed them to stay at home with their child while they could not afford the unpaid parental leave scheme (Flaquer and Escobedo, 2020^[33]).

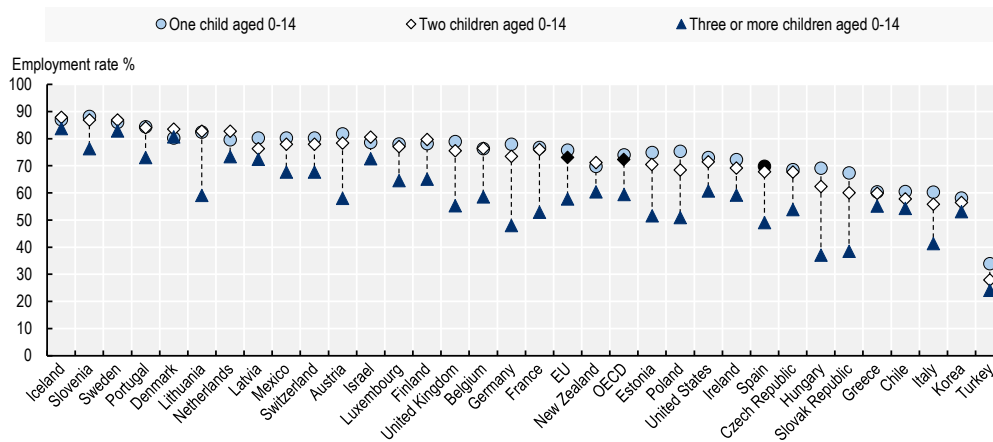
Generally, the transition to fatherhood has been associated with the consolidation of men's professional status; while the transition to motherhood has been associated with an intensification of the caregiver role, which may affect the professional status to a lesser or greater extent. This specialisation of roles in terms of gender tends to occur after the birth of a first child and often lasts until the child attends early childhood care. Whether or not the impact on maternal employment is temporal depends to a large extent on the accessibility, cost and quality of early childhood education and care services, but also on the father's involvement in care tasks.

Figure 1.5. Maternal employment rates vary by the age of the youngest child, the number of children and the education of the mother

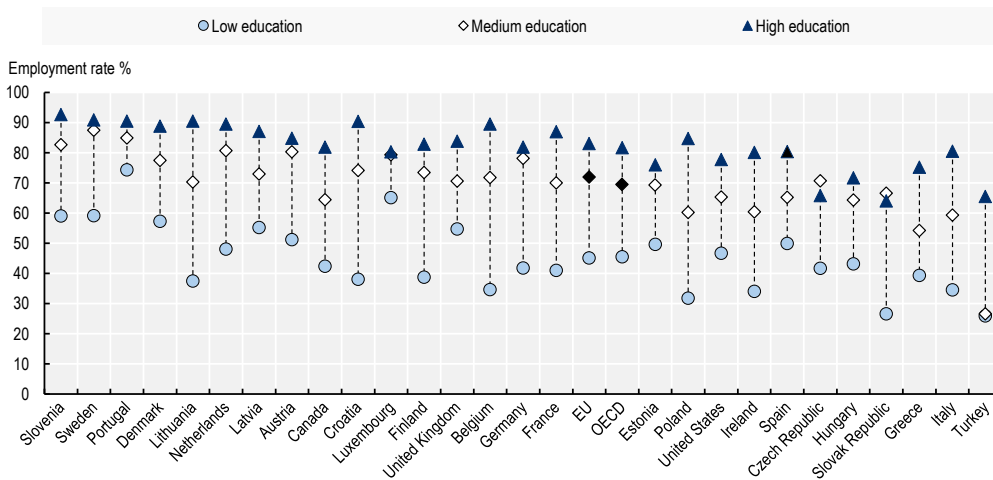
A. Employment rates (%) for women (15-64 year-olds) with children (0-14 year-olds) by age of the youngest child, 2019 or latest available year



B. Employment rates (%) for women (15-64 year-olds) with children (0-14 year-olds) by number of children aged 0-14, 2019 or latest available year



C. Employment rates (%) for women (15-64 year-olds) with children (0-14 year-olds) by level of education, 2019 or latest available year



Note: For Japan, data cover all women aged 15 and over, and for Korea married women aged 15-54. For Canada, Korea and the United States, data refer to women with children aged 0-17. For Canada, the age groups for the age of youngest child are 0-5 and 6-17, for Israel 0-1, 2-4 and 5-14, for Korea 0-6, 7-12 and 13-17, and for the United States 0-2, 3-5 and 6-17. Data for Japan refer to 2018, for Chile to 2017 and for Turkey to 2013. 'Low education' corresponds to a highest level of educational attainment at ISCED 2011 levels 0-2 (early-childhood education, primary or lower secondary education); 'medium education' reflects a highest level of educational attainment at ISCED 2011 Levels 3-4 (upper secondary and post-secondary non-tertiary education); and 'high education' corresponds to a highest level of educational attainment at ISCED 2011 Levels 5-8 (short-cycle tertiary education, bachelor or equivalent, master or equivalent, doctoral or equivalent).

Source: OECD (n.d.^[6]), "LMF1.2 Maternal employment", *OECD Family Database*, http://www.oecd.org/els/soc/LMF_1_2_Maternal_Employment.xlsx.

Fathers are spending more time with their children and on household chores

Women have long had more responsibilities in unpaid care and housework than men did, but while this continues to be true, there are also indications that patterns have started to change. In Spain, the increased availability of paternity leave and joint physical custody starting in 2007 appear to contribute to higher involvement by fathers (Flaquer and Escobedo, 2020^[33]; Meil, 2011^[34]). The 2008 crisis, which led to higher male unemployment, also appeared to play a role in this higher involvement (Castrillo et al., 2020^[35]; Flaquer et al., 2019^[36]). Changes in the gender gaps in time use are higher when mothers are employed and have higher educational attainment. The narrowing of the gap is also more apparent in certain family types, such as in step families in which the mother was previously a single parent.

The most recent time use survey in Spain dates from 2009, but future waves may reveal an impact of the 2019 leave reform. In between the 2002 and 2009 survey waves, the 20-minute decline in the time women of all age groups spent on household and family exactly corresponded to the 20-minute increase men spent on these tasks (INE, n.d.^[37]). But the gap nonetheless remained very substantial: women spent 244 minutes on these tasks and men 110 minutes. The 2019 reform rendered the leave for mothers and fathers individual, equal and non-transferable. Groups advocating for this reform hope that this will translate to increased involvement of fathers in the care of children and household tasks, as happened in other countries (see Duvander and Jans (2009^[38]) for the Swedish case and Eydal and Rostgaard (2014^[39]) on Nordic welfare states). However, comparative research evidence (O'Brien and Wall, 2017^[40]; Meil, Rogero-García and Romero-Balsas, 2017^[41]) indicates that substantial effects only occur when fathers are the only parent who is on leave for at least one uninterrupted month. This way, they become primary caregivers and are not in a secondary role of "helping" mothers. As the new Spanish regulation allows fathers and mothers to take all of the leave concurrently as well as part-time, it will be useful to monitor if the expected impact on paternal involvement varies according to the different patterns of leave use.

Inter-generational support is evolving but remains important

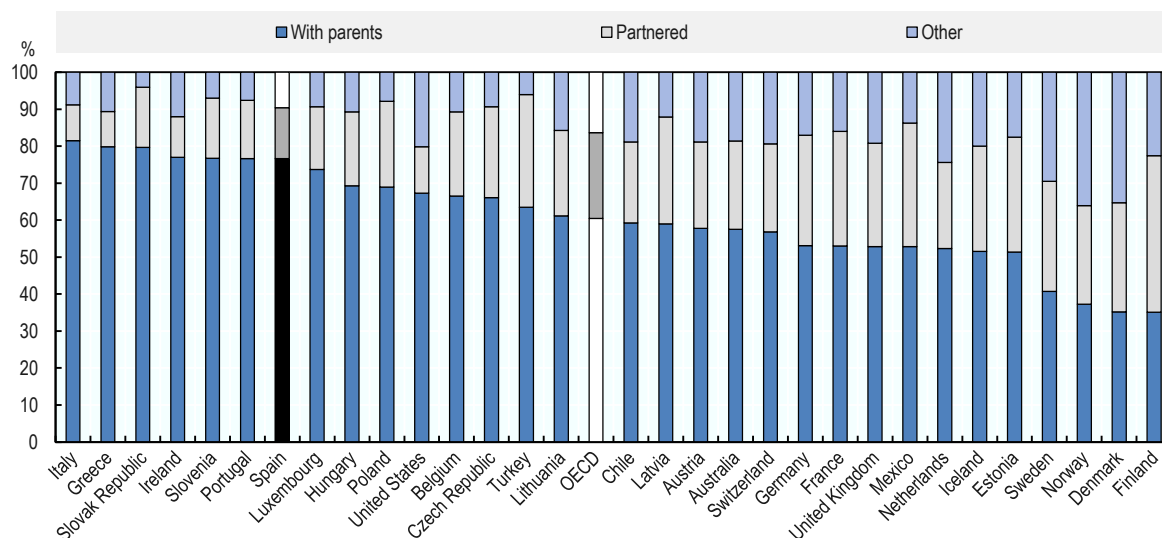
In spite of individualisation trends, family solidarity remains high and characteristic of the Spanish family system (Meil, 2011^[34]). Every time Spain goes through an economic crisis, the family re-emerges as a very important support system. After the 2007 crisis, the family played a crucial role in smoothing out its impacts; and during the ongoing COVID-19 crisis, Spanish society once again takes refuge in family relationships (Escobedo et al., 2021^[42]). Nonetheless, extended family solidarity and intergenerational support are evolving towards a more elective direction, with higher expectations placed in public care services and benefits.

Many adult children do not move out of their parental home until they are older than is typical in many other OECD countries. The share of 15-29 year-olds who were living with their parents was equal to 76.6%, compared to 60.4% across the OECD (Figure 1.6). However, there are a number of other OECD countries where an even bigger share of youth continue to live at home, including Italy, Greece and the Slovak Republic. Young people even leave home later than previously: In 2007, about 30% of 16-29 year-olds had left their parents' home. The decreasing share likely is due both to the increased youth unemployment as a result of the Global Financial Crisis as well as to rising costs in the rental market. Even

among 30 to 40 year olds, 29% were still living with their parents (Consejo de la Juventud de España and López Oller, 2020^[43]). The share of emancipation among 16-29 year-olds is noticeably lower among men (14.8%) than among women (22.8%). Only one in ten young women who have left their parental home live by themselves, while nearly one in four young men do. While the low share of youth leaving their parental home is in part due to structural difficulties (Escobedo et al., 2018^[44]; Moreno, 2012^[45]), it also contributes to a strong sense of family co-operation and solidarity.

Figure 1.6. Only one in four young Spaniards no longer lives with his or her parents

Distribution of young people (15- to 29-year-olds), 2017 or latest available year, by household type



Note: Data refer to 2016 for Iceland, Ireland, Mexico, Switzerland, and the United Kingdom, and 2015 for Turkey. No information for Japan, Korea and New Zealand due to data limitations. 'Other' includes individuals who are living alone, as a single parent or with other adults than their parents or a partner.

Source: OECD (2021^[46]), "HM1.4 Living arrangements by age groups", *OECD Affordable Housing Database*, <http://www.oecd.org/els/family/HM1.4-Living-arrangements-age-groups.xlsx>.

Care in family networks is assured through a combination of formal and informal care services that is more equally shared between generations and men and women than was the case in prior decades. In 2017, nearly one in three seniors who were living in private households were living in one that did not consist of one or more seniors. This can include people over the age of 65 living with a younger partner, but could also include the older person living with one of their children or another family member. The cross-country OECD average was equal to 25.6%; but in some countries such as Chile and Mexico, the share was close to or even exceeded 60%. Seniors who are living with their adult children do not necessarily need care; and in fact the highest share of informal carers to parents in European countries (as revealed by the Survey of Health, Ageing and Retirement in Europe) is among near-seniors themselves (OECD, 2019^[47]). Grandparents often contribute to the provision of care and support for their grandchildren. Often, they complement formal childcare and education, either on a weekly basis or to make ends meet during the long Spanish school holidays.

Vulnerabilities of Spanish families

Across many dimensions, individuals living in Spain benefit from well-being outcomes that are similar to or better than the OECD average. The average reported life satisfaction on a ten-point scale is almost identical to the OECD average (7.3 versus 7.4). Few employees have to work very long hours and people can devote slightly more time to leisure, personal care and social interactions than in other OECD countries on average. A slightly smaller share of the population reports not having someone they can count on in times of trouble and the life expectancy is among the highest across OECD countries (OECD, 2020^[48]). Yet, alongside these rather positive outcomes, a significant share of the population struggles with challenges such as insufficient incomes and risk of poverty, unemployment and high housing prices, and households with children tend to be more vulnerable than other population groups. The poverty rates presented in this chapter refer to post-transfer income. Chapter 2 takes a more detailed look at pre-transfer poverty rates and the role of the welfare state in addressing poverty.

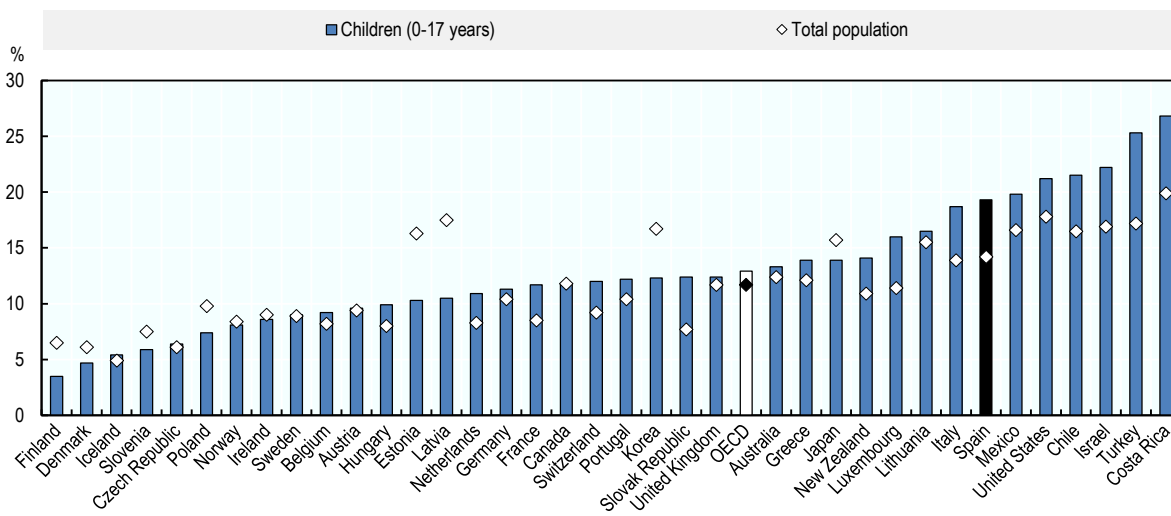
High rates of child poverty

In 2018, nearly one in five children (19.3%) lived in relative income poverty in Spain, compared with 12.9% in OECD countries on average (Figure 1.7, Panel A).⁴ Spain ranks highest amongst European OECD countries, and its child poverty rate is more than five times higher than the rate in Finland, the OECD country with the lowest child poverty rate. Children in Spain face higher poverty risks than other population groups, as is the case most OECD countries. Relative income poverty for the total population in Spain (14.2% in 2018) comes closer to the OECD average of 11.7% than is the case for children, though Spain remains in the upper third ranking of OECD countries. During the 2010s, relative income poverty rose particularly among young and middle age groups (18-50 years), and to a lesser extent among children, whereas poverty rates declined considerably for the age group 66 and over (Figure 1.7, Panel B). Child poverty peaked at 23.4% in 2013 as a result of the global financial crisis, but has been declining gradually since then. However, children continue to face the highest poverty risk in Spain.

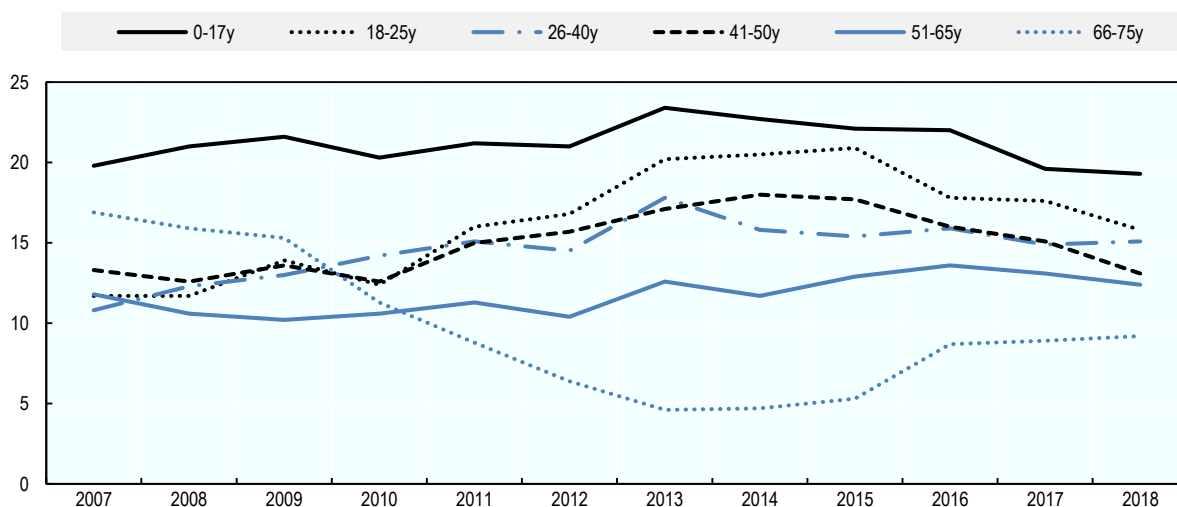
Being exposed to income poverty is harmful to all members of a family, but it is particularly so for children (Thévenon et al., 2018^[49]). Income poverty dramatically increases the risk that children will experience some kind of material deprivation. For example, income-poor school-aged children in Spain are twice as likely to live in low-quality housing as non-poor children (Table 1.1); and three times as likely not to eat fruits, vegetables or proteins every day and not to participate in regular leisure activity. They are nearly six times more often exposed to multiple and severe deprivations (defined as children lacking at least four items) than non-poor children. Similar outcomes are found in France and the United Kingdom. That being said, the persistence of low-income status across generations may be lower in Spain than in a number of other OECD countries. An analysis of the intergenerational earnings elasticity between fathers and sons in the early 2010s found that intergenerational mobility for the bottom 10% of the father's earnings distribution was higher in Spain than in nine out of 13 countries included in the analysis (OECD, 2018^[50]).

Figure 1.7. Nearly one in five children lives in poverty in Spain

Panel A: Relative income poverty rate (%), for the total population and for 0-17 years-olds, 2018



Panel B: Relative income poverty rate (%) in Spain, by age group, 2007-2018



Notes: Data are based on equivalised household disposable income, i.e. income after taxes and transfers adjusted for household size. The poverty threshold is set at 50% of median disposable income in each country. Working-age adults are defined as 18-64 year-olds. Children are defined as 0-17 year-olds. Data are for 2014 for New Zealand; 2015 for Japan and Turkey; 2017 for Chile, Denmark, Germany, Hungary, Iceland, Ireland, Italy, Mexico, the Netherlands (provisional), Switzerland and the United States.

Source: OECD Income Distribution Database, <http://oe.cd/idd>.

Table 1.1. Income poverty dramatically increases the risk of material deprivation

Material deprivation rates for children aged 6 to 15 across different dimensions, 2014

	Spain			France			United Kingdom		
	Total	Non income-poor children	Income-poor children	Total	Non income-poor children	Income-poor children	Total	Non-income-poor children	Income-poor children
Housing	31.4	23.5	48.3	28.4	23.6	51.4	33.7	30.3	47.3
Nutrition	8.0	4.4	15.6	10.8	8.4	22.2	11.1	10.2	14.9
Leisure	41.8	26.7	74.5	30.2	24.0	59.8	43.4	38.7	62.3
Education	17.2	9.4	34.0	13.0	9.4	30.1	10.7	8.8	18.4
Social environment	22.2	19.7	27.7	25.7	23.0	38.7	26.9	25.4	33.0
Deprivation in 1 basic item at least	63.5	52.8	86.5	62.1	56.5	88.4	69.7	66.1	84.6
Severe deprivation	18.0	7.2	41.4	12.7	7.7	36.3	16.4	14.3	25.1

Note: Severe deprivation refers to children lacking at least four items. See Thevenon et al. (2018_[49]) for a definition of the variables.
Source: OECD estimates based on the European Union Statistics on Income and Living Conditions (EU-SILC) survey 2014.

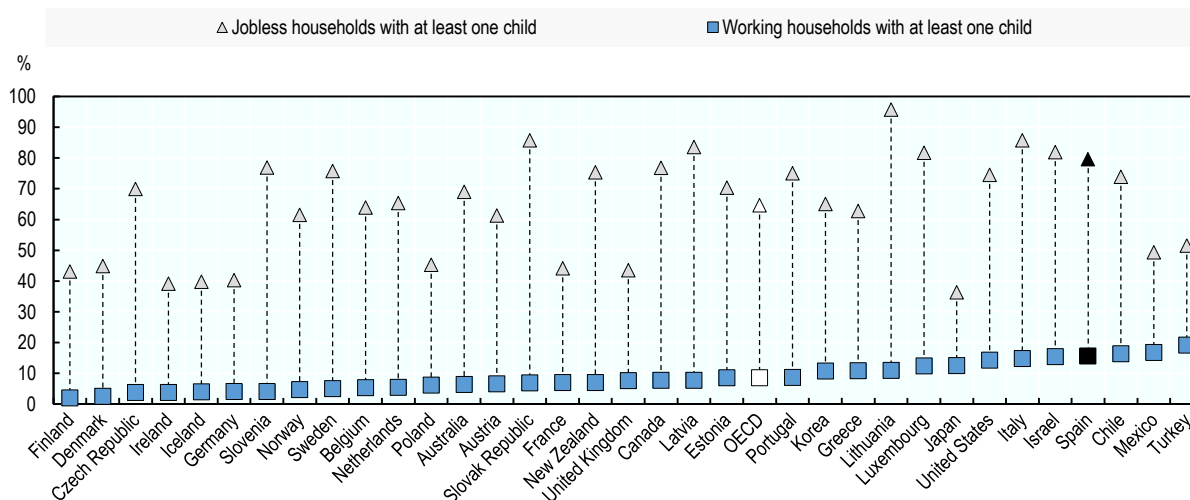
A recent OECD paper analyses the drivers of child poverty in detail for Spain and several other OECD countries (Thévenon et al., 2018_[49]). The analysis shows that differences in trends regarding paternal and maternal employment rates and job quality are the most important factors explaining cross-national differences in the evolution of the income for low-income families. For instance, the income growth provided by the increase in the employment rate of mothers in Denmark and Sweden suggests that family-friendly employment policies can pave the way for significant reductions in child poverty. By contrast, the decline in the proportion of children with a working father contributed to a sharp drop in income in Spain between 2007 and 2014. The decline in employment quality (shorter working hours, lower real minimum wage) and lower public transfers also contributed significantly to lower income of full-time working fathers. The impact was considerably stronger for poor families than for middle-income families. Spain's changes in family structure and the increase in the proportion of children with a single parent also contributed to a drop in income, but to a lesser extent than the labour market outcomes of parents. Social benefits played a rather limited role in mitigating the effect of the global financial crisis.

Poverty risk by parents' employment status

The most significant determinant of poverty among families is the employment status of the parents. On average across the OECD, individuals living in jobless households with at least one child are nearly eight times more likely to be income-poor than working households with at least one child (Figure 1.8). The difference between these two groups is smaller in Spain (5 times), mainly due to the relatively high relative income poverty rate among working households. In 2018, eight out of ten individuals living in jobless households with children (79.6%) were income-poor in Spain. This share is significantly higher than the average among OECD countries (64.5%), placing Spain third highest among OECD countries. However, even among members of working households with children, 15.6% live in relative poverty in Spain, compared with the 8.5% OECD average. This share is the second highest among OECD countries and the highest among EU OECD. For comparison, 5% or less of individuals living in working households with children are income-poor in countries like Germany, Ireland and the Nordics.

Figure 1.8. Poverty rates in Spain among jobless and working households are both high compared with other OECD countries

Relative income poverty rates (%), individuals in working-age households with at least one child, by household employment status, 2018 or latest available year



Notes: Data are based on equivalised household disposable income, i.e. income after taxes and transfers adjusted for household size. The poverty threshold is set at 50% of median disposable income in each country. Working-age adults are defined as 18-64 year-olds. Children are defined as 0-17 year-olds. Data for New Zealand to 2014, for Japan and Turkey to 2015, for the Netherlands to 2016, for Chile, Denmark, Germany, Iceland, Ireland and Italy to 2017.

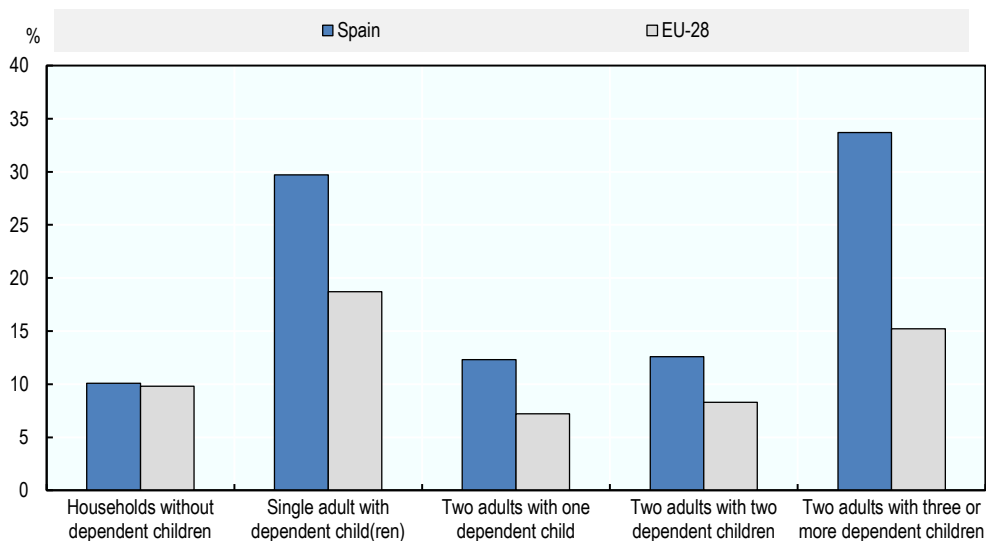
Source: OECD Income Distribution Database, <http://oe.cd/idd>.

Poverty risk by family structure

Family structure is another factor that influences the risk of poverty, with households with children in general and large and single-parent family being at particular risk. Whereas the poverty rates of individuals in households without dependent children are quite similar in Spain and the EU (around 10% in 2019), there is a noticeable gap of nearly 7 percentage points between Spain's and EU's poverty rates for those in households with dependent children, reaching 17.1% and 10.5% respectively (Figure 1.9). The gap in relative poverty rates between Spain and the EU average is nearly 20 percentage points for households with two adults and three or more children (Figure 1.9). One in three members of large families live in relative poverty in Spain, compared to only one in eight members of families with one or two children. Although the high poverty rate among large families has been well-known for at least two decades and Spanish family policy has a strong focus on large families, advances in reducing poverty have been very limited. Relative income poverty rates are also high among single-parent families in Spain (29.7%), and the gap with the EU average is considerable (11 percentage points).

Figure 1.9. Poverty rates are most prominent among large families and single-parent families

At risk of poverty rate by different types of households, Spain and EU average, 2019



Note: Households with less than 50% of median equivalised income are considered at risk of poverty.

Source: Eurostat (2021^[51]), *At-risk-of-poverty rate by poverty threshold and household type – EU-SILC and ECHP surveys*, https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ilc_li03&lang=en.

In addition, children living in households where one of the adults has child support obligations may in reality experience a higher risk of poverty than the data are capturing. Poverty estimates assume that all income of a household member are shared within that household, rather than flowing to another household (Miho and Thévenon, 2020^[52]). Households that receive regular child support payments count these among their income. However, if payments arrive irregularly, they would not be taken into account in the poverty estimations. In addition, parents who do not live with one or more of their children but who are in regular contact with them have additional costs far in excess of the proportion of time the child spends with them, such as an additional room in their home.

A weak labour market

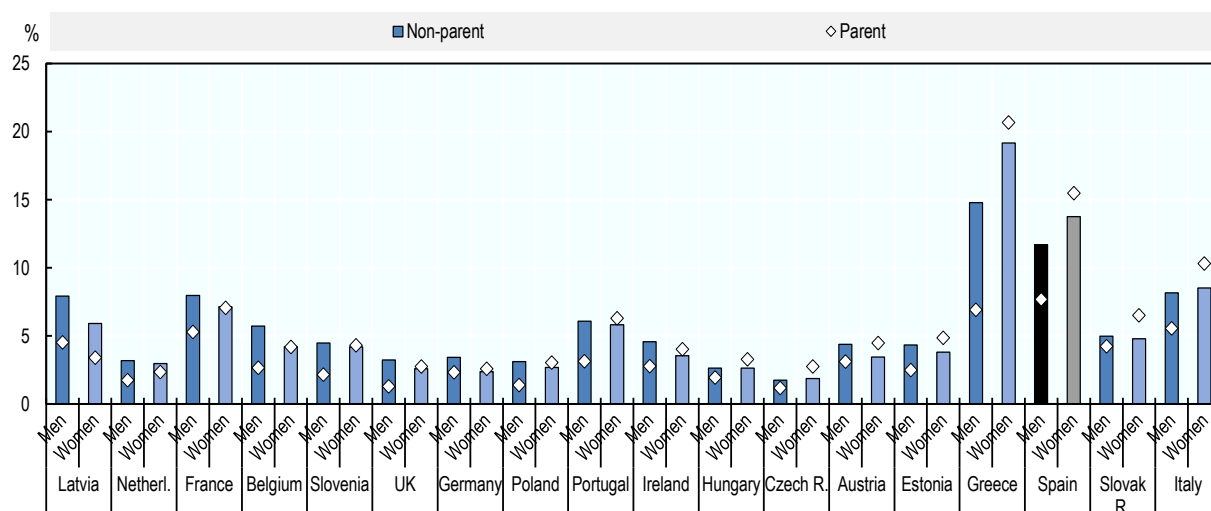
The weak labour market in Spain greatly affects families and children. Even prior to the COVID-19 crisis, unemployment rates were high in Spain. The country had been hit hard by the global financial crisis and the recovery process had been slow. In 2019, 14.2% of the Spanish labour force was unemployed, the second highest rate in the OECD (whose average stood at 5.6%), after Greece. The economic crisis resulting from the COVID-19 pandemic further pushed unemployment rates upwards, reaching 16.0% in January 2021 (OECD average: 6.8%). Unemployment rates in Spain and across the OECD tend to be higher among women than among men, though the average gap across the OECD is considerably smaller at 0.4 percentage points compared to 4.0 percentage points in Spain in January 2021.

Participants in the Spanish labour market who are parents have a lower probability of being unemployed compared to non-parents when they are men, but a higher one when they are women. When excluding the youth population (who are less likely to be parents but more likely to be unemployed), there is a clear pattern across all the studied European OECD countries that fathers who live with their young children are less likely to be unemployed than the group of men who are either childless, do not live with their children or whose children are teenagers or older (Figure 1.10). In Spain, at 4 percentage points, the

difference is quite elevated. For women, in contrast, there is no such uniform pattern: in Latvia and the Netherlands, mothers have a lower unemployment rate than the group of childless women and women who have older children or are not living with them. In six countries, the difference in the two group's unemployment rates is below half a percentage point, while in ten countries, mothers have a higher unemployment rate. Spain is among the latter group, with the third-highest difference in the unemployment rate of mothers compared to women who do not parent young children they are living with.

Figure 1.10. Mothers in Spain have a higher unemployment rate than women who are not parents

Unemployment rate (% of 30-64 year-olds in the labour force), 2019, by parental status



Note: Countries are ordered by the difference in the unemployment rate between women who are mothers and those who are not. Parental status is proxied by living in a household where the youngest child in the household is aged 14 or under and who have an own child living in the household. Parents who do not live in the same household as their children are hence mis-classified as non-parents; and for example grandparents under the age of 65 who live in multi-generational households with their child and grand-child would be mis-classified as a parent of a young child.

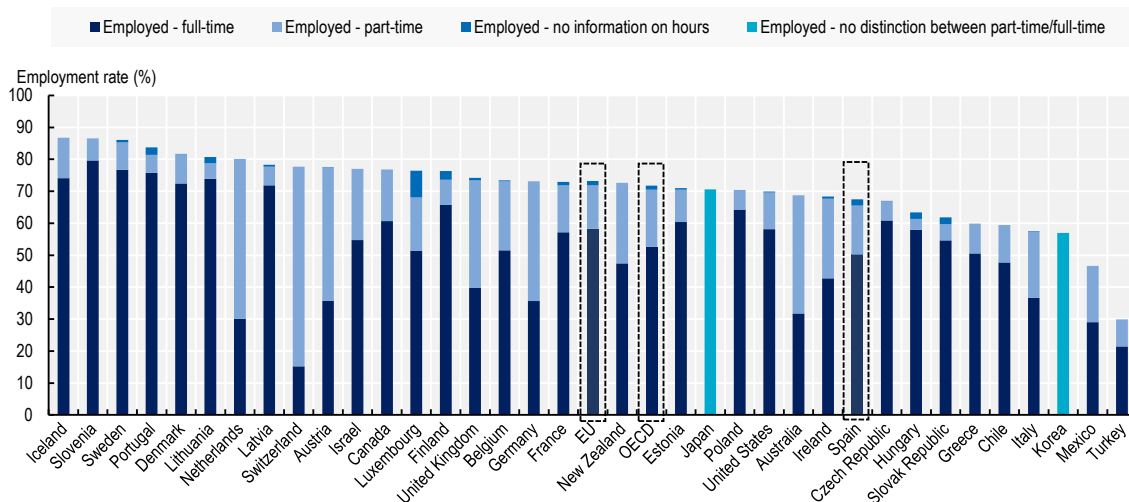
Source: OECD calculations based on the EU-LFS.

In 2019, about two-thirds (67%) of mothers were employed in Spain. This share is lower than in many other EU and OECD countries, where 73% and 71% respectively of mothers were employed on average (Figure 1.11). Among working mothers, three-quarters work full-time, whereas only one-quarter works part-time. While maternal employment rates vary distinctively with the partnership status of mothers across the OECD, the employment rates of partnered and single mothers hardly differ in Spain.

For many years, the minimum wage in Spain was amongst the lowest of the OECD. When measured as a ratio of the country's median wage, the minimum wage barely reached 40% throughout the 2000s and 2010s. A significant increase in the minimum wage in 2019 brought the Spanish minimum to median wage ratio more in line with other OECD countries (Figure 1.12). In 2018, 1.3% of women and 0.5% of men who were working full-time earned less than the minimum interprofessional salary; while 43.1% of women and 35.6% of men earned less in between one to two times the minimum salary (INE, 2019^[53]).

Figure 1.11. Only two-thirds of mothers in Spain are employed

Employment rates (%) for women (15-64 year-olds) with at least one child aged 0-14, by part-time/full-time status, 2019

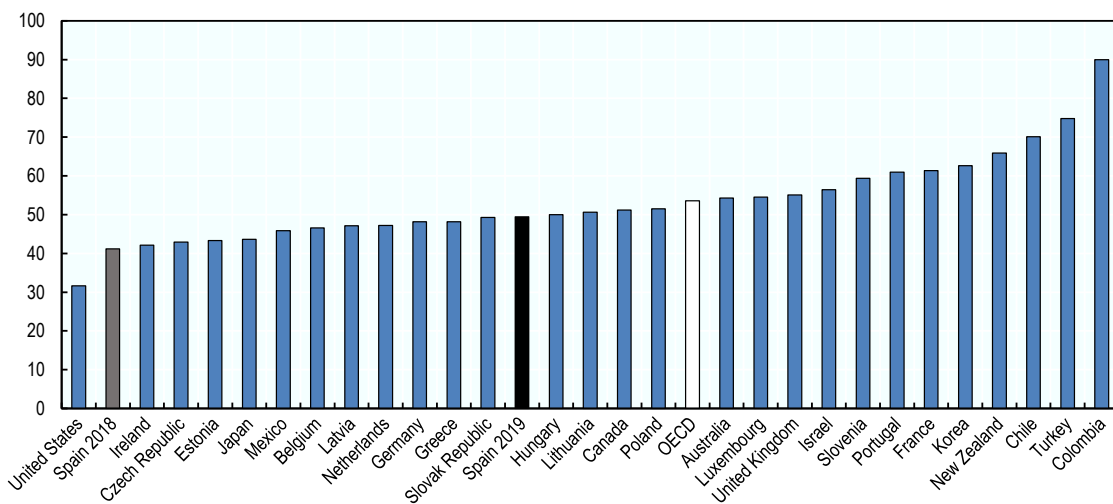


Note: Part-time employment is defined as usual weekly working hours of less than 30 hours per week in the main job, and full-time employment as usual weekly working hours of 30 or more per week in the main job. Exact definitions on part-time and full-time status as well as on the included population of mothers differ for some countries, as indicated in the original source.

Source: OECD Family Database, Chart LMF1.2.A, <http://www.oecd.org/els/family/database.htm>.

Figure 1.12. The increase in the minimum wage in 2019 brought Spain more in line with other OECD countries

Minimum wages relative to median wages of full-time workers, 2019



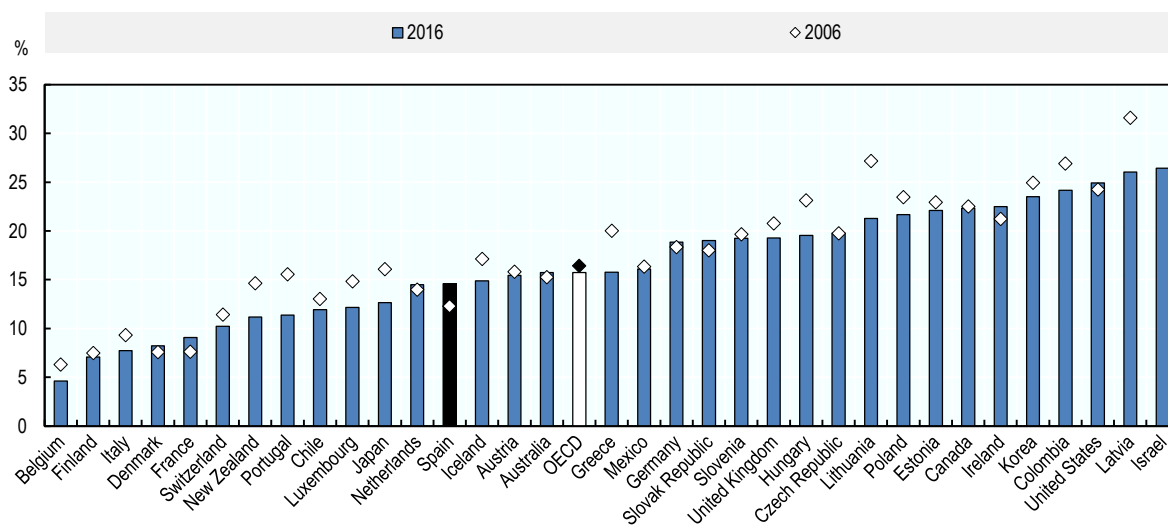
Source: OECD Labour Force Survey data.

While the incidence of low pay is lower in Spain than in the average OECD country (Figure 1.13), it is one of the few OECD countries where the incidence rose between 2006 and 2016. In 2016, 14.6% of workers earned less than two-third of median earnings, compared with 15.7% in the EU and OECD on average.

The share in Spain rose by 2.3 percentage points over the timespan of a decade, whereas the average shares in the EU and OECD declined by respectively 1.3 and 0.7 percentage points. In Spain as well as on average across 22 European OECD countries, among full-time employees, fewer parents earn a low pay. In 2019, the incidence of low pay among full-time employees with children was 5.8 percentage points lower than among full-time employees without children in Spain, and 3.5 percentage points on average. The difference is smaller when the sample excludes employees under the age of 30, but still exists.⁵

Figure 1.13. Low pay is less frequent in Spain than in the average OECD country, but rose over the past decade

Share (%) of full-time workers earning low pay, 2006 and 2016



Note: The incidence of low pay refers to the share of workers earning less than two-thirds of median earnings. Estimates of earnings used in the calculations refer to gross earnings of full-time wage and salary workers.

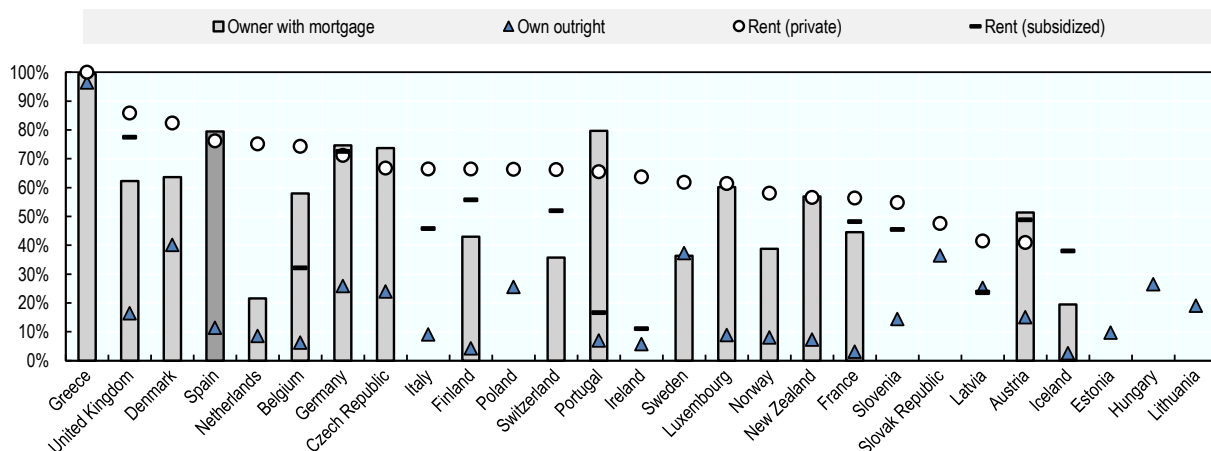
Source: OECD Earnings Distribution Database, www.oecd.org/employment/emp/employmentdatabase-earningsandwages.htm.

Rising housing costs

Housing affordability in Spain is only slightly worse than the OECD average, and only 3% of the population live in over-crowded conditions compared to 12% across the OECD. Nevertheless, in particular young people and tenants often have difficulties finding affordable and stable housing; and total housing costs are elevated for low-income households. Housing is a relevant, even determining, factor in family formation and plans over the life course, and has a large impact on well-being and family life. The increased price of housing and cost of rentals is one of the greatest obstacles young adults encounter to being able to live independently (Moreno, 2016^[54]). According to 2019 data from the Spanish Youth Council, half of the population at ages 18 to 29 devotes over 30% of its income to housing, double the share in the total population. Furthermore, in 2017, 6.8% of people aged 18-29 who were heads of household stated that they had paid their rent or a mortgage late, as opposed to 3.8% of the total population (Ayala et al., 2020^[55]). Looking at households whose incomes fall into the lowest quintile, the share who pay more than 40% of disposable income on total housing costs (that is for example including taxes and utilities) is elevated for both tenants who rent from private owners and for owners who are still paying a mortgage (Figure 1.14). Low-income households do not only find it difficult to afford housing in urban but also in rural areas. In fact, while the share of low-income individuals with housing affordability problems rose more in urban than rural areas, the share among the latter also rose by around 20 percentage points between 1995 and 2007 (Dewilde, 2018^[56]).

Figure 1.14. About four in five low-income tenants and mortgage-paying households in Spain are overburdened by their housing costs

Share of households in the bottom quintile of the income distribution paying more than 40% of disposable income on total housing costs, by tenure, in percentage, 2018 or latest available year



Note: Total housing costs include mortgage principal and interest repayment, rents, structural insurance, mandatory services and charges, regular maintenance and repair, taxes and utilities (including electricity, water, gas and heating). In the Netherlands and Norway no tenants at subsidised rate are subsumed into the private market rent category due to data limitations. No data on mortgage repayments available for Denmark. No distinction available between private or subsidised renters in New Zealand.

Source: OECD (2021^[46]), "HC1.2 Housing costs over income", *Affordable Housing Database*, <https://www.oecd.org/els/family/HC1-2-Housing-costs-over-income.xlsx>.

Spanish tax policy for a long time favoured home ownership. From 1995 onwards, the liberalisation of the rental market produced a dual housing market between those who could afford ownership and those who had to rely on the private rental market. Today, three-quarters of Spanish people live in their own home they either own outright or have a mortgage on, still higher than the 68% OECD average (OECD, 2021^[46]). The sharp increase in housing costs from the turn of the millennium onwards accelerated the transition to the dual earner family model. The housing policy deficits spilled over into family and social policy (Bosch and Trilla, 2019^[57]; Módenes, 2019^[58]). The 2008 crisis produced high figures of evictions and harassment of tenants. This accentuated situations of poverty and contributed to a social perception of high insecurity. Another crucial factor is the dominance of three to five year contracts in the private rental market that can be followed by substantial rent increases. This can produce a high perception of insecurity: once rooted in a place, tenant families face high costs to move if they cannot afford the increase in rents. This problem applies particularly to families with children, who choose and are assigned schools according to their neighbourhood.

Rural families face additional challenges

Demographic trends of depopulation and masculinisation and more difficult access to public and private infrastructure in rural areas can create challenges for families.

Rural spaces have been affected differently by the process of depopulation depending on the economic structure and labour opportunities for young generations. During the second half of the 20th century, and especially from 1960 to 1980, rural spaces experienced dramatic social, economic and demographic changes due to the mass migration towards urban areas. The rural population shrank by around 40%, reaching more than 50% in the inland regions of Spain (Pinilla and Sáez, 2017^[59]). The trend did not stop in the new millennium, with three out of four towns in Spain having lost population between 2010 and 2020

(Secretaría general para el reto demográfico, 2019_[60]). In 2020, 3 926 towns had a density under 12.5 inhabitants per km², the limit to be considered in demographic risk. As a comparison point, the OECD defines a rural community as having a population density below 150 inhabitants per km² (OECD, 2016_[61]). These extremely low density areas represents 48% of Spanish territory (Secretaría general para el reto demográfico, 2019_[60]).

Rural areas are not only becoming more sparsely populated but also older and more masculine. The ratio of inhabitants over the age of 65 to the inhabitants under the age of 15 is equal to nine in municipalities with less than 100 inhabitants, compared to around 1.3 in cities with more than 100 000 inhabitants. In towns with less than 1 000 inhabitants, 30% of the population are over the age of 65 and 15% of the age of 80 (Secretaría general para el reto demográfico, 2019_[60]). The differences are bigger for women due to their greater life expectancy (Comisionado del Gobierno frente al Reto Demográfico, 2017_[62]). Compared to the national average of 51.0%, the share of women is lower in rural areas: 49.4% in towns with under 5 000 inhabitants and even only 43.2% in towns under 100 inhabitants.

Low fertility rates and (higher female) out-migration lead to rural depopulation and ageing as well as the masculinisation. Since the beginning of the 21st century, the annual birth rate in Spanish rural territories has been around 6-7 per 1 000 inhabitants, while the mortality rate has been around 11-14 per 1 000, leading to negative natural growth (Pinilla and Sáez, 2017_[59]). Studies show a greater predisposition among rural women than men to leave their hometowns. One reason is that they often face more difficulties in entering rural labour markets than men do. Cities offer them better employment but also a more flexible and attractive lifestyle. Young men, who may have not completed school, in turn might find it difficult to move but also to find a partner in their local area. The arrival of immigrants has counterbalanced the exodus of young people born in rural areas in a small way: Foreign-born people represent 10% of the total rural population in Spain and 16% in the case of people between 20 and 39 years of age (Camarero, Sampedro and Reales, 2020_[63]). The combination of rural emigration and low fertility rates have led to the emergence of the “support generation”, born between 1958 and 1977, who are in charge of taking care of their parents and children in the face of often weaker public services and infrastructures.

Along with fewer employment opportunities, the lack of access to private and public services are among the challenges for individuals in rural areas. The percentage of rural households having difficulties in accessing different types of private and public services (such as broadband internet and specialised medical care) is between 10-20 percentage points higher than for metropolitan households (Camarero and Oliva, 2019_[64]). This gap increases inequalities between urban-rural families and hinders the settlement of families in rural areas.

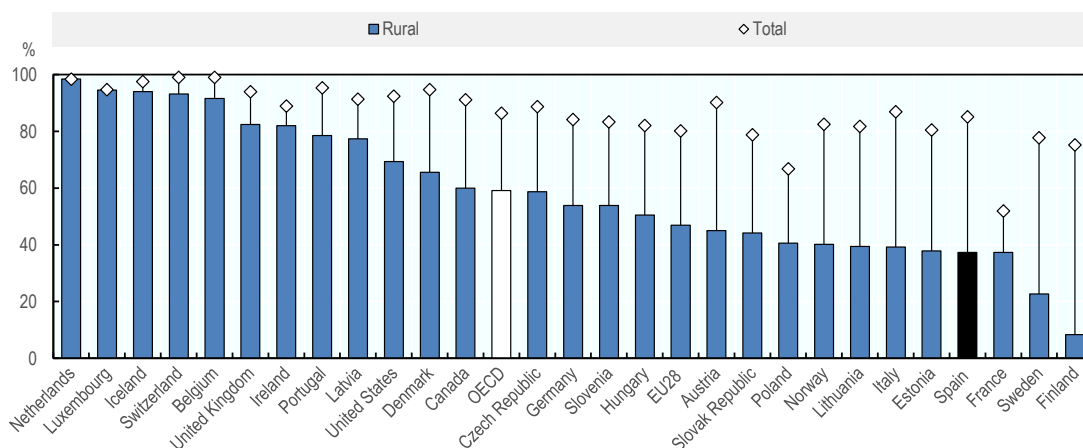
Schools, broadband internet and transportation infrastructure are among the key needs of rural families:

- Schools play a key role among institutions in rural areas. They are often a prerequisite for keeping other social institutions, such as pharmacies, bakeries, bars or nursing home, in place because they make it possible for families with children to stay in or move to rural areas. Rural schools present more complexity in their organisation due the lack of resources and children, but they may also be spaces for implementing innovative learning practices, such as rural learning communities involving parental participation. Some Autonomous Regions have provided more resources to rural schools.
- The provision of broadband internet can foster the diversification of rural economies towards new productive sectors linked to services and knowledge economy, and may facilitate teleworking. But in 2017, only 37.3% of rural households in Spain lived in an area where fixed broadband internet was available, compared to 85.0% of all Spanish households and an unweighted OECD average of 59.1% for rural households (Figure 1.15).
- A good public transport infrastructure promotes the connection between rural towns and urban centres where educational, professional and social activities are located.

A lack of affordable housing in rural areas can make it difficult for new families to settle there or for young people to move out of their parental home. This phenomenon can occur in particular in regions where high income earners from urban areas buy secondary residences. At the same time, rural families may be more frequently faced with the necessity to find accommodation in urban areas for their young adult children who are pursuing higher educational degrees, because of a lack of higher education and training options in rural areas.

Figure 1.15. Fewer than one in four rural households in Spain could theoretically access high-speed internet in 2017

Households in areas where fixed broadband with a contracted speed of 30 Mbps or more is available, as a percentage of households in the total and rural categories, 2017



Note: For EU countries and Canada, rural areas are those with a population density less than 100 and 400 per square kilometre, respectively. For the United States, rural areas are those with a population density less than 1 000 per square kilometre. For EU countries, fixed broadband coverage is defined as NGA technologies (VDSL, FTTP, DOCSIS 3.0) capable of delivering at least 30 Mbps download speed. For the United States, coverage refers to fixed terrestrial broadband capable of delivering 25 Mbps download and 3 Mbps upload services. Data for Canada and the United States refer to 2016. The OECD average refers to the unweighted average among the included countries. Source: OECD (2019^[65]), *Measuring the Digital Transformation*.

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Notes

¹ Different factors can contribute to the seeming discrepancy between the number of children born to unmarried parents and the number of minors living with parents. First, 'living with parents' can include situations of reconstituted families where both adults are parents but only one of them is a parent of the child or teenager in question. Secondly, the statistic includes older teenagers who were born at a time when out-of-wedlock birth were still less frequent. Third, a number of parents may only get married after having had one or all of their children.

² Own calculations with statistical data from the National Statistical Office (INE) and the General Council for Judicial Power (CGPJ) for 2018.

³ This wave of the international comparative HBSC survey included questions on shared residence from the child's perspective, allowing an analysis of joint custody arrangements and impacts on subjective well-being. In later survey waves the core questionnaire did not include this specific question. Spain also does not participate in the Generations and Gender Survey that covers relevant questions.

⁴ In order to closer to the poverty definitions of a number of OECD member states, the OECD Income Distribution Database (IDD) defines the at risk of poverty threshold at 50% of the median income, compared to a 60% cut-off for the equivalent Eurostat indicator. According to Eurostat, 29.5% of children in Spain were at risk of poverty in 2018.

⁵ The calculation of the low-pay incidence for all employees as presented in Figure 1.15 relies on earnings and labour force surveys, including the European Union Structure of Earnings Survey; while the calculation for parents relies on household surveys, including the EU-SILC.

2 Family support and protection in Spain

This chapter first reviews the historical evolution of Spanish family law, the place of family policy in the Spanish constitution, and the role of the main family policy actors. For a long time, family policy remained one of the least developed areas of social policy, and it primarily focused on the special needs of families raising more children than the average. Spanish family law reacted slowly to the societal changes in family life, and since the mid-2000s, many reforms placed the country in line with international developments in terms of divorce, same-sex marriage, parental responsibilities, and child custody and support, among others. The chapter also describes the features and access conditions to the main transfer programmes, early childhood care services, and family leave and housing policies. It then reviews the overall public spending on family benefits and services in Spain and presents evidence on the redistributive impact of the Spanish welfare state.

Family policy refers to social programmes conferring rights and benefits to family members to support them in raising and providing care to minor children and other dependent persons. The main instruments are cash benefits, in-kind services including childcare and tax breaks, and family leave benefits or working time flexibility to take care of children and relatives. Laws and their interpretation by courts and administrations define not only the scope of these transfers, tax breaks and services, but importantly also which households count as families that have access to these benefits.

Spain's historical legacy hampered the development of a strong family support policy for several decades, but the national and regional governments have re-discovered this policy area from the mid-1990s and particularly mid-2000s onwards. During Franco's era (1939-75), a pro-natalist policy was one of the regime's grounding elements. Even if families' benefits and social rights were weak and flawed, this ideological stance tainted the programmes of political parties that held power afterwards (Valiente Fernández, 1996^[1]). As a result, Spanish Governments dismissed the possibility of developing a family support policy for many years. For a long time, family policy remained one of the least developed areas of social policy and was characterised by privatisation, an assistential rather than universal character and fragmentation (Meil, 2015^[2]). Since the beginning of the century, regional public bodies started developing their powers in social assistance and taxation. More recently, successive central governments developed labour and social security family benefits, improved family taxation and promoted better co-ordination of family-related measures in health, education, and social assistance. The modern legitimations for family policy have been the compensation of family burdens (Meil, 2002^[3]); gender equality (Guillén, 2002^[4]; Meil, 2002^[3]; Valiente, 2003^[5]) and more recently child well-being (CIIMU, 2007^[6]; Marí-Klose et al., 2008^[7]; Gómez-Granell and Mari-Klose, 2012^[8]; Flaquer, Cano and Barbeta-Viñas, 2020^[9]).

The structure of this chapter is as follows: After a brief review of the historical evolution of Spanish family law and of the role of family policy in the Spanish constitution, the chapter presents the role of the main family policy actors. It then describes the structure and coverage of different family benefits and services.

The evolution of Spanish family policy and its role in the Spanish Constitution

One of the main features of the Spanish model of family support is that it has primarily focused on the special needs of families raising more children than the average. In line with the falling fertility rates, what is defined as 'larger than average' has changed over the past century, from eight children in 1926 to three as of 1994. In addition, other circumstances that might mean that families need more support – such as a child's or parent's disability or working incapacity, the parent's death or the break-up of parents' marriage – have also come to be reflected in the law. The foundation of large family protection laws can be found in the natalism encouraged by the fascist movements that dominated Spanish politics for several decades, though the later continued focus was principally based in the acknowledgement that large families were often most at risk of poverty. The dictatorship led by Miguel Primo de Rivera (1923-30) approved the first protective regulations for large families.¹ Later, the regime that emerged from the civil war enacted a general act for the protection of large families,² the preamble of which emphasised the Francoist regulation's natalist goals. Later on, Act 25/1971, 19.6.1971, on the protection of the large families, updated this regulation and moderated the discourse. The number of children was relevant, but also the protection of children with intellectual disabilities. The currently in force Law on the Protection of Large Families (LPFN) repealed this Act,³ and pointed to the specific problems large families face regarding the costs of children's care and education and access to housing that needed to be remedied through public policy to satisfy the constitutional principle of real and effective equality.

A brief review of the history of Spanish family law

Traditional Spanish families were marriage-based extended families living in households of several generations. They shared the ideas of patriarchy, family solidarity and independence from the state. These

features also characterised Spanish family laws for decades and were enshrined in the 1889 Civil Code and the 1960s Compilations of regional civil laws (which applied for example in Aragon, Catalonia, the Balearic Islands, the Basque Country, Galicia and Navarra). The Spanish family policy under Franco dictatorship was heavily inspired by the Roman Catholic Church. Parents and children were united by indissoluble ties under the patriarchal authority of the husband and father, while the wife and mother was separated from the labour market and confined to the home in order to give birth and to care for the children. Family policy in Spain was born strongly marked by the will to compensate for economic burdens from household responsibilities so that the family as an institution was able to fulfil its functions as they were defined by the ideology of the authoritarian political regime (Meil, 1994^[10]; Meil, 2002^[3]; Meil, 2006^[11]). At the end of the 1970s, Spanish families still had many children (for a total fertility rate of 2.77), and the number of marriages was high. Extended families were on the wane, though there were regional differences: in areas of Northern Spain, Western Andalusia and Southern Extremadura, they continued to be more important while in other areas, families were increasingly nuclear (Flaquer, 1990^[12]; Flaquer and Soler, 1990^[13]). Although an increasing number of women studied, few had jobs outside the home, and even fewer were in liberal professions or leadership positions. Even from the legal point of view, married women did not have full legal capacity. Divorce did not exist, and even legal separation had to be based on one of the spouses' fault. Spouses who were at fault lost their rights vis-a-vis their children and spousal support. Children born out of the wedlock had a lower legal status than children born within marriage, and single mothers had no rights.

Changes started to occur at the end of the 1950s with the opening of the Spanish economy to international markets and continued in the 1960s and early 1970s under the impression of inward tourism and massive emigration of Spaniards to higher-income European countries. The social and economic development after Franco's death in 1975 and the passing of the new Constitution in 1978 opened the gate to the swift modernisation of customs. Since the 1980s, more and more Spanish women enrolled in higher education and participated in the labour market, leading to changes in traditional family life. At the beginning of the 21st century, later marriage and family formation, an increase of cohabitation and the number of children born out of wedlock, and more instability of both married and non-married intimate relations characterise Spanish society (Meil Landwerlin, 1999^[14]).

Spanish family law only reacted slowly to the changes in family life. However, since 1981 and especially after 2005, many reforms have placed Spanish family law in line with international developments in divorce, same-sex marriage, parenthood, parental responsibilities, child custody and support, de facto couples, adoption and child protection (Martín-Casals and Ribot Igualada, 2008^[15]). One of the most important consequences of the turn away from conservative social policies is that the prior theme of family policy as a public compensation for family burdens as an explicit goal in public discourse has been reduced and complemented by the fight against childhood poverty and by the promotion of the reconciliation between family and working life (Meil, 1994^[10]; Meil, 2002^[3]; Meil, 2006^[11]).

One of the main features of the modernisation of family life is the individualisation of family members' legal position. Article 32 of the Constitution enshrines the principle of equality of husband and wife within marriage; and family law got rid of all remains of patriarchal regulations many years ago.⁴ Regarding the marital property regime, since the beginning of the century, a remarkable increase in marriage agreements has taken place that substitute the default marital property regime of community of acquisitions (*sociedad de gananciales*) [Article 1316 of the Civil Code (CC)] by the separation of property regime. In the former, the couple's community gains are liable for debts or other expenses linked to supporting family members, and assets remaining at death or divorce are divided equally between spouses. The optional separation of property regime [Article 1435 to 1444 CC] does not automatically create any common property, and a spouse who might have prioritised unpaid over paid work only has a legal right to an unspecified compensation. This compensation can even be waived, provided there is no duress or undue influence. The Spanish Civil Code lacks a specific regime for prenuptial agreements, but case law admits their validity based on freedom of contract [Article 1255 and 1321 CC]. Their usual content waives rights to which

spouses may be entitled to upon separation or divorce. The Supreme Court declared void agreements that are seriously damaging for one of the spouses in its first ruling on the topic [Supreme Court Sentence (Sentencia del Tribunal Supremo – STS) 24.6.2015], but has recently taken a more liberal stance, for example declaring a prenuptial agreement as valid despite the wife’s protests that she knew little Spanish at the time of signing and that the agreement was highly detrimental to her [STS 30.5.2018].

Another feature of the modernisation is the opening of marriage to same-sex couples through a 2005 reform of the civil code and the increasing role of civil marriage. Despite the explicit wording of Article 32 CE, the Constitutional Court rejected a literal translation and ruled that Act 13/2005 was constitutional [Constitutional Court Sentence (Sentencia del Tribunal Constitucional – STC) 198/2012] and in line with present-day legal culture. Although the legislature could have chosen to offer a different legal regime to same-sex couples, it was also within its rights to introduce marriage as the only regime for all, regardless of sexual orientation. In 2019, there were around 5 000 same-sex marriages, representing 3% of all marriages. Theoretically, opposite- and same-sex couples alike can choose between a civil or religious marriage; but currently, no religious community in Spain offers same-sex couples the option of a religious marriage. Since 2009, more couples have opted for a civil than for a religious marriage. In 2019, 79.1% chose a civil marriage, 20.5% a Catholic and 0.4% a non-Catholic religious marriage (INE, 2020^[16]; INE, 2021^[17]).

The liberalisation of divorce laws is a third aspect of the modernisation of Spanish family law. Initially forbidden, divorce became a possibility through a model of no-fault divorce based on irretrievable marital breakdown, evidenced by long periods of legal separation (Martin-Casals, Ribot and Solé, 2003^[18]). However, this model entailed a duplicity of procedures and delayed the solution of marital conflicts, increasing acrimony and costs for the parties and for the justice system as a whole. It even made it possible that disputes already closed during separation procedures could reopen in the subsequent divorce procedure (Carrasco Perera, 2004^[19]). A 2005 reform (Act 15/2005) introduced divorce on demand. It can be requested and granted without recurring to any legal ground for divorce [Articles 81 and 82 CC]. These divorces can be filed unilaterally or by mutual consent; and can be fast-tracked when they are non-contested. In this case, the divorcing spouses are required to agree on the custody of joint children, the use of the family home, child and spousal support, and marital property division. This agreement must be approved unless it is harmful to any minor children or seriously damaging to one spouse. Since 2015, non-contested divorces can also be granted by secretaries of the court and public notaries, provided that no minor or incapacitated children are involved [Article 82.2 CC as amended by Final Provision 1.23 Act 15/2015].

In addition, there was a strong judicial and legislative trend towards recognising de facto partners’ rights and duties during the 1990s. Closely following the regulatory model established by the Catalan Act 1998 on Stable Unions, most Autonomous Communities passed specific statutes establishing legal effects of cohabitation. According to the Catalan and a few other regional Acts, legal effects apply automatically to partners who have lived together for at least two years or have a child together, while other regional acts on unmarried couples require registration of cohabitation arrangements in an administrative register. Until 2005, case law of the Spanish Supreme Court also showed a clear trend towards an approximation of de facto unions to marriage and fostered the recognition of economic effects in favour of the most vulnerable party after the union’s breakdown. The driving force behind legislation on de facto unions was the need to provide a legal framework for same-sex couples. After marriage was opened to same-sex couples in 2005, attempts to introduce a national regulation for de facto unions reached a deadlock. Case law also veered off under the assumption that “after same-sex marriage and unilateral divorce have been introduced, it can be said that cohabitation involves persons who in no way want to enter into marriage with its legal effects” [STS 12.9.2005 (RJ 2005\7148)] and that the principle of contractual freedom should prevail. Following similar reasoning, in 2013, the Constitutional Court declared void the Navarre Act on Stable Couples, which allowed compensatory payments and maintenance obligations arising from the breakdown of unregistered

de facto unions. In 2019, de facto couples accounted for 15.1% of all households formed by couples with or without children.

Legislation on custody evolved in line with changes in marriage and divorce. Parents have the right and the duty to live with their underage children. If the parents do not live together, their mutual agreement or a judicial decision define their duties. For separated parents, there used to be a distinction between custody and access or visitation rights. Due to fathers' demands to be more involved in their children's lives, the division between sole physical custody and shared physical custody was introduced in the Civil Code in 2005. In the beginning, the code's rules pointed to shared physical custody being an exception. But since then, the hurdles existing in the first version have been removed, and case law is inclined to grant shared physical custody as default regime unless it is demonstrably harmful to children [among many others STS 29.4.2013]. Several regional Acts also give legal preference to shared physical custody. These changes have indeed led to a growth in shared physical custody, though their prevalence across different Autonomous Communities still varies (see Chapter 1, Figure 1.3).

As a result of societal and legal changes, family models that depart from the traditional nuclear family with a married mother and father are of growing relevance for family law. New family types, some of them resulting from divorce or couple breakdown, such as blended, reconstituted and single-parent families, have become more common. Article 231-1 of the Catalan Civil Code is devoted explicitly to recognising this heterogeneity. It recalls that families are entitled to protection under the law, without discrimination based on whether they arise from marriage, de facto unions or are formed by a single parent with their descendants (see also Article 50 of Navarre Compilation of Foral Law, as amended by Article 2 Act 21/2019, 4.4.2019.). Nonetheless, certain family structures continue to present challenges with regards to their legal situation:

- Step-parenthood is an old family situation, though it traditionally resulted from widowhood in contrast to predominantly divorce, separation or single motherhood from the outset of the child's life today. In blended families, both partners are step-parents since they bring their own children to the household that they share. From a legal standpoint, the status of step-parenthood is far from clear. Stepchildren's support and education costs are to be shared by both spouses when they living in the same household. However, in most cases, the step-parent does not hold legal parental responsibilities over their stepchild. Exceptions occur in Aragon, where the so-called 'family authority' is exercised jointly by the step-parent and their spouse [Article 85.1 Aragon Foral Law Code (D-Leg 1/2011, 22.3.2011)], and to a lesser extent in Catalonia, where the Civil Code recognises a right to participate in decisions relating to step-children's daily life [Article 236-14.1 CCCat]. Adopting step-children is usually not an option because it severs the other biological parent's legal ties with the child. When the couple in a reconstituted or blended family split up, step-parents owe no child support [STSJ Catalonia 23.2.2006]. They can ask for contact with stepchildren as 'close friends' or a new type of relatives (*allegados*) unless this is not in the stepchildren's best interest [Article 160 CC = Article 236-4.2 CCCat]. In exceptional situations, they can also be awarded custody. In the case of biological parent's death, the step-parent may be appointed as a guardian. Step-children keep their original family name and do not have legal succession rights or duties with regards to their step-parent.
- While adoptive parenthood is legally identical to biological parentage, foster family care does not create any link of filiation. Since there are fewer children who could potentially be adopted than prospective parents who would like to, Spain was one of the leading destinations for internationally adopted children some years ago, though more recently there has been a drop. In contrast, the number of children under child protection measures has grown. In most serious cases of child neglect or abuse, child protection authorities separate children from their parents and place them in the care of relatives or foster families [Article 172 CC]. Foster family care was introduced in a reform of the Civil Code in 1987. The placement of children in a foster family occurs through an administrative order or, in cases where the biological parents oppose the placement, through a

judicial order. Care orders can be for emergency, temporary or permanent care [Article 173 bis 2 CC]. Although foster parents are neither parents nor legal guardians (the latter role belongs to the public authorities), they are treated as if they were and are required to “(...) guarantee the foster child’s full participation in their family life and (...) feed, educate and provide them with a comprehensive training in a caring environment” [Article 154 CC]. However, foster family carers are not the legal representatives of foster children, and only permanent foster family carers may be judicially granted full parental responsibilities. Foster family carers can be remunerated and compensated for the costs of raising foster children.

- Family formation through medically assisted reproduction has been regulated in Spain since 1988 (Act 35/1988). The law allows the artificial insemination with a partner’s or donor sperm and in vitro fertilisation for couples and single women. Married women must have their spouse’s consent, in which case the partner is automatically the father, whether or not donor sperm is used. The male non-marital partner of the woman can also be the child’s legal father if he has given his consent. Each child can only have two parents and surrogates would legally be the mother. Currently, the law explicitly forbids surrogacy agreements, though some initiatives to repeal the prohibition have been introduced to the parliament. The issue remains highly controversial and a compromise is not in sight. Meanwhile, following the general criteria set up by the European Court of Human Rights, the Supreme Court admitted that if there is family life between commissioning couples and children, the former can use any available way to legalise the situation and register the children as theirs. Following this pragmatic view, social courts also decided in favour of granting parental leave and social allowances to commissioning parents.

Family policy in the Spanish Constitution The Spanish Constitution of 1978 includes a specific provision on family support policy. Article 39.1 of the Spanish Constitution states that “The public authorities shall ensure the social, economic and legal protection of the family.” The antecedents of Article 39.1 can be found in international texts highlighting the central role of families in social life, which entails the need for their protection and support.⁵ The preliminary version of the provision also clarified that the protection was meant to be “in particular, through social benefits, tax provisions and any other appropriate measures” (Espín Cánovas, 1996^[20]; Gálvez, 1984^[21]). Article 39 is the first of the so-called ‘Governing Principles of Economic and Social Policy’, enshrined in Chapter III of Part I of the Spanish Constitution. These principles shall be the basis of legislation, judicial practice and any public authority’s actions. Yet, they cannot be used by individuals in claims before the ordinary courts unless they have been developed by the corresponding statutes and regulations (Article 53.3 CE).

While legislators are occasionally accused of violating the principle enshrined in Article 39.1. through inaction, the Constitutional Court has clarified that the Governing Principles do not force lawmakers to create laws. The Court has stated that “the nature of the guiding principles of the social and economic policy contained in chapter III of Part I makes it unlikely that any legal provision can be considered unconstitutional *by omission*” (STC 45/1989, 20.2.1989). Therefore, it is the task of the legislator to articulate the normative or other instruments through which to make effective the constitutional mandate, “and none of them is *a priori* constitutionally required” (STC 222/1992, 11.12.1992). “The legislator enjoys the freedom to articulate measures that involve support to families through tax benefits, social benefits or a dual system that combines both techniques (...). From a constitutional point of view, the legislator must be recognised the freedom to use the means considered more suitable on the circumstances of each case” [STC 214/1994, 14.7.1994].⁶

The interplay of the different articles of the Constitution define the scope of action in family policy. Article 39.1 provides legitimacy to measures aimed at protecting the family even when they might contradict the principles of equal treatment and economic capacity for taxation purposes as enshrined by Article 31 [STC 209/1988, 10.11.1988]. Conversely, decisions that entail treating a person worse because they are part of a (large) family are unconstitutional because they violate Articles 14, 39.1 and 31 [STC 77/2015, 27.4.2015; STC 209/1988, 10.11.1988 and 45/1989, 20.2.1989].⁷ Similarly, legal measures

that refer to the protection of the family cannot exclude non-married children because “this would amount to discrimination on the grounds of birth prohibited by Article 14 CE” [STC 74/1997, 21.4.1997]. New legislation was passed in 1981 to fully redraft the Civil Code provisions on parenthood to conform with the new legal constitutional principles that ruled that discriminating children born outside wedlock was unconstitutional.⁸

The Constitutional Court has adopted an open concept of family, but this does not preclude different legal treatment of diverse family types. The concept of family is independent of marriage (Roca Trías, 1990^[22]) and of the existence of children [STC 222/1992, 11.12.1992; 116/1999, 17.6.1999 and 198/2012, 6.11.2012], and does not identify “the legal family only with the natural or biological family” [STC 116/1999, 17.6.1999].⁹ However, the Court also noted that “public measures which grant a different and more favourable treatment to the family unit based on marriage shall not necessarily be incompatible with Article 39” [STC 184/1990, 15.11.1990; and also STC 60/2014, 5.5.2014].

Family policy actors and the structure of the family support system

The role of the central government and regional authorities

There is no clear-cut distribution of the regulatory powers on family policy among the state, the regions and local authorities. Being interdisciplinary, family policy relates to different areas where the state and the regions have exclusive or shared constitutional entitlements to lay down rules. Basic social security regulation belongs to the state (Article 149.1, 17 CE), whereas social assistance remains a regional policy area (Article 148.1, 20 CE). Local authorities apply the regulatory framework provided by the state or by the regions; but have also been allowed to develop particular rules in certain particularly important areas, such as the requirements to have access to early childhood education and childcare services. In other family policy areas, the state and the regions share the regulatory powers. For example, the state provides the basic legal framework for education, and the regions execute their programs. The regions collect several taxes, and may in some cases provide tax breaks. They can also introduce variations in the income tax to accommodate their policies in many areas of life and the economy.

Bearing in mind the complex distribution of substantive competences among these actors, inter-institutional co-operation is essential in this field. Regional framework regulations have been enacted to comply with Article 39.1 on the protection of the family of the Spanish Constitution. Yet, the Autonomous Communities have sought to reinforce their competence to enact these legal measures by invoking their powers in related matters, notably in the field of assistance and social services, child protection, housing and transportation. On the other hand, the central government competences in some areas are crucial for the development of effective policies to protect the family, particularly in matters of labour law and social security protection and taxation issues. The state’s competences are a limitation for regional instruments, most of which simply mention benefits that are regulated by the state.

National level

At the national level, government action in family support has taken two directions. Some governments have favoured the approval of co-ordination plans but have focused less on taking substantial steps forward in introducing changes in the legal framework for family support policy. Other governments have enacted specific legal measures aimed at triggering social changes in the areas of parental leave, work-family reconciliation measures and updating family protection within social security. There have also been initiatives regarding early education and care, though they are often conceptualised as educational rather than as family policy. This conceptualisation as a policy falling into a different area than family policy is also the case for the 2006 Law promoting the autonomy and care of people in a situation of dependence.

This section focuses on comprehensive support plans and the national legal framework, while later sections discuss more targeted legal measures.

There have been two co-ordination plans on family policy within the areas of state competence:

- **Comprehensive Family Support Plan:** From the 1990s onwards, there was a change in attitude towards state family policy, prompted by the 1994 declaration of the International Year of the Family by the United Nations. The Popular Party Government reached an agreement with the Catalan centre-right party *Convergència i Unió* in December 1997, joined by left-wing political forces. The Comprehensive Family Support Plan that was the product of this negotiation was approved in 2001 (Ministerio de Trabajo e Inmigración, 2002^[23]). In terms of legislation, this plan improved families' taxation and renewed the legal framework of large families (see below). However, the plan itself did not activate other measures that would allow Spain to start converging with other Western countries.
- **Second Comprehensive Family Support Plan:** After its return as the governing party in 2011, the Popular Party began preparing a second plan approved for the period 2015-17 (MSCBS, 2015^[24]). The plan's main goal was to co-ordinate the actions of different ministries whose policies affected families and their well-being in a context of significant socio-economic challenges. It assigned families a central role that would only be supported by public policies in cases where this was necessary. It did not yet see the growing family diversity as a defining element of the contemporary family but rather as an exception (Comas d'Argemir, Marre Cifola and San Roman Sobrino, 2016^[25]). The plan generally did not establish new rights but rather scheduled reforms, the majority of which were already in motion (Arriba González de Duran and Moreno Fuentes, 2015^[26]). The plan defined four basic lines of action:
 1. Social and economic protection of families following active inclusion strategic lines: Prioritising unemployed individuals with children in activation programmes, offering fiscal support and improving cash transfers for families, and giving priority to families in social housing schemes.
 2. Improving work-family balance: Reform labour market practices to increase flexibility in working hours, facilitate the reconciliation of work and family life, etc.
 3. Supporting maternity: Offering support to socio-economically vulnerable pregnant women and children, and higher old-age pensions for women with two or more children.
 4. Promoting positive parenthood: Setting up educational programmes to promote good parenthood practices, fighting school dropout, co-ordinating social services and third sector organisations working on family issues.

With the accession to power of the Socialist Party in 2003, family policy shifted to a gender focus, including strong emphasis in setting new family law provisions (Acts 15/2005, 8.7.2005, modifying the Civil Code and the Act for civil procedure regarding separation and divorce) and tackling gender-based violence against women (Organic Act 1/2004, 28.12.2004, on integrated protection measures against gender-based violence). Concerning social security protection, the period between 2007 and 2009 saw new measures promoting the effective equality of women and men, including new paternity leave¹⁰ and an allowance for the birth of children (Act 35/2007, 15.11.2007), though the latter was repealed shortly after due to the budget difficulties linked to the global financial crisis. In the field of early childhood education and care (ECEC), the 2008 Plan Educa3 aimed to expand the public ECEC offer and coverage for children under 3 years old in co-operation with Autonomous Communities and municipalities.

More recently, after the Socialist Party once again became the governing party in 2018, substantive reforms aimed at increasing fathers' involvement in childrearing were introduced, particularly with regard to new parental leaves that are equal and non-transferable for mothers and fathers (RD-Act 6/2019, 1.3.2019, on urgent measures to guarantee equal treatment and opportunities between women and men in employment and occupation). Early Childhood Education and Care for children under three-year olds, which had been placed outside educational regulation since 2013, has been included again in new

education-related laws and regulations. In practice, the Autonomous Communities have had some scope to develop these services either as falling under education or other regulations, such as those related to social services.

The only national legal framework on family policy currently in force is Act 40/2003, 18.11.2003, regarding the protection of large families [Ley de Protección a las Familias Numerosas – LPFN]. The First Final Provision of LPFN stipulates that the act “defines the basic conditions to guarantee the social, legal and economic protection of large families in accordance with the provisions of Articles 39 and 53 of the Constitution, [and] it is of general application following subsections 1, 7 and 17 of Article 149.1 of the Constitution”. These subsections of Article 149.1 lay down the state’s exclusive competence for regulating “the basic conditions that guarantee the equality of all Spaniards in the exercise of rights and the fulfilment of constitutional duties”, and the “basic legislation and economic regime of the Social Security”. Based on this constitutional framework, title I of LPFN sets forth general provisions on the *concept* of a large family, the *conditions* that its members must meet, the *categories* of this type of families, and the *procedures* for recognition, renewal, modification or loss of the legal status as a large family. According to the national legislature, most components of the LPFN are deemed basic law and have direct application throughout Spain. Prevailing case law also confers basic nature to § 1 of the Additional Provision 2 LPFN, which states that “the benefits established under this Act for family units that are recognised as large families have the nature of a minimum and shall be compatible with or accumulated to any others that, for whatever reason, the members of these families enjoy”.

The definition of families that get treated as large under the law depends on the family size but also accounts for special situations. Article 2 LPFN provides that a large family comprises one or two parents with three or more children, whether or not they are joint children of the spouses. Between the parents, there must exist a marital bond: if they are not married, the large family status can only be granted to one of the parents [STSJ Murcia (Administrative Chamber, Section 1) 417/2001, 16.6.2001 (RJCA\2001\856)]. However, disability and loss of parents can also confer the status of large family. For example, families with two children can be counted as large when one of the following conditions apply: one of the children is disabled or unable to work; both parents are disabled or unable to work or one parent suffers from a disability of a degree equal to or greater than 65%; one of the parents has died or the children are orphaned siblings living with a foster family.¹¹ The separated or divorced parents of three or more children can keep the status provided that the children are under their economic dependence.¹² Parents who do not live with the children must prove that they have been ordered to pay child support. At any rate, if parents disagree, the custodial parent is the beholder of the large family title. Special large families are families with five or more children or four children, of whom three are from multiple childbirth or adoption or permanent or pre-adoption foster family care; or four children but whose income falls below an income threshold.¹³ The children who get counted normally need to be younger than 21, though there is no age limit for disabled individuals and the limit can be extended to 25 for students, single, and living with their parents or sibling and depending financially on them (Article 4 LPFN).¹⁴

Although single-parent family may likewise have specific needs, there is no state regulatory framework on single-parent families, but there are significant references to single parenthood in other regulations. These include for example personal income tax regulation and some social security benefits. The personal income tax regulation grants access to joint family taxation to a type of family unit consisting of father or mother and all the children who live with him or her “in cases of legal separation, or when there is no marriage bond” (Article 82.1 LIRPF). There are also specific state tax deductions for single-parent families. In 2008, the social security legislation added a reference to the single-parent family in the context of social benefits regulation in case of birth or adoption. The definition provided is different from the one used by tax law and points to the *family formed by a single parent with whom the child lives and who constitutes the family’s sole breadwinner*. Other references to single parenthood may also be found in housing programmes and the regulation of education scholarships.

Regional level

Since 2003, Spain's Autonomous Communities have developed an extensive array of legal instruments on family policy. Some Autonomous Communities enacted specific Framework Acts for Family Support that defined benefits and basic principles of administrative actions in the sphere of family support (Table 2.1). Others approved Strategic Multiannual Family Support Plans to guide government policy and implementation, which may or may not stipulate a need for evaluation reports.¹⁵ In some Autonomous Communities, these plans or acts were one-offs, while in others (such as in the Basque Country), there have been several consecutive Family Support Plans. In some regions, family support measures focus on specific benefits or services, or target special needs or family types. Besides the general or specific protective instruments, most regions have defined family-specific tax breaks in their regional tax codes. In addition to the legal instruments, regions may also implement analyses to better help them plan policies and programmes. For example, in 2020 the Secretariat General of Families of the Andalusian regional government started working in parallel on a diagnostic report on the situation of families as well as on a new family plan; and the Basque Country accompanied its four Family Support Plans aside from the first one with evaluations.

Regional laws try to ensure that sector-specific regional policies respect the constitutional principle of family support and protection and establish basic principles for the operation of family protection and support policies. These instruments seek to comply with the constitutional mandate not only through promotion policies but also through mechanisms that promote family life and place emphasis on the reconciliation of work and family life. Regional laws also aim to cover areas where the central government's protection is lacking or insufficient (Palomar Olmeda and Terol Gómez, 2017^[27]). They often lay out services aimed at vulnerable families, including in access to housing, educational resources, transportation, parenting abilities, leisure activities, tax measures and financial benefits. The laws usually also set up advisory bodies, as well as channels for stakeholders' participation. Generally, regional family support laws only refer to programs, services, and benefits provided by the administrations linked to the territory of the corresponding autonomous community. Often, however, there are ambiguities, so that the protection granted to the families embraces services or benefits provided by the central state administration or the local authorities.

Table 2.1. Almost all Autonomous Communities have a legal instrument on family policy

Autonomous Community	Type of instrument	Instrument
Andalusia	Other	Decree 137/2002, 30.4.2002 on the support of Andalusian families
Aragon	Family Support Act	Act 9/2014, 23.10.2014, on the support of families from Aragon
Asturias	Other	Comprehensive childhood plan of the Principality of Asturias (2013-16)
Basque Country	Family Support Act	IV Interinstitutional Plan for Family Support of the Autonomous Community of the Basque Country (2018-22)
Cantabria	Other	Comprehensive Support Program for Families (2017)
Castile-La Mancha	Family Support Plan	Comprehensive Family Support Plan in Castile-La Manche (2007)
Castile-Leon	Family Support Act	Act 1/2007, 7.3.2007, on the support of families from Castile-Leon
Catalonia	Family Support Act and Plan	Act 18/2003, 4.7.2003, on the support of families from Catalonia Plan Interdepartamental de Apoyo a las Familias 2018-21
Valencian Community	Family Support Plan	II Comprehensive Family and Childhood Plan (2007-10)
Extremadura	Family Support Plan	Plan integral de familias, infancia y adolescencia de Extremadura (2017-20)
Galicia	Family Support Act	Act 3/2011, 30.7.2011, on support of the Family and the living in common in Galicia
Balearic Islands	Family Support Act	Act 8/2018, 31.7.2018, on the support of families
Canary Islands	Family Support	Canary Islands strategy for childhood, adolescence and family (2019-23)

Autonomous Community	Type of instrument	Instrument
	Plan	
La Rioja		
Madrid	Family Support Plan	Support strategy for the family of the Community of Madrid 2016-21
Murcia		
Navarre	Family Support Plan	II Comprehensive support plan for the family, childhood and adolescence in the Community of Navarre 2017-23

Leave arrangements for working parents is one example of a family policy area in which many Autonomous Communities have introduced supplementary measures since 2000. A number of regional governments introduced payments to parents taking unpaid parental leave or reducing their working hours. For example, the Basque Country, Navarre, La Rioja, Galicia, Castilla La Mancha or Castilla-León have provided flat-rate payments proportional to the working time reduction. However, Navarre abolished these payments in 2011, and Castilla La Mancha and Castilla-León in 2012. This latter region has implemented a new benefit in 2020. Catalonia introduced additional benefits for the leave of public-sector employees in 2002. For example, these workers were able to reduce their working hours by a third or one half while only seeing their pay reduced by 20 or 40%, respectively, if they have a child under six years of age or had to care for a disabled relative (Meil, Escobedo and Lapuerta, 2021^[28]).

In terms of the relationship between regional and state laws, regional legislatures cannot reduce the benefits existing at the entry into force of the Law on the Protection of Large Families, but could only modify or replace them by measures equivalent to those that existed before the LPFN. Some scholars have noted that “the comprehensive regional laws for family support have assumed the validity [of LPFN] by referring to it or by assuming its regulation within the broader protection framework that they have created” (Palomar Olmeda and Terol Gómez, 2017^[27]).¹⁶

There is a question whether regional legislatures may modify the large family’s definition by adding instances to the ones set up by basic state law (Article 2 LPFN). For example, Article 3.1 D (Catalonia) 151/2009, 29.9.2009, defines large families as those “determined by current legislation”, but also includes unmarried cohabitating couples.¹⁷ Another example is Article 6 Act (Balearic Islands) 8/2018, 31.7.2018, which also defines large families as those “determined by current state legislation”, but immediately adds “single-parent families with a child with a recognised disability of 33% or higher”. In contrast, according to Article 2.2 LPFN, to be the holder of a large family’s title, the single-parent must live with two children, and at least one of them must be a person with a disability or unable to work. The issue arose indirectly in a case where the Constitutional Court rejected a question of unconstitutionality about a regional provision stipulating that children in mother’s womb were counted when ranking families in case of shortage of public-school places. The state objected that the regional legislature had modified the basic rule of Article 2 LPFN, as large family definition applies to parents and already-born children. The Constitutional Court held that “the contested provision [was to be deemed valid because it] does not introduce a general and abstract rule on how to count the members that make up a family, which would modify the requirements to obtain the status of a large family” (STC 271/2015, 17.12.2015). If that is the constitutional threshold, the regional provisions mentioned above would be unconstitutional because they amend the definition of large family laid down by state basic rules by adding other family arrangements. The development by the Autonomous Communities of regulation for other family types, such as single-parent families, may also give rise to further doubts, especially if regional provisions equate the protection afforded to single-parent families with that of large families.¹⁸ At any rate, the Autonomous Communities did not challenge the constitutionality of the LPFN in 2003. And the state has not questioned the above-mentioned regional developments regarding large families and single-parent families. It seems plausible to conclude that the state has not reacted because regional laws modify basic concepts only to *supplement* rather than diminish the scope of the protection afforded by basic state law. Moreover, the application of regional rules is limited to their territories and competences and does not impinge upon state allowances or benefits.

The lack of a national framework on single-parent families equivalent to the regime for large families prompted some regional legislatures to enact legal frameworks at the regional level (Table 2.2). They referred to the constitutional principle of the family’s social, economic and legal protection and pointed to the growing number of single-parent families and their typical greater vulnerability. For example, in Navarra, legislators mentioned the more frequent problems of single parents to access employment.

Table 2.2. About half of Autonomous Communities have provisions on single-parent families

Autonomous Community	Instrument
Aragon	Order of the Department of Citizenship and Social Rights 384/2019, 4.4.2019
Basque Country	Article 2.3 Decree 164/2019, 22.10.2019, on allowances for the reconciliation of family and work life
Cantabria	Council Decree 26/2019, 14.3.2019, on accreditation of single-parent families in the Autonomous Community of Cantabria
Catalonia	Article 4 and 5 Decree of the Department of Social Action and Citizenship no 151/2009, 29.9.2009
Valencian Community	Council Decree 19/2018, 9.3.2018 on the recognition as a single-parent family in the Valencian Community
Galicia	Article 13 Act 3/2011, 30.7.2011, on support of the Family and the living in common in Galicia
Balearic Islands	Article 7 Act 8/2018, 31.7.2018, on the support of families
Navarre	Foral Act 5/2019, 7.2.2019, on accreditation of single-parent families in the Autonomous Community of Navarre

Most regions followed the template provided by the state legislation for the protection of large families. Catalonia approved the first regulation that defined single-parent status (Article 2 Act 18/2003, 4.7.2003) as a “family with minor children who live and depend economically on a single person” (Vela Sánchez, 2005^[29]). Years later, however, the regulation broadened the definition to include children of legal age, provided that the children meet some specific requirements equivalent to those laid down by the LPFN. On occasion, the regional provisions point out that “the other parent does not contribute financially to their maintenance” (Article 13 (Galicia) 3/2011, 30.6.2011) or that “in no case families those in which shared physical custody have been established by court order shall be deemed single-parent” (Article 2.3 Decree (Basque Country) 164/2019, 22.10.2019). All regional provisions emphasise that single parenthood means that the parent is no longer living with their spouse or de facto partner (see for example Article 46 (Aragon) 9/2014, 23.10.2014), and has not remarried or entered into a de facto union.¹⁹ Some regions also treat some families with two parents as being in the situation of single parenthood, when one parent cannot count on the support of the other due to severe dependency or disability, lengthy imprisonment or hospitalisation.²⁰ Another example of the influence of the LPFN on regional legislation on single-parent families is the decision to establish special categories among the latter for families with disabled children or parents, low income or whose mother was the victim of gender-based violence (see also Box 2.1).²¹ Single parent large families may not cumulate applicable benefits unless specific provisions state otherwise.²²

Other policy actors

Aside from the state, regional and local governments, other policy actors that have a role in shaping family policy or in delivering services and benefits for families include advisory and observatory bodies, non-governmental advocacy and service provider organisations, the social partners and private companies.

Advisory bodies and Family Observatories

The sixth additional provision of the Law for the Protection of Large Families stipulated that a Family Observatory (*Observatorio de la familia*) should be established as a unit integrated in the Ministry of Labour and Social Affairs. Its functions were to create knowledge on the situation of families and their quality of life, monitor social policies that have an impact upon them, make recommendations in relation to public policies and carry out studies and publications that contribute to a better understanding of the needs of the family. A 2007 decree (RD 613/2007, 11.5.2007) created the State Council on Families (*Consejo Estatal*

de Familias) and the State Observatory on Families (*Observatorio Estatal de Familias*) as inter-ministerial collegiate bodies of an advisory and consultative nature intended to act as a stable framework for the participation and collaboration of family associations with the general state administration. In addition to the tasks above mentioned, the state council can issue reports, opinions and reports on the regulatory projects of the General State Administration related to its purposes, and engage in any initiative in the area of family policy that may be submitted for its consideration (Article 2.1).

In practice, the Family State Council and its Observatory were effectively operational between 2007 and 2011. During this time, they produced various reports and supporting campaigns. In 2011, its personal member's mandate expired and was subsequently not renewed. Even while they were operational, they did not tackle the issue of monitoring and evaluation in a systematic way.

Similarly to the provision of the Law for the Protection of Large Families, the Autonomous Communities' family support plans and laws also often set up advisory bodies to support follow-up and evaluation, as well as channels for stakeholders' participation. These bodies may include representatives from the main concerned policy departments, including regional statistical bodies; from local entities; social partners; general and family-specific NGOs; youth councils and academic experts. For example, the Basque Observatory of Families, created by Decree 309/2010 (BOPV 02 December 2010), aims to analyse the reality, the situation and the problems of families in the Autonomous Community of the Basque Country, and the impact of the policies developed in application of Law 13/2008 to support families (*Observatorio de las Familias*, n.d.^[30]). The Catalan Family Observatory was created in 1997 and its regulation has been updated various times. However, its website does not show recent activity (Departament de Drets Socials, n.d.^[31]).

NGO's representing and providing services to families with children

Research on family associations and representation in Spain (Ayuso, 2007^[32]; Ayuso, 2009^[33]) traced their historical developments and created a typology of these associations. The categories refer to their primary function, distinguishing between family organisations that respectively focus on advocacy, research or service provision. Other categorisations focus on their ideological stance, that is, whether they support more conventional or traditional family forms or whether they work towards a recognition of the pluralisation of family forms and new living arrangements. A more recent analysis (Ayuso, 2017:114) of the typology of family associations shows that in accordance with the diversification of family models, there has also been a shift in the types of family associations that exist. For example, there are now more associations representing new family models or advocating for children's representation and rights, while there are fewer representing the interests of widowed parents.

In addition to associations focusing on families in general, organisations related to education have also been historically and quantitatively relevant in Spain. Even though they use to focus in education practical issues, they may have a broader potential. Catalan research showed that nearly all public and most private schools had such family organisations. Most families using any of its services ranging from lunch services to out-of-school care services, sports or cultural or leisure activities were in fact participants of such associations (Comas et al., 2013^[34])

NGOs representing and working with families and children are also a relevant piece of local welfare systems, offering community participation and support services (Fraisse and Escobedo, 2014^[35]; Flaquer, Escobedo and Anton, 2014^[36]). In some sectors such as education, health and social services, they are particularly relevant. In addition to providing services at the local level, parents' school organisations also have regional and national-level representation. They mainly seek to influence education policies, but have the potential to contribute in other areas of family support such as positive parenting. With lower general representation potential, but high specific agency, there is also the case for the associations of families with children or people with disabilities or chronic diseases, including mental health issues, which participate in some forums (e.g. Health or Patient's regional councils).

Social Partners and Companies

Social partners are crucial in the implementation of policies and programmes related to the reconciliation of work and family life. This is particularly true since the 2007 Gender Equality Law introduced the requirement that initially large companies with more than 500 but since the 2019 reform also medium-sized companies with more than 50 employees have to create Gender Equality Plans. As in other countries, those plans require a diagnosis and negotiated measures in different aspects, including work-family measures. While there has been a good deal of research on the impact of the 2007 reform (Meil et al., 2008^[37]), which has recently focused on the effects of fathers (Abril Morales et al., 2020^[38]; Meil, Romero-Balsas and Castrillo-Bustamante, 2019^[39]), a comprehensive follow-up and evaluation of the policy and of the work-family measures in particular does not exist. The tripartite state-level Consejo Económico y Social has published reports and recommendations related to the quality of work and of reconciliation between work and family life. Similar councils also exist at the level of the Autonomous Communities.

Companies can play a dual role in affecting outcomes related to family policy. On the one hand, as employers, they can institute practices that favour work-life balance, gender equality and diversity. On the other hand, they also provide goods and service to families and households. So far, private organisations and companies in the field of household and family service and goods provision have not participated in research and development clusters to the same extent as for example health or engineering companies do. As a result, they have benefited from research funds and partnerships to the same extent, which could add adaptability to address challenges related to social and environmental sustainability, where households and families play a relevant role. Two initiatives that deserve attention in this respect are the Catalan Kid's Cluster created in 2010 and the 'Zero Child Poverty Country Alliance' started in 2021. The Kid's Cluster brings together Catalan companies and non profit organisations, including the Bosch i Gimpera University of Barcelona Foundation, in a common space where they can obtain more resources to boost their business and services focused to the children's sector. Currently the cluster is made up of more than 80 private and public entities (Kid's Cluster, n.d.^[40]). The Zero Child Poverty Alliance was launched by the Spanish High Commissioner against Child Poverty. It includes more than 75 public and private companies and organisations, "whose objective is to change the path of child poverty in Spain through collaboration between the Administration, companies, foundations and the third sector" (Alto Comisionado para la lucha contra la pobreza infantil, n.d.^[41]).

Box 2.1. Families with particular needs

Two categories of families that are recognised as needing additional support are those with disabled family members or where the mother is a victim of gender-based violence.

Family member disability

Families with persons with disability are identified as deserving support, because they largely take care of and provide attention to family members with disabilities. From a policy standpoint, special treatment of families with persons with disabilities focuses on the guarantee of equal opportunities for all children and their families. Disability shall not compromise the possibilities for personal fulfilment of children, nor destroy the personal life of their parents or other family members who care for them.

The main practical difficulty in dealing with family support measures aimed at families caring for children or other family members with a disability lies in the concept of disability used by the corresponding legal provision, and the criteria to assess the severity of the situation of the person with a disability:

- The General Act on the Rights of Persons with Disabilities and their Social Inclusion defines disability as the “situation that results from the interaction between persons with predictably permanent deficiencies and any type of barriers that limit or prevent their full and effective participation in society, on equal terms with others”. Persons with disabilities are those “with physical, mental, intellectual or sensory deficiencies, predictably permanent, which, by interacting with various barriers, may prevent their full and effective participation in society, on equal terms with others”. In addition, “for all purposes, the persons who have been recognised as having a degree of disability equal to or greater than 33% shall be considered persons with disabilities”.
- The recognition of the degree of disability is carried out by the competent body as stipulated by the regulations that develop the General Act (Royal Decree 1971/1999, 23.12.1999, on the procedure for the recognition, declaration and qualification of the degree of disability). The certification of the degree of disability is valid throughout Spain. Between 1 and 24%, the disability is mild because the symptoms, signs or sequelae make it difficult but not impossible to carry out activities of daily living. Moderate disability is between 25 and 49%, and the symptoms, signs or sequelae entail a significant decrease or inability of the person to perform some of the activities of daily life, but he or she is independent in the self-care activities. A disability between 50 and 74% is deemed to be severe disability.

Mother victim of gender-based violence

Mothers or female partners who have suffered gender-based violence may have to rely on the aid of the state to escape their situation. As recognised victims of gender-based violence, they can receive benefits and services usually awarded to large and single-parent families, among others. In addition, special legislation awards several subjective rights regardless of whether they live with their children or not, as well as specific monetary allowances whose amount increases when the woman is in charge of children or dependent persons (see Article 27 Organic Act 1/2004).

Family benefits and services

Public expenditures that benefit families can take different forms. Individuals can receive cash benefits that specifically target families, such as child benefits, or that are open to single individuals as well, such as unemployment benefits. In addition, governments provide in-kind benefits and services such as day care, public schools, health care, tax breaks, etc. This section first provides overviews of the features and access conditions to the main transfer programmes, of early childhood care services, of family leave and housing policies. It then reviews the overall public spending on family benefits and services in Spain and presents evidence on the redistributive impact of the Spanish welfare state.

Transfers and tax benefits

Monetary family benefits

Family benefits in Spain are generally relatively modest and not universal. The crucial turning point was the restriction of family cash benefits from the Social Security to families with lower incomes or with disabled children following the Ley 26/1990, which pushed family policy towards a social assistance logic (Meil, 1995^[42]). The Act converted the modest but universal Social Security child benefits into an allowance targeted towards low-income families or families with disabled children (Obiol Francés, 2006^[43]). The lion's share of expenditure was destined for children and adults with disabilities, while the low benefits levels for children without disabilities hardly increased over the nearly 30 years of the existence of the allowance.

A universal monetary benefit linked to the birth or adoption of a child was available from 2007 to 2011, but has since been restricted to selected situations. The monetary benefit was supposed to offset some of the initial costs associated with a new child and aimed at parents who could not apply the tax deduction based on childbirth or adoption because of their low income. The benefit consisted of a single payment of EUR 2 500 for each adopted or born child. It was abolished to reduce the public deficit (Blasco Lahoz and López Gandía, 2020^[44]). Currently, the birth or adoption of a child only gives the right to a lump-sum payment in the event of multiple births or adoptions (Article 351 c) General Act on Social Security [LGSS]) or if it occurs in large or single-parent families or involves a mother with disabilities (Article 351 b) LGSS). For single-parent and large families, the benefit consists of a lump-sum payment of EUR 1 000 (Article 358.1 LGSS) and subject to an income limit that depends on the size of the family. Currently, this limit is set at EUR 13 508 per year for single-parent families and EUR 19 782 for large families. As a point of comparison, the average wage of a full-time employee in Spain was equal to EUR 27 468 in 2019. Each additional child increases the limit by 15%. For multiple births and adoptions, the benefit is equal to four times the monthly interprofessional salary (EUR 950 in 2020) for twins/two adopted children; eight times for three children and twelve times for four or more children.

Similarly, social security used to pay a means-tested non-contributory monetary allowance for dependent underage children from 1990 to 2020 (Article 351 a) LGSS), but now the allowance only applies to dependent children with a disability. The Final Provision 4 of RD-Act 20/2020 removed the monetary allowance for underage children in the context of the creation of the ingreso mínimo vital (minimum income scheme), a new social security non-contributory benefit addressing poverty, which has been established in May 2020. The next sub-section on other transfers will give more details on this benefit. The social security child allowance is thus now available only to parents of minors with a disability above 33% and dependent adult children with a disability above 65% (Article 351 a) LGSS). The benefit amount is EUR 1 000 per year and child, increased to EUR 4 747, with higher amounts for adult children with severe degrees of disability.²³

While the abolishment of the more general (though not universal) benefit for dependent underage children could be seen as a loss for families, these benefits only played a residual role among transfers that families received. The benefits levels for children without disabilities were very low and not frequently updated: In 1990, the amount of the annual basic benefit was PTA 36 000 per child, amount to around EUR 18 per month. In 2019, a few months before the programme was discontinued, the last update of the benefit brought the monthly amount to EUR 28.4. Furthermore, the means test excluded most working families, including poor ones. The observed impact on child poverty was thus residual residual in comparison to other non-family related schemes such as unemployment benefits, which have much more impact on families with children (Marí-Klose, Julia and Redondo, 2019^[45]).

Since 2016, childbirth and adoption lead to a benefit for women holding rights to contributory pensions of the social security system (Article 60 LGSS). This so-called 'maternity pension supplement', one of the measures of the Second Comprehensive Family Support Plan, increased the pension awarded to any woman who has had two or more biological or adopted children equal to 5% if she had two, 10% if she had three and 15% if she had four or more children.²⁴ In their motivation for the law, the legislator pointed to the fact that mothers continued to do a large part of the care work and took the bulk of parental leave, and that the average pension of women was substantially lower than the average pension of men.

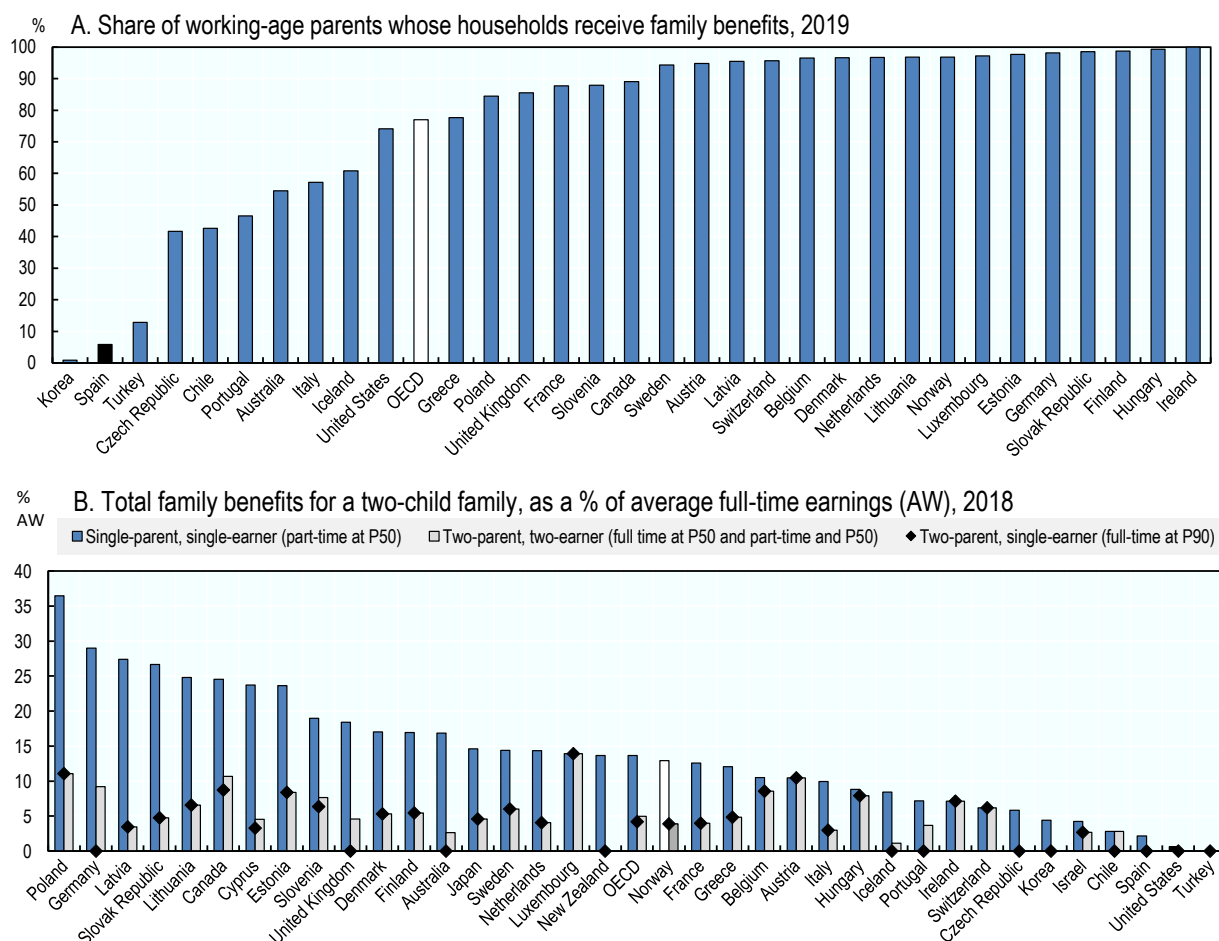
The European Court of Justice declared that the provision violates Council Directive 79/7/EEC of 19 December 1978, on the progressive implementation of the principle of equal treatment for men and women in matters of social security. This Directive precludes national legislation that makes provision for the right to a pension supplement for women while men in an identical situation do not have this right. The provision was deemed to be flawed because it makes no connection with the problems that women may have encountered in the course of their careers.²⁵ However, until now, Article 60 has not been repealed. As a result, men are filing claims against the National Institute for Social Security on the basis that they have had two or more children.²⁶ However, RD-Act 3/2021 substantially amended Article 60 LGSS. Since

2.2.2021, any woman who has had one or more biological or adopted children is entitled to a supplement to her contributory pensions, whose amount – currently EUR 378 per year and child – is to be defined each year by the General State Budget Act. Former beneficiaries of the right do not lose the supplement already granted. But now fathers are also entitled to claim the new supplement, provided they meet a number of (quite stringent) requirements proving that paternity and childcare harmed their contribution career. At any rate, the recognition of the supplement to the second parent entails the termination of the entitlement already recognised to the first parent.

The relatively smaller importance of family benefits within the Spanish social protection system can be seen in the low number of families that receive family benefits and the low amounts a family with average income levels receives in comparison to other OECD countries. First, the share of working-age parents who live in a household receiving family benefits was the second lowest among OECD countries for which data were available (Figure 2.1, Panel A). Second, in 2018, a single parent in Spain who worked half-time on a wage at the median of the full-time earnings distribution would receive family benefits equal to 2.2% of the average full-time earnings (Figure 2.1, Panel B). In contrast, the OECD average is equal to 13.7%; and the benefits even exceed 35% in Poland. Single-earner or double-earner two-parent families do not receive any family benefits in Spain. This stands in contrast with most other OECD countries, where these family types are also eligible for family benefits, though usually at a lower level (except in a few countries with flat benefits per children, such as Austria, Ireland and Switzerland).

Accordingly, family benefits are only residual component in public transfers received by families with children. After the abolishment of the universal birth allowance, family benefits as a share of all benefits received by families with minor children dropped from 6% to approximately 3%; and the proportion of recipients of family benefits nearly halved between 2007 and 2016 in most income quintiles with the exception of the lowest one. Paradoxically, while the share of recipients is highest in the lowest income quintile, it is higher in the fourth and fifth (i.e. the households with the highest 40% of incomes) than in the second and third ones. The average amount received families in the first quintile receive is about half of the amount households with higher income levels receive (Marí-Klose, Julía and Redondo, 2019^[45]).

Figure 2.1. Family benefits in Spain are among the lowest across the OECD



Note: A: The reference year is 2015 for Turkey, 2016 for Korea, 2017 for Australia, Chile and Slovenia, and 2018 for Iceland, Latvia and the United States. B: Estimates based on a family with two children aged 9 and 12. "Full time at P50" means working 40 hours per week on wages at the median of the full-time earnings distribution; "part time at P50" means working for 20 hours per week on a wage at the median of the full-time earnings distribution; and "full time at P90" means working 40 hours per week on wages at the 90th percentile of the full-time earnings distribution. Average full-time earnings/the average full-time wage (AW) refers to the average gross wage earnings paid to full-time, full-year workers, before deductions of any kind (e.g. withholding tax, income tax, private or social security contributions and union dues). See the OECD Tax and Benefit Systems website, <http://www.oecd.org/social/benefits-and-wages/>, for more detail on the methods and assumptions used and information on the policies modelled for each country. Data for Chile refer to 2016.

Source: A: Own estimates based on household surveys. B: OECD (n.d.^[46]), "PF1.3 Family cash benefits", *OECD Family Database*, http://www.oecd.org/els/soc/PF1_3_Family_Cash_Benefits.xlsx.

Unemployment benefits

Unemployment protection is structured as contributory and non-contributory benefits.

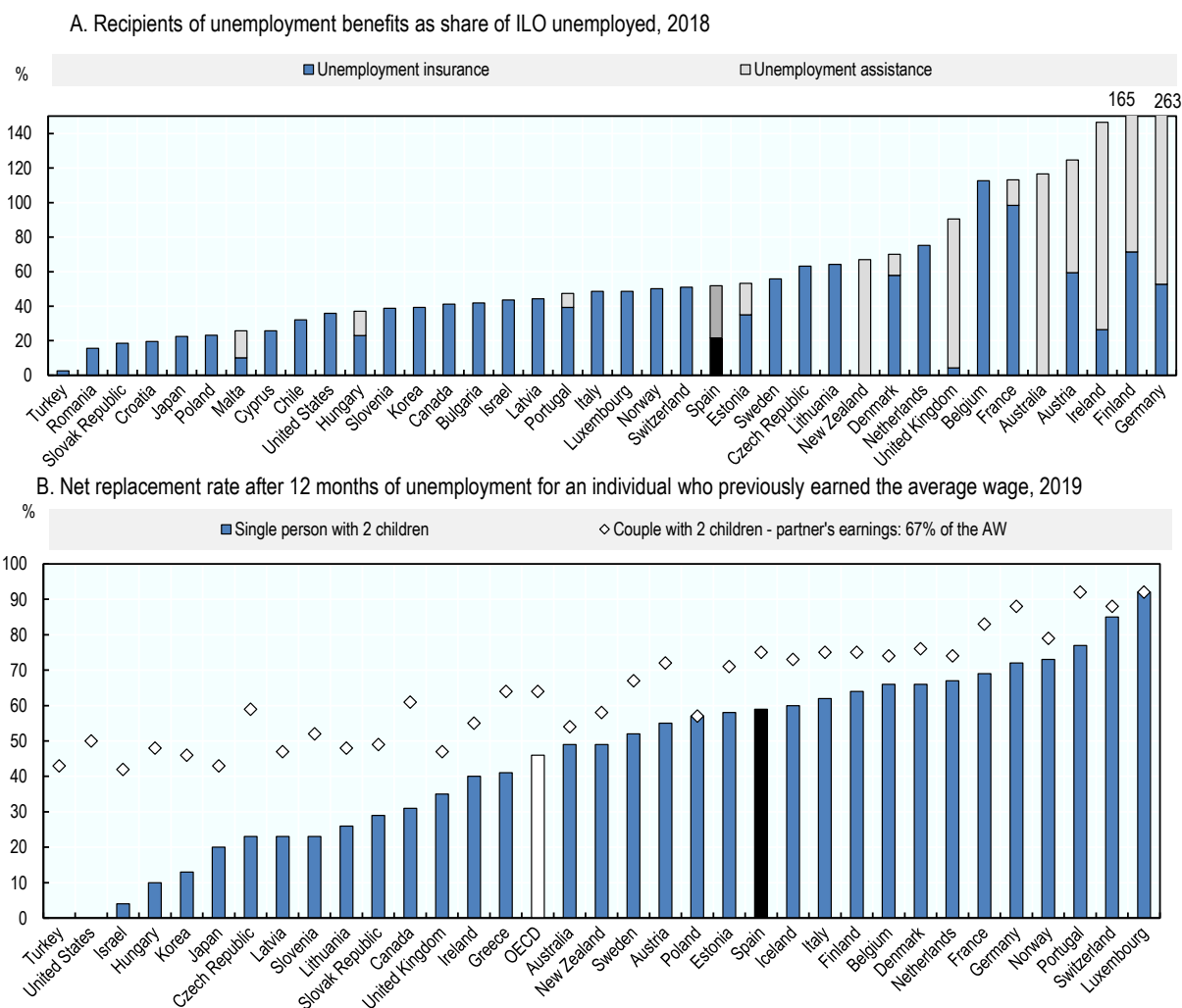
The contributory unemployment allowance intends to provide substitutive income in the case of a job loss, a temporary contract suspension or the reduction of working time (Article 264 LGSS). The applicant must meet the requirements of affiliation and minimum contribution stipulated by Articles 266 and 269.1 LGSS. The total duration of the allowance depends on the type of contract and the prior work history, but is capped at 720 days (Article 269.1 LGSS). The initial allowance during the first 180 days is equal to 70% of the medium of the coverage amount during the 180 days before the contract termination or suspension, and 50% afterwards (Article 270.1 LGSS). However, there are also minimum and maximum amounts. If the

unemployed worker is childless, the minimum amount is set at 80% of the monthly public multiple-effect income indicator (IPREM) (EUR 538 in 2020) increased by one-sixth, and the maximum at 175%. When the applicant has one or more dependent children, the minimum amount is set at 107%, and the maximum at 200% (one child) or 225% (two or more children).

Once the worker has exhausted the unemployment allowance, he or she may be eligible for a non-contributory unemployment subsidy. The amount and duration of the subsidy vary according to the age, duration of previous contributions and type of prior contract of the unemployed worker. The maximum amount is 80% of IPREM. The applicant receives the benefit for six months, but the duration can be extended for further six-months periods, up to 24 months. It is only available under exceptional circumstances laid out in Article 274 LGSS to those whose income is than 75% of the monthly minimum interprofessional salary, excluding the proportional part of two special payments (EUR 713). One of these circumstances, which applies regardless of the applicant's age, is that he or she bears "family responsibilities". The application of this requirement is not without issues. First, for the family means-test to be passed, the total family income, divided by number of family members, has to be lower than 75% of the minimum interprofessional salary on a per-capita basis; but if the other family member(s) earn an income and are thus not dependent on the unemployed worker, their income would also individually need to fall below the 75% ceiling (STS (Social Chamber) 30.5.2000 (RJ\2 000\5893). More recently, 2.3.2015 (RJ 2015\1635)). Second, relatives other than incapacitated children or children younger than 26, foster children, step children (if their maintenance is covered by the family unit) and spouses who are living under the same roof are not considered to belong to the family unit.²⁷ This means that for example parents or grandparents, nieces or nephews and unmarried partners are not considered as part of the family unit.

Unlike family benefits, unemployment benefit levels are comparatively high in Spain; but coverage is average. A person who previously earned the average full-time wage and has been unemployed for a year has a net replacement equal to 59% (if they are single with two children) or 75% (if they are married with two children and their partner earns two-thirds of the average full-time wage) (Figure 2.2, Panel B). These replacement rates are more than 10 percentage points higher than the respective OECD averages. Nonetheless, several OECD countries have considerably higher net replacement rates. As is clear from the various eligibility conditions mentioned above, not all individuals who currently do not have a job but are actively searching for one and could start work within the next fortnight (the ILO definition of unemployment) are also eligible for the unemployment allowance or subsidy. In 2018, the ratio of unemployment insurance and assistance recipients to those that were unemployed according to the ILO definition in Spain was 52, below the OECD average of 68 (that however also includes countries where the ratio suggests a coverage rate well above 100%) (Figure 2.2, Panel A). Though direct evidence is not available, it is likely that parents and in particular mothers, who took time out of the labour force over part of the years prior to their unemployment, as well younger people are less likely to meet the contribution requirements and therefore to be uncovered. Nevertheless, among families with minor children, unemployment benefits made up 46.5% of the public transfers they received in 2013, though it had decreased by more than 10 percentage points by 2016 (Marí-Klose, Juliá and Redondo, 2019^[45]).

Figure 2.2. Unemployment benefits in Spain are comparatively generous



Note: A: The numerator of the rates shown in the Figure is the number of beneficiaries of earnings-related unemployment benefits (unemployment insurance, UI) and of non-contributory benefits (unemployment assistance, UA) for jobseekers who have exhausted their UI benefit or were not entitled to it to start with. The denominator is the number of unemployed individuals (over 15 years old) according to the ILO definition. These rates are commonly referred to as “pseudo” coverage rates as the population in the numerator, and denominator may not fully overlap. For instance, in some countries, significant numbers of people who are not ILO unemployed may be able to claim benefits categorised under the unemployment heading in SOCR data provided by countries. As a result, pseudo coverage rates can exceed 100% (e.g. Australia, Austria, Belgium, France, Finland, Germany, and Ireland). On the other hand, some unemployed are not entitled or do not claim unemployment benefits. B: The indicator is the ratio of net household income during a selected month of the unemployment spell to the net household income before the job loss. The calculations exclude social assistance and housing benefits but do include relevant family benefits. Calculations refer to a jobseeker aged 40 with an uninterrupted employment record since age of 19 until the job loss. If benefit receipt is subject to activity tests or other behavioural requirements, e.g. active job-search and being available for work, it is assumed that these requirements are met. The statistics for Cyprus are for 2016.

Source: OECD (n.d.^[47]), “Pseudo-Coverage Rate of Unemployment Benefits,” *Social Benefit Recipients (SOCR) Annual Data by Country*, https://www.oecd.org/els/soc/SOCR_UBPpseudoCoverageRates.xlsx and OECD (n.d.^[48]), “Net replacement rate in unemployment”, *OECD tax-benefit indicators*, <http://stats.oecd.org/Index.aspx?DataSetCode=NRR>.

Minimum income programmes

Since the late 1980s, the Autonomous Communities developed minimum income programmes to tackle an increase in new forms of poverty. The programmes differ across regions in their name, nature, access requirements, duration and amount. All regional programmes aim to provide an income to individuals lacking the financial means to cover their basic needs. Over the course of the years, most programmes have increased their activation requirements. Some regions guarantee the benefits to eligible beneficiaries, while others make it dependent on their available yearly budget. Initially, beneficiaries could only receive the payment for one or two years, but many programmes now award the benefit for an indefinite period, as long as the beneficiaries cannot overcome their situation. In many cases recipients are even allowed to work, provided that their income is below the minimum guaranteed income amount.²⁸

The target of the minimum income schemes are not specifically families, but any person in need who lack access to public or private means to cover basic needs. The data show, however, that the number of underage children among the beneficiaries of minimum social inclusion income is high: over the 2002 to 2018 period, the number of people entitled to the benefit increased from 82 354 to 293 302. Among the dependent household members who benefitted, 110 070 were underage dependent children (MSCBS, 2018^[49]). Applicants usually have to be at least 23 to 25 years old; and if they are filing individually, single and living independently from their family of origin for some time. Exceptions apply for persons taking care of persons with a disability or minor children; orphans lacking access to public pensions, gender-violence victims and divorced or separated spouses or former partners. All regional statutes consider the applicant's family situation to determine benefit eligibility and amounts. Accordingly, the statutory provisions use relatively similar but nonetheless slightly varying definitions to define which members of the household belong to the applicant's family making it difficult to synthesise the rules. Generally, however, spouses and de facto partners, as well as some, but not all, of the applicant's relative and foster children who are living under the same roof are grouped as a family unit for the purposes of the benefits. The assets and incomes that are taken into account when determining eligibility differ across Autonomous Communities. Usually, the family home, specific social and childcare allowances are excluded, and child support allowances included in asset and income tests.

In addition to different eligibility requirements, the maximum amounts also varied strongly across the regional schemes. The guaranteed income amount varies substantially across regions. The average maximum monthly amount in 2018 was EUR 774. Three regions – Catalonia, Navarra and the Basque Country – pay maximum amounts over EUR 900 for a family unit. The different rules about who could be eligible for the income support schemes contribute to different coverage rates. When comparing the number of individuals whose households received associated payments in 2017 with the number of individuals living in severe poverty (defined as having an income below 30% of median income), the estimated coverage rates varied from 8% (in Castilla-La Mancha) to 274% (in Navarra). The Spanish average was 29% (FOESSA, 2020^[50]), meaning that more than two in three persons living in extreme poverty did not receive this social assistance.

In 2020, the central government equally created a minimum income scheme (*ingreso mínimo vital*, IMV) as a social security non-contributory allowance aimed at addressing the risk of poverty and social exclusion (Gala Durán, 2020^[51]). However, unlike some regional programmes, it currently exclusively focuses on covering financial needs. Other instruments to overcome poverty and social exclusion are lacking. Like other social assistance benefits, the IMV is not specifically a tool for family support, but alleviating child poverty is among its important goals. As of March 2021, more than 40% of the 565 000 beneficiaries were minors (Gobierno de España, 2021^[52]).

As was the case for the regional benefits, individuals can apply individually or for their family grouping and receive benefits that close the gap between their income and the guaranteed minimum income. Individuals who apply must have had legal and effective residence in Spain for at least a year (with exceptions for trafficking and gender-based violence victims) (Article 7.1 RD – Act 20/2020) and their income must be

below the threshold set by the regulation (Article 1 and 2 RD – Act 20/2020). Individual applicants must be older than 23 and not entitled to old age or disability pensions, unmarried and not part of a de facto couple, and live alone or share their residence with a *unidad de convivencia* to which they do not belong (Article 4.1 RD – Act 20/2020; last version according to RD – Act 3/2021). If the applicants are younger than 30 years of age, they must also prove having lived independently in Spain for at least for three years immediately before applying for the benefit (Article 7.2 RD – Act 20/2020). Individuals can also apply on behalf of their *unidad de convivencia* (that includes spouses, de facto partners, relatives and in-laws up to the second degree, and pre-adoptive or foster children) (Article 6.1 RD – Act 20/2020).²⁹ The income of the individual or the group must be lower than the amount of the minimum guaranteed income as set by the regulation. Besides, the applicant's assets, disregarding the family home, cannot exceed the limits set up by the regulation (Annex II of the RD-Act 20/2020). In an individual application, the annual minimum guaranteed income is EUR 5 639 for 2021. The maximum amount increases by 30% for every household member, up to a maximum of 220% (Article 10.2 and Annex I RD – Act 20/2020). For single-parent families, an additional increase of 22% is applied.

Individuals usually have to claim any other social allowance or benefit to which they are eligible before the IMV. The regional minimum income benefits, as well as some other extraordinary aid allowances, are disregarded when assessing the individual's or group's financial vulnerability (Article 18.1 e) RD-Act 20/2020). The reason is that the Spanish Government conceived the new benefit as a 'floor' guarantee. However, since any non-contributory social security benefit is generally considered as income in the calculations of regional minimum income benefits, many individuals will become ineligible for the benefits.³⁰

The coverage of social assistance benefits in Spain was below the OECD average in 2018 and given the incomplete take-up of the IMV likely remains so at the time of writing. In Spain in 2018, an estimated one in ten individuals aged 15 to 64 who were at risk of poverty received social assistance (Figure 2.3), compared to one-fourth to one-third in the OECD on average (for parents living with a partner/childless people and single people respectively). In Spain, the rates were practically identical among single parents or parents living with a partner and childless people. The introduction of the IMV has likely increased coverage rates. However, as of March 2021, the benefit had been granted to approximately 203 000 households, far from the original objective of 850 000 households. According to a survey carried out in October and November 2020 among more than 900 families who were assisted by Caritas, a Catholic social services and advocacy organisation, more than half had not yet heard of the IMV and less than one-third had applied (Olías, 2020^[53]).

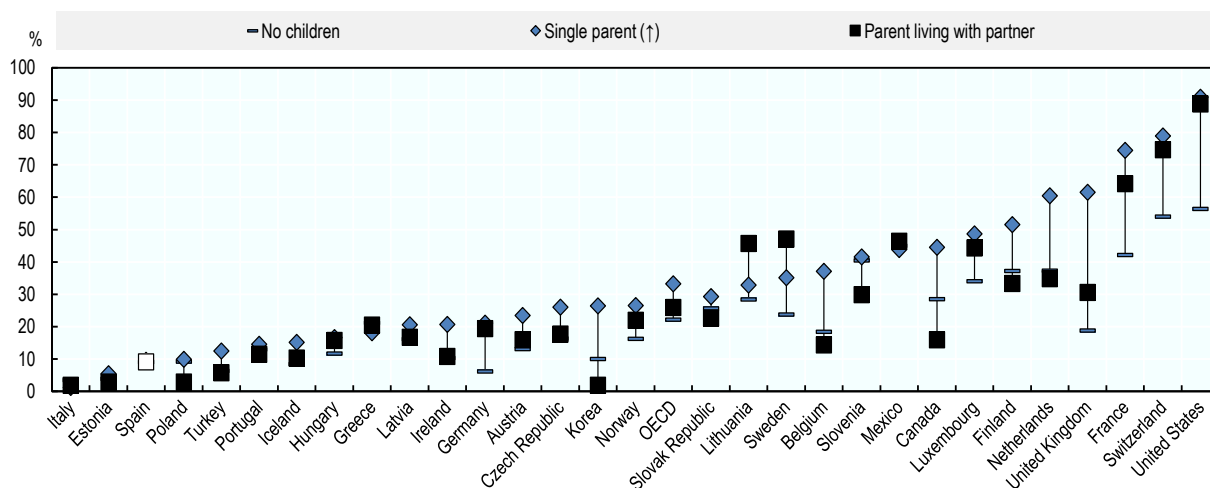
Survival benefits

Social security law organises the protection of the family against the risk of death of a primary breadwinner who is affiliated to social security through widowhood allowances, orphan's pensions and contributory benefits for other needy relatives.

Surviving spouses are granted lifetime survivor's pension if they meet the legal requirements (Article 216.1 B and 219.1 LGSS). The deceased person must have completed a minimum contribution period or died by accident; and if the death was caused by a disease unrelated to work that predated the marriage, the marriage must have lasted at least a year. If the marriage was shorter, the surviving partner is only eligible for a two-year subsidy. Separated or divorced partners can be eligible provided they received a compensatory allowance according to Article 97 of the Civil Code or any other periodic payment from the deceased. If the amount of the widowhood pension is higher than the compensatory allowance, the social security only pays the latter's amount (Article 220.1 LGSS). When different persons are eligible to a widowhood pension for the same deceased person, each is entitled to receive a proportion of it according to the time spent with him or her, though the surviving spouse shall receive at least 40% of the pension.

Figure 2.3. Only one in ten poor parents (and non-parents) receive social assistance in Spain

Share who receive social assistance benefits among working-age individuals at risk of poverty, by parental and living arrangement status, 2018 or latest available year



Note: The reference year is 2015 for Turkey, 2016 for Korea and Iceland and 2017 for Ireland, the Slovak Republic and the United Kingdom. Individuals are defined as being at risk of poverty if their household size equivalised income was equal to less than 60% of the median income. Whether someone receives social assistance is defined by whether their household has any income in the reference year from social benefits. In the EU-SILC, social assistance refers to the 'social exclusion benefits not otherwise defined' and therefore do not include housing or family and child-related benefits.

Source: OECD estimation based on the EU Statistics on Income and Living Conditions and other household surveys.

Surviving partners of a de facto union may also be entitled to a social security pension provided they fulfil the requirements set out by Article 221.1 LGSS. The couple needs to have been in a stable marriage-like relationship for at least five uninterrupted years, needed to have lived together at the moment of death and need to have registered the union at regional or local registry or agreed to it through a public deed³¹ at least two years prior to the death of one of the partners. In contrast to widowhood pension, however, this allowance is means-tested. The applicant's income cannot exceed 50% or 25% of the joint income in the year before the partner's death, depending on whether the applicant is living with a child receiving orphan's pension or not, unless the applicant's income is less than 150% of the interprofessional minimum wage, increased by 50 percentage points for each entitled to orphan's pension living with the applicant. The Constitutional Court endorsed all these requirements, pointing to the fact that only marriage but not the de facto union enjoys constitutional protection (Article 32 CE).

Biological and adoptive children as well as under certain circumstances stepchildren are entitled to orphan's pensions. Stepchildren must be living with the deceased person at the time of death, their parent has to have been married to him or her a minimum of two years, and they shall not have the right to any social security claim, nor relatives who must support them according to family law rules (Article 9.3 RD 1647/1997). All children up to 20-one-years-old are eligible, as well as older orphans who are unable to work (Article 224.1 LGSS). Children under 20-five years of age can also apply provided that they earn less than the annual minimum interprofessional wage (Article 224.2 I LGSS). The orphan's pension is subject to the same affiliation and contribution requirements as the widow's pensions. However, since 2019 a non-contributory means-tested benefit is available to children who have lost their mother as a result of gender-based violence.³²

Family members and relatives other than the spouse or children may also be granted contributory survival pensions. They include underage or disabled grandchildren or siblings; parents or grandparents. They

must meet the corresponding requirements, among them proof that they financially depended on the deceased. Article 226.2 LGSS mentions a specific case: a child or a sibling, aged 45 or over, single, divorced or widowed, who lived with a retired or disabled pensioner and in his or her charge, and who ensured continuous care.

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Advance child support payments

In theory, child support payments should mitigate some of the lower earning opportunities that many single parents face. Child support obligations are not linked to having parental authority. When one of the parents

does not live with their children, the support obligation consists of a regular money payment. To overcome arbitrariness, courts have developed tables that take into account the age and number of children, both parents' economic capacity, the type of custody and other circumstances when setting the obligation. In 2013, the judges' governing body even created an application to calculate child support (Consejo General del Poder Judicial, 2019^[54]). Unlike legal support obligations towards other family members, which can be relieved when the debtor can no longer meet their or their family's needs [Article 152.2 Civil Code, STS 19.1.2014 (RJ 2015/447)], economic grounds for relieving the parents' obligations are almost non-existent. In practice, courts never discharge parents from their obligation, even if they are unemployed and cannot afford the maintenance. The Supreme Court has allowed the suspension the payments until the debtor's finances improve only in exceptional circumstances.

In reality, non-custodial parents often breach their child support obligations, and the enforcement of support orders is frequently ineffective. There is no administrative agency in charge of supervising the smooth functioning of the child maintenance system. Data about the compliance with payment obligations are scarce and outdated. In 2000, only 12.4% of single parents received child support payments (OECD, n.d.^[46]). This was the lowest share among 21 OECD countries in the same year, for whom the average was 47.3%. In Catalonia, according to data from the first (2008) wave of the Families and Childhood Panel, about four out of ten divorced and separated mothers either did not receive any resources from non-resident fathers or received them with delay (Marí-Klose et al., 2008^[7]). The impossibility to seize the debtors' resources, particularly when they work in the informal economy, worsens the economic vulnerability of former partners and their children. In some cases, parents that default on their obligations are subject to criminal persecution.

To address defaults on child support payments, limited public schemes to advance child support payments were established in 2007. Custodial parent of underage or disabled children can claim these advanced payments on behalf of their children. Among the preconditions are that the family income is below 150% of the IPREM in the case of families with one child – that is, below EUR 11 279 in 2020 – increasing by 25 percentage points for each additional child (Article 6 Royal Decree [RD] 1618/2007). Moreover, the applicant must have exhausted all procedural means to enforce their rights (Article 14.2 a) and b) RD 1618/2007). A criminal conviction of the debtor for not having paid child support is insufficient. Beneficiaries can receive advance payments equal to the monthly amount of child support as established by the court or to EUR 100 per child, whichever one is smaller,³⁵ for up to 18 months (Article 9 RD 1618/2007). A similar fund in Catalonia (whose benefits are incompatible with the state-level one) is more generous in terms of the income threshold and maximum benefit, but at eight months, the maximum duration is shorter. When advanced payments are granted, the public authorities and the custodial parents usually simultaneously aim to collect the child benefit payments through compulsory administrative procedures (Article 24.1 RD 1618/2007) and family court proceedings, respectively. As courts increasingly grant shared physical custody, the traditional system based on one parent paying child support to the other is waning. Courts prefer alternative arrangements that match the new child custody system. When both parents have a similar economic position, the usual outcome is to sell the house instead of ordering that the spouse, typically the mother, lives in it with the children.

In addition to child support benefits, one of the divorcing partners may have to pay a compensatory allowance to the other to offset the worsening of their financial situation. The right to the compensatory allowance is established by considering, among other things, the age and health condition of the claimant, their professional qualifications and the likelihood of obtaining employment, as well as the duration of the marriage. The petitioner does not need to be destitute or lack funds to claim the allowance, nor does the law consider the fault of the spouses. The compensatory allowance may be reduced if either spouse's circumstances change significantly (Article 100 CC), and are terminated if the ex-partner receiving it cohabitates with or marries someone else (Article 101 CC). The compensatory allowance was initially awarded in the form of monthly payments for an unlimited time, taking into account the economic means and needs of each former partner (Article 97 II, 8 CC); but since the 2005 reforms, it is possible that

payments are awarded temporarily or in the form of a lump sum payment. A justification for the reform was that since divorce mostly affects younger spouses, whose marriage lasts between seven and ten years, it was reasonable that spouses resume their lives as self-sufficient individuals regardless of the standard of living they have enjoyed during the marriage. This fact may explain why only around 10% of divorce and legal separation procedures end by awarding a compensatory allowance to the former spouse (INE, 2020^[55]). Some feminist groups however contend that the conditions to be granted the allowance are too strict, and that the reforms that made it easier to reduce or terminate the allowance worsened the position of the most vulnerable women (Gonzalo Valgaiin, 2006^[56]). For de facto unions, the Supreme Court repeatedly states that courts cannot order compensatory allowances to former partners nor apply marital property rules.

The divorce reforms of 2005 reduced divorce procedures' administrative and emotional costs, but also increased vulnerability. Thousands found it easier to divorce, and the costs of litigation fell dramatically. However, the transition to a unilateral divorce on demand was criticised for not having been accompanied by an array of measures to provide social support and assistance to children and lower-income partner involved in a divorce (Flaquer, 2012^[57]).

Tax breaks

Compared to non-contributory social allowances, tax benefits apply to a much larger section of society. Although various taxes and fees contain family-related tax benefits, deductions or exemptions, the focus here is on the personal income tax. Other taxes however often have similar requirements and concepts.

Tax law pursues two opposing goals. On the one hand, its primary function is to set up the legal framework for collecting taxes. On the other hand, it is one of the government's most important tools to influence citizens' action – in this case, to support the families and family members' well-being (see Article 1 Act 58/2003, on general tax). In recent times, the second goal has taken increasing expression in tax policy; resulting in a multiplication of fiscal exceptions and incentives, including those aimed at the family's support and protection. The legislature seeks to strike a balance between the constitutional principles of economic capacity and equality (Article 31 CE), and the social, legal and economic protection of family (Article 39 CE). More often than not, this goal provides ground to set up tax benefits for family units. The Constitutional Court has also stressed that tax law cannot penalise for being part of a (marriage-based) family (STC 45/1989).

One of the most controversial points of the current family tax model concerns recognising tax benefits and rights to the members of de facto unions under equal or at least similar conditions to married couples. By extension, it also raises the issue of the tax treatment of other family forms, starting with the single-parent family and following with other types of arrangements beyond marriage-like relationships.

According to the Constitutional Court, different tax treatment for non-married couples does not amount to discrimination prohibited by Article 14 CE because it is based on justified grounds. A clear legal concept of the de facto couple and a system for registering them are prerequisites to extend tax rules applicable to married couples to unmarried couples as well. Most regions have enacted regulations conferring rights and tax benefits to de facto couples based on their regional legislation on unmarried unions. The Basque Country and Navarra – the regions holding full legislative powers in tax law – have introduced a general equalisation of the de facto couples with marriages.³⁶ The regions lacking these legislative powers have introduced partial amendments assigning rights and benefits to unmarried couples.³⁷

For most families, the main tax advantage they enjoy is the tax exemption of the social or family benefits they are entitled to receive. Social security maternity and paternity benefits; non-contributory family benefits; child support and regional minimum income benefits are among the sources of income that are legally exempted from personal income tax (Article 7 of Act 35/2006, 28.11.2006, on Personal Income Tax and partial modification of the Acts on Corporation Tax, Non-Resident Income and Equity [LIRPF]).

Other advantages can derive from the option of filing taxes jointly as a family. Married couples used to be obliged to file a joint personal income statement (STC 209/1988 and 45/1989). Today, however, taxpayers can either opt for joint family taxation when they obtain tax savings, particularly if some family unit members earn no income (STC 146/1994), or file separately. One of the criticism of the joint filling system is that it can encourage one of the spouses to quit or reduce their economic activity. The definition of a family unit for the purposes of joint taxation are spouses who are not legally separated and who are either living with their minor children and/or have extended or rehabilitated parental authority over their incapacitated adult children. When the parents are legally separated or not married, the family unit refers to the father or mother and the children living with him or her (Article 81.1 LIRPF). Besides the potential tax savings flowing from the family joint taxation, a reduction of EUR 3 400 on the basic taxable income is applied to the spouses and EUR 2 150 to single parents.

The family unit's legal definition for the purposes of family joint taxation prevents several family structures from the possibility of enjoying the tax savings and the legal reduction of their taxable personal income. For example, *de facto* couples who live with their joint children cannot access family joint taxation and are denied both reductions (Gómez de la Torre del Arco and López López, 2013^[58]). Other family models that are excluded include childless, unmarried couples; units formed by grandparents and grandchildren (Durán-Sindreu Terol, 2020^[59]) or foster parents or guardians and minor children under their custody.

Another key concept in family support is the 1998 introduction of the minimum personal and family income, meant to estimate the part of the taxpayers' income used to satisfy basic needs that should therefore not be taxed (Article 56.1 LIRPF). The amount of the personal and family minimum results from the addition of the personal taxpayer's minimum and the minimum for descendants, ascendants and disability. The taxpayer's minimum is EUR 5 550 per year, increased to 6 700 for over-65 and 8 100 for over-75-year-olds (Article 57 LIRPF). The amount per child and year is EUR 2 400 for the first, 2 700 for the second, 4 000 for the third and 4 500 for the fourth and following (Article 58.1 LIRPF), though it in addition increases by 2 800 per year during the first three years of life or after adoption. Children must be younger than 25 years old or disabled regardless of age, live with the taxpayer and earn less than EUR 8 000. In cases of shared physical custody, the minimum is apportioned between the parents. The minimum for ascendants involves blood relatives (not in-laws) who live with the taxpayer, earn less than EUR 8 000 per year and are older than 65 (Article 59.1 LIRPF). The minimum's amount is EUR 1 150 per year, rising to EUR 2 550 per year for over-75-year-olds (Article 59.2 LIRPF). The minimum for disability amounts to EUR 3 000 per year (for the disabled taxpayer with a disability above 33% or descendants or ascendants above 65%) but increases up to 9 000 per year if the disability's degree is above 65%.

Some but not all family support payments can lower an individual's taxable income. Taxpayers who do not live with their children but pay child support by court decision can apply either the minimum for descendant, or a reduction on the basic taxable income equal to the maintenance payments (Article 64 LIRPF). In practice, shared custody arrangements mean that parents are excluded from this reduction. In shared custody arrangements, since both parents live with their children, this prevents the one who is paying maintenance from opting for the reduction. Both parents must make use of the minimum for descendants only.³⁸ However, a recently published court decision challenges this view held by authorities. It concludes that a parent paying child support while holding joint physical custody can apply the minimum for descendants and the deduction of the amounts paid as child support (STSJ Andalusia (Administrative Chamber) 1535/2020, 8.10.2020). The amounts paid as court-ordered or legally agreed-upon compensatory pensions to a separated or former spouse and the maintenance allowances paid to the separated spouse can be deducted from the debtor's basic taxable income. For the person who receives the payments, in contrast, they are treated as personal income and taxed as salary. Other types of payments, such as payments for other family expenses (*cargas familiares*) (García Berro, 2008^[60]), or other monetary benefits, such as allowing one former spouse temporary use of the former joint family home,³⁹ cannot be deducted by the spouse who provides the benefits. After the breakup of *de facto* unions,

payments are treated as capital losses for the payer and capital gains, or salary, for the recipient, depending on the allowance's function.

The state as well as individual regions can offer deductions related to family policy measures. The payable tax is calculated by applying the corresponding rate to the taxable income. Deductions decrease the full share of the payable tax (*cuota íntegra*). The resulting amount is the liquid share of the payable tax (*cuota líquida*). Only the state has the right to establish deductions on the *cuota líquida*. Among the available state-level deductions from the '*cuota íntegra*', none is connected to family policy measures. In contrast, the Autonomous Communities have established many deductions to the '*cuota íntegra*' based on the taxpayer's personal and family circumstances. Some deductions point to the older age of the taxpayer, widowhood or disability. Some regions also consider the disability of the spouse, de facto partner, ancestors or descendants. Many regions support the birth or adoption of a child, in different specific contexts (i.e. the number of children in the family, multiple childbirth or adoption, child's disability or the taxpayer's residence in a small village or rural area). Many regions apply deductions for maternity and paternity leave and provide support to single-parenthood and foster family care. Some of them also mention the care of older people within the family. Larger families may apply for specific deductions, sometimes combined with the deduction of a percentage of the rent paid for the family home. Disadvantaged families with children or persons with a disability also have access to deductions for rent expenses in some regions.

Many regional measures consist of the partial or total deduction of amounts paid for services linked to the care or education of children or other vulnerable household members. These may include the salaries and social security contributions paid to carers of younger children aged 0-4 years, disabled or dependent family members or older than 70-75 years; or kindergarten costs. Some of these measures are expressly named work-life balance expenses, while one region also deduces the spouse's' housework. Among expenses related to education, some regions focus on studying foreign languages abroad, whereas others support children's university costs.

The resulting situation is that of a great variety of deductions directly or indirectly linked to family support. However, their amount is quite low and many are means-tested or have other eligibility requirements, pointing to a limited number of potential beneficiaries. Some Autonomous Communities provide protection to a large number of situations through tax benefits, whereas others focus on a reduced number of situations. However, in terms of tax benefits costs per inhabitant, the regions with more deductions actually spend less fiscal effort on family support measures than others (Náñez Alonso, 2018^[61]).

As previously mentioned, only the central state can enact deductions in the *cuota líquida*. These deductions are special because in some cases, the law foresees refunds the taxes or contributions a taxpayer actually paid. In these cases, its legal nature is that of a social benefit for mothers or families (akin to a negative income tax), channelled through the personal income tax regulation (García Berro, 2015^[62]). However, these deductions leave out the most vulnerable families, who earn no (reported) income (Díaz Calvarro, 2019^[63]).

Tax payers who carry out a professional activity and are affiliated to social security or any other professional scheme may be eligible for the different family-related deductions. The maternity deduction is available to women with children under three years of age (Article 81.1 I LIRPF, as amended by Article 61 Act 6/2018, 3.7.2018). The father can apply this deduction in the event of the mother's death, or when he has full custody. The large family deduction is available to parents or orphan brothers or sisters in a large family as defined by LPFN (Article 81 bis 1 c) LIRPF). The single-parent deduction is available to single or separated parents with two children provided they do not have a claim for child support (Article 81 bis 2 I LIRPF). The deduction for dependent persons with a disability applies to descendants or ascendants with a disability for whom the taxpayer can apply the minimum for descendants or ascendants and spouses not legally separated with a disability; who do not earn more than EUR 8 000 annually (Article 81 bis 2 I LIRPF).

The amount of the deduction is adjusted to specific circumstances. The maximum amount of the maternity, large family and single parent deductions are EUR 1 200 per year; and for the deduction for dependent persons with a disability to EUR 1 200 for each dependent meeting the requirements. The maternity deduction may increase by up to an additional EUR 1 000 for proven expenses in kindergarten or early childhood education centres (Article 61.2 LIRPF); and the large family deduction can be up to EUR 2 400 higher for families in the special category, and increases by EUR 600 per child above the large family threshold. In general, the amount of the deduction is limited by the taxpayer's contributions to social security in the corresponding tax period (Article 61.3 LIRPF); but for large families in the special category, the deduction can exceed this limit.

Early child care and after-school care

In Spain as elsewhere, most children before primary age are cared for by a mixture of their parents; informal carers such as grandparents, other relatives or friends; and formal care services.

Private and public providers offer formal the optional early childhood education and care (ECEC) in Spain both in the first cycle (for children under the age of three) and the second cycle (for children from three to six). Since 1990, early childhood education and care services are integrated within the education framework; and the General Organic Act of the Education System (LOGSE) included a basic regulation for nursery schools. The LOGSE was not endowed with the economic means necessary to respond to the families' needs and it did not place any obligation on the regional administrations to engage in this development (González, 2004^[64]). This changed in 2006, when the Organic Act 2/2006, 3.5.2006, on Education (LOE) replaced the LOGSE. Today, the responsibility for overseeing early childhood care and education institutions falls to the education departments of the Autonomous Communities. The Act asks Autonomous Communities to gradually increase the supply of public places in the first cycle, and encourages them to make agreements with local councils and private non-profit entities (Article 15.1 LOE). For the second cycle, in contrast, they have to guarantee a free spot (Article 15.2 LOE).

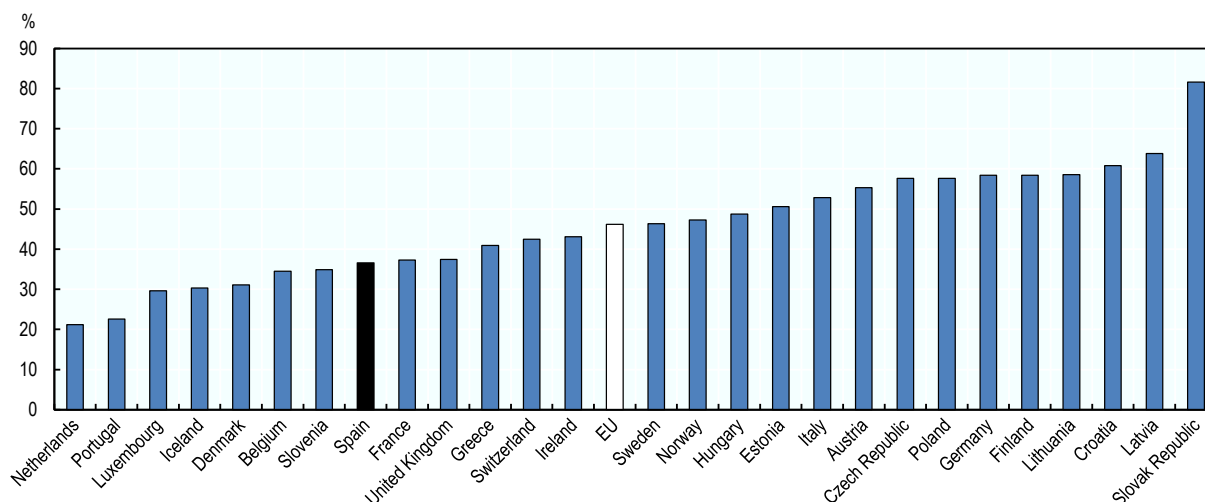
The availability and costs puts day-care for younger children out of reach for many families, but a recent law calls for the development of a plan to change this. The costs for the first cycle in public institutions can depend on factors such as family income and the number of siblings in the same institution. Private institutions are free to set their own fees. More than one half of the first-cycle institutions are private, though a third among them are publicly subsidised (Eurydice, 2021^[65]). High privatisation rates exist particularly in large cities, making the services too expensive for many parents. Even if the situation has improved, a significant gap persists between the supply of public and private places in early childhood education and the actual and potential volume of users. Access to public kindergarten is subject to the specific requirements set out by the local authorities funding the service. Directives and recommendations on the conditions for access to the service exist in some regions, whereas others leave the issue to local authorities. The recent Organic Act 3/2020, 29.12.2020 amended Article 15 LOE to reinforce the obligation of public bodies to increase early childhood education services in order "to meet all applications for schooling of the children aged zero to three years". The law also adds a new additional provision dealing with the extension of early childhood education, according to which "within a year from the entry into force of this Act, the government (...) shall set up an eight-year plan for the extension of the first cycle of early childhood education". It also adds that the execution of the plan shall advance towards free admission of children, prioritising access for those in families at risk of poverty and social exclusion and focusing on low enrolment rate areas.

Parents are the exclusive carers for about half of the babies and toddlers under the age of three across EU countries. In Spain, this applies to only about a third of children in the same age group (Figure 2.4). In most European countries, the main care arrangement during the first 12 to 18 months is parental care, mainly provided by mothers, with emerging participation also by fathers. The parents tend to be more or less protected through the different national systems of leave for parents (Escobedo, 2014^[66]). The share

of children in Spain who are exclusively cared for by parents has decreased by around 5 percentage points since 2007. In 2019, about one in ten young children in Spain are cared for by informal carers, compared to almost one in three across the EU.

Figure 2.4. Parents are the only carers for about one in three children under the age of three in Spain

Proportion of under three-year olds who are exclusively cared for by their parents, 2019

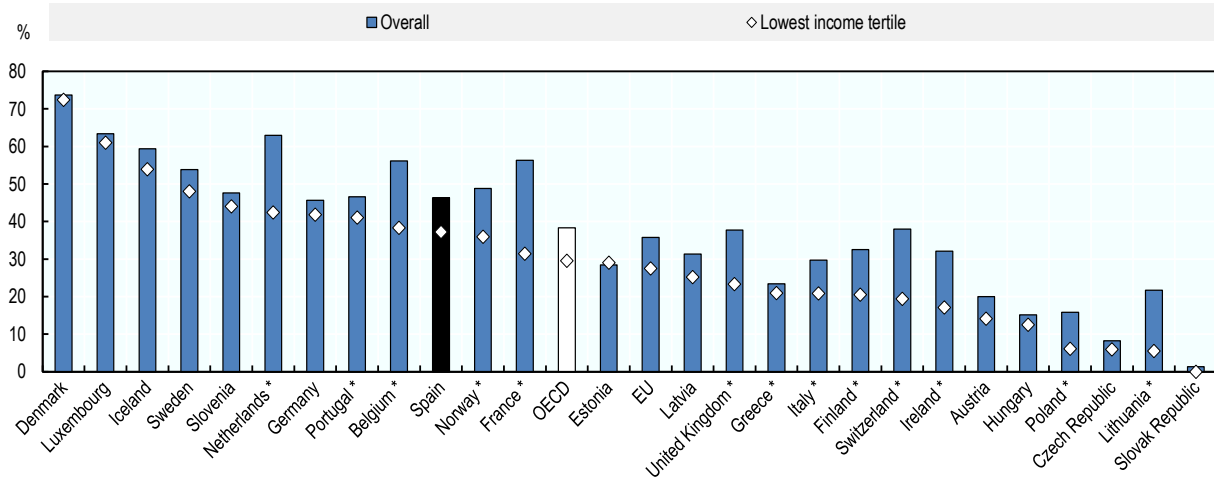


Source: Eurostat (n.d.^[67]) "ILC_CAPARENTS", *Statistics on Income and Living Conditions*.

Spain has a relatively high coverage of formalised childcare. In 2017, parents who responded to the EU-SILC survey reported that 46.3% of children under the age of 3 were enrolled in formal childcare; compared to 38.3% across the OECD and 35.7% across the EU.⁴⁰ This figure rose to 57.4% in 2019. As in many other but by no means all countries, the enrolment rates differ quite strongly across income group. In particular, the share of young children living in the third of households with the lowest income who attend a formal early childhood care and education programme in Spain but also across the OECD and EU was around 9 percentage points below the average enrolment (Figure 2.5). However, the Spanish gap was in fact not statistically significant at the 5% level. Differences between the two rates were lower in some of the countries with high enrolment rates, such as in Denmark and Luxembourg, but also in lower-enrolment countries such as Hungary. At 98%, almost all three to five year olds in Spain attend early childhood education, while the OECD average is 10 percentage points lower (OECD, 2020^[68]). This proportion shows great variability across Autonomous Communities, as a result of the diverse regulations and public funding levels of these services.

Figure 2.5 Almost one in two children under the age of three attends formal early childhood care, but the share is lower in low-income households

Participation rates in early childhood education and care, 0- to 2-year-olds, overall and for the lowest tertile in terms of equivalised disposable income, 2017 or latest available



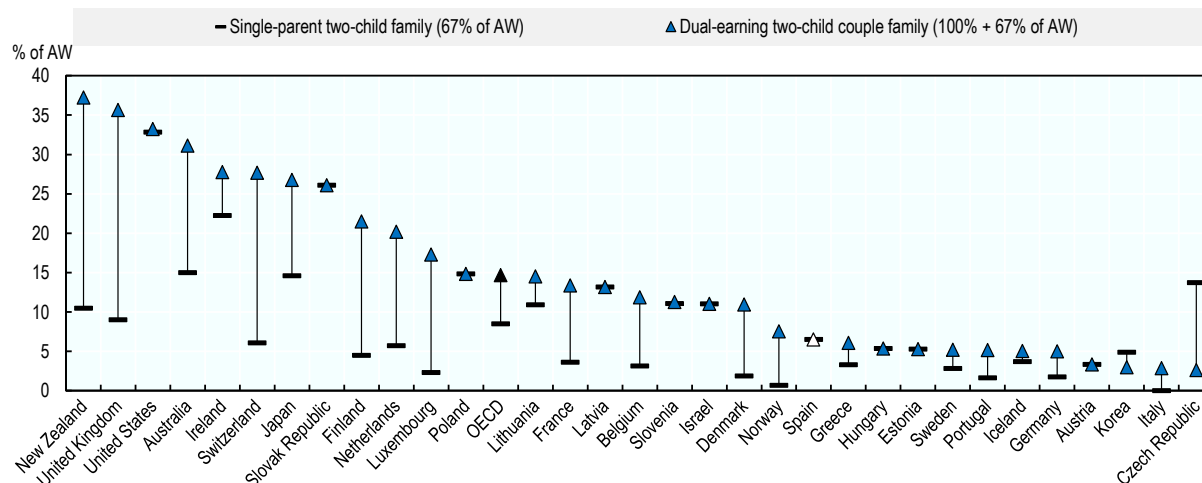
Note: Data for Switzerland refer to 2014, and for Iceland to 2015. Data are OECD estimates based on information from EU-SILC. Data refer to children using centre-based services (e.g. nurseries or day care centres and pre-schools, both public and private), organised family day care, and care services provided by (paid) professional childminders, regardless of whether or not the service is registered or ISCED-recognised. Equivalised disposable income tertiles are calculated using the disposable (post tax and transfer) income of the household in which the child lives. In countries marked with an *, differences across income groups are statistically significant at $p < 0.05$.

Source: OECD (n.d.^[46]), "PF3.2 Enrolment in childcare and pre-school", *OECD Family Database*, http://www.oecd.org/els/soc/PF3_2_Enrolment_childcare_preschool.xlsx.

The out-of-pocket costs parents have to come up with to place their children in day-care appear comparatively modest in Spain, but can nonetheless represent an obstacle for low-income families. In 2018, the typical cost for a single- or dual-parent family in Madrid that jointly earned 67% or 167% of the average national full-time wage was equal to 6.5%, compared to OECD averages of 8.5 and 14.6% for the two types of families, respectively (Figure 2.6). However, the lack of a distinction between the costs for families with these quite different income levels already shows that paying for childcare can be an obstacle for lower-income families. Survey data evidence bears this out: more than one in five low-income and more than one-in-six middle-income respondents with children aged five or younger in Spain said that they would like to use (more) formal childcare, but could not afford to do so (OECD, 2020^[69]). Only in Ireland do a higher share of low-income parents report the same. Given that care for over-three year olds is free in Spain – though hours may not be sufficient to cover a full work day – the problem is likely even more acute for parents of younger children.

Figure 2.6. For certain types of families, the costs for placing children in public early childhood care in Spain are lower than elsewhere

Out-of-pocket childcare costs for a two-child family as a proportion (%) of the national average full-time wage (AW), by family type, 2018



Note: Data reflect the net cost (gross fees less childcare benefits/rebates and tax deductions, plus any resulting changes in other benefits received following the use of childcare and/or change in family income) of full-time care in a typical childcare centre for two-child family with children aged 2 and 3. Gross earnings for the two earners in the 'dual-earning two-child couple family' are set equal to 100% of average earnings for the first earner and 67% of average earnings for the second earner. Those for the single earner in the 'single-parent two-child family' are set to 67% of average earnings. 'Full-time' care is defined as care for at least 40 hours per week. Where benefit rules are not determined on a national level but vary by region or municipality, results refer to a "typical" case (e.g. Michigan in the United States, the capital in some other countries). For Spain, this is Madrid. See the OECD Tax and Benefit Systems website, <http://www.oecd.org/els/soc/benefits-and-wages.htm>, for more detail on the methods and assumptions used and information on the policies modelled for each country.

Source: OECD Tax and Benefit Models 2018, <http://www.oecd.org/social/benefits-and-wages/>.

Formal after-school care in Spain is scarce. Younger school-age-children still require near-constant care, and school hours are often shorter than a typical work day. However, since the Autonomous Communities can set school hours and terms, there are important regional variations (Fernández-Enguita, 2007^[70]; Feito-Alonso, 2012^[71]; Sintés, 2012^[72]). In some regions, public primary schools only operate until lunchtime. Private schools usually offer more academic hours and a package of complementary services and activities covering pre-hours, lunch and the afternoon with sports, languages, arts, play or other cultural activities. In public schools, parents' boards or school families' associations organise such activities according to their families' funding and organisational capabilities (Comas et al., 2013^[34]). Two-parent families may be able to adjust their working hours so that they can cover their children's out-of-school care needs fully, while others may rely on grandparents or other family members or hire informal care workers. But for families who do not have nearby retired relatives and who do not have the financial means to hire someone, public after-school centres can help close the time gap between when school lets out and when they finish work. In Spain in 2017, according to an Indicator based on the EU-SILC, only 5% of children attended such centre-based care, considerably lower than the 28.6% OECD average and the lowest share among EU and OECD countries for which data were available. However, this low figure may miss certain other types of out-of-school care, including activities organised by families' associations.

In Spain, there is a distinction between care services provided at school (lunch services, transport and residential support) and out-of-school services. On average, 35.6% of public and 45.7% of private-school primary pupils go to the school lunch service, which includes the meal and supervised free time. However, there are substantial variations across regions; and the difference in lunch service use between public and

private school students become much larger in secondary school (MEC, 2021^[73]). In some parts of the country, the regional authorities offer funding for out-of-school programmes, services and families school associations. These school families associations provide services that compensate for a lack of public services, particularly in well integrated communities and middle class neighbourhoods (Comas et al., 2013^[34]). A Catalanian study from 2012 for example revealed that only 1% of public and 10% of private schools did not have a 'Mothers and Fathers of the Students of the School centre association' (AMPA). Participation by families was high: 81% were members in an AMPA and 68% participated in regular or occasional activities (though this drops to 27% in secondary school). In privately-managed school centres within the public system, which are often Catholic schools, participation is somewhat lower, which may be because the school offers more services itself. In primary public schools, the AMPA guarantees basic services including lunch service (in about half of public schools, while municipalities are in charge of others) as well as before and after-school care services (Escobedo and Escapa, 2014^[74]), based on Fundació Bofill's research-action project "Families amb Veu" (Comas et al., 2013^[34]).

While most relevant public policies focus on creating formal early childhood education and care and out-of-school services, a recent policy initiative would help families supplement these formal with informal domestic services. These situations can for example arise if the hours offered for early childhood or out-of-school care do not coincide with their working hours. So far, they typically have to pay for these services out of their own pocket. But in March 2021, the government approved the Co-Responsibility Plan (Plan Corresponsables) in the framework on gender equality policies, to address some of the gaps in the present architecture of public care service policies in Spain. The plan has the dual goal of making domestic care services for families more accessible and of formalising informal care work. The plan intends to formalise informal domestic care services for families with children under the age of 14 as well as out-of-school services, sports and leisure services, in public facilities for children under the age of 14. Through the plan, the government also intends to improve quality job creation for young people with relevant qualifications such as in early childhood care or supervising sports and leisure activities, as well as for individuals with formal and informal care experience. Finally, the plan aims to create accreditation processes for non-professional care experience, in particular women over the age of 45 (Ministerio de Igualdad, 2021^[75]). The plan's budget of EUR 190 million in 2021 seeks to stimulate the allocation of other local, regional or private resources. In some instances, the plan reflects strategies proposed during the 1990s, including accreditation processes based on professional experience and public private partnerships, to stimulate the formalisation of labour-intensive domestic and care services (Jiménez et al., 2000^[76]). The fact that the plan particularly addresses vulnerable families who cannot afford the full market price for these type of formal services also point towards the shortcomings of the 2006 Dependency Law in relation to families with children.

Social services for families and the protection of minors

Through their primary and specialised social services systems, the Autonomous Communities provide services to families and for the protection of minors. Beside these specific family- and child-directed services, families of course benefit from a range of other social services. These for example include services directed at the elderly or disabled; and can include emergency financial transfers for households that are not eligible for regular monthly benefits but are in an acute crisis. In some regions, households that receive benefits under the minimum income scheme are also given preferential access to certain social services, but the extent of this practice is difficult to judge (Rodríguez-Cabrero et al., 2016^[77]).

Recent developments point to a more therapeutic family law, with measures to prevent divorce or avoid its worst consequences for children (Fariña and Ortuño, 2020^[78]). Family mediation was initially introduced in Spain in the 1990s, and the first family mediation law was published in 2001 in Catalonia.⁴¹ Despite its relatively short development, the interest on family mediation has considerably taken hold in recent years, resulting in the approval of family mediation laws in 13 Autonomous Communities (Unión de Asociaciones Familiares (UNAF), 2015^[79]). Nowadays, many Autonomous Communities offer both family mediation both

outside and inside the judicial system (Ortiz Pradillo, 2016^[80]), and they have also started providing additional services such as meeting points for highly conflictive divorces, court orders naming a parenting co-ordinator for shared custody and even compulsory family therapy orders.

One of the key advantages of family mediation is that it is an effective communication mechanism which can help separating couples in finding lasting agreements that take into account the needs and well-being of all family members, and especially those of children. Furthermore, it can be a faster, simpler, and less expensive dispute resolution method than the traditional judicial system.

Despite these advantages, the uptake of family mediation services is still low in Spain. In 2015, about one-quarter of divorce filings in Spain were contended rather than by mutual accord. Of these around 23 000 cases, a judge referred the separating couple to mediation in around 6 000 cases, but in more than half of the cases there was not even a first information session (Lozano-Martín and González-de-Patto, 2018^[81]). Reasons for the relatively limited recourse to mediation can include a lack of interest by judges, lawyers or separating couples, as well as difficulties in accessing the services.

Important advances have also been made with respect to the promotion of positive parenting programmes in the past decade. Since 2009, and as a response to the recommendation made by the Committee of Ministers of the Council of Europe,⁴² the Ministry of Health, Consumer Affairs and Social Welfare has put into place multiple initiatives to promote this new parenting approach among Spanish families and institutions. These initiatives include preparing technical documents and guidelines to support local governments in the development of services and programmes to promote positive parenting at the local level, holding national conferences, creating inter-autonomous working groups, and financing services and education projects to provide parenting support to families. An online platform⁴³ was also created to contribute to raising awareness among the public in general, and to provide professionals with a space for learning and exchanging good practices on the topic.

As a result of these initiatives, local programmes developed to specifically address parents' needs in bringing up children have undergone rapid expansion across the country. During the first years of development, Autonomous Communities set up positive parenting programmes aimed at supporting disadvantaged families to raise children in contexts of pervasive poverty and structural sociocultural exclusion. The intention of these programmes was to lower the need for child protective services to intervene. Nowadays, these services tend to provide parenting support to vulnerable families involving a continuum of low-risk to high-risk families. The focus has shifted towards increasing parenting skills and social support across the board to improve parents' autonomous functioning (Rodrigo, 2016^[82]).

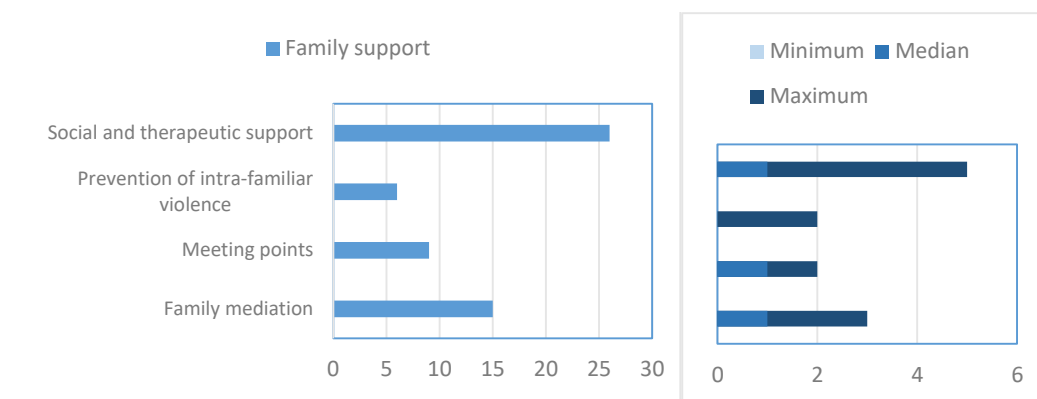
The 2013 Social Services reference catalogue defines the services that individuals can access in the entire Spanish territory provided they fulfil access conditions (Ministerio de Sanidad, 2013^[83]). With regards to families, these services are psychological, educational and social supports, which for example can include positive parenting programmes; family mediation in cases of separation or divorce; family meeting points for cases where the contact between a minor and a parent or other family member are difficult and need supervision to normalise again and social-educational support outside of school hours for children with specific educational difficulties. There are special phone lines for victims of gender-based violence and for minors. Women who are recognised victims of gender-based violence, either through a court order or a case-worker decision, can access psycho-social support from inter-disciplinary teams. Children at social or family risk can receive supports such as programmes for family preservation or support for victims of (sexual) abuse; and may be placed in residential or foster care. The Autonomous Communities also evaluate potential foster and adoptive families and accompany them before and after the adoption. Finally, the reference catalogue includes early childhood education and care services. Besides these family- and minor-specific services, families can of course also access all other social services their situation entitles them to, such as those related to social inclusion.

According to their social services catalogues, different regions offer different types of family services; but these catalogues can offer an incomplete picture. Social and therapeutic services are the most common

family support services across the regions, with the exception of Extremadura and Galicia (Figure 2.7). Only five regions (Andalusia, Aragon, Castilla-La Mancha, Castilla y León and Murcia) specifically mention programmes against intra-familial violence within their family support services. All regions with the exception of Asturias, Catalonia, and Galicia list mediation services that seek to prevent and resolve family conflicts without recourse to the justice system. In fact, the catalogues of Catalonia and Galicia generally do not mention family support services, though the Catalan one mentions one programme and the region has a law on family mediation dating from 2001. However, in some cases, an Autonomous Community may offer a certain service without listing it under family services. In these cases, the services may fall under the ‘prevention’, ‘dependency’ or ‘personal autonomy’ category for specific target groups. In other cases, communities may offer services through a different part of the social protection system rather than through social services. For example, early childhood care may be offered by the education or health systems rather than through social services.

Figure 2.7. Social and therapeutic support is the largest category of family services in the regional social services catalogues

Number of family support services by sub-area and distribution of number of services in each sub-area across Autonomous Communities



Notes: The analysed catalogues are those of Andalucía, Aragón, Asturias, Castilla-La Mancha, Castilla y León, Cataluña, the Valencian Community, Extremadura, the Balearic Islands, La Rioja, Murcia, Navarra and the Basque Country as well as the provisional catalogue for Galicia. If the minimum or median does not appear, its value is equal to zero.

Source: OECD Social Services project (forthcoming).

The increased demand for child protective services has prompted the enactment of regional legislation to organise these services. A 2015 state-level legal reform sought to set the essential elements for a more coherent child protection system at the national level (Act 26/2015, 28.7.2015, modifying the system for the protection of children and adolescents). The reform sought to introduce common criteria regarding the definition of risk situations and the more serious abuse or neglect cases. Only the latter lead to a separation of a child from his or her biological parents. The reform also amended the definition and procedural requirements to establish protective measures (residential or family care and pre-adoptive family care). It aimed at unifying the definitions and criteria used by the different regions, starting from the assumption that foster family care should be preferred to residential care. The Act even stated that children under the age of three had to be placed in family rather than residential care unless it was proven that this option was impossible. The same provision also stated that “as soon as possible”, the same criterion should also apply for children from 3 to 6 years old. The Act did not include mention of any programme or funding addressed to increase foster families’ availability. At the same regulatory level, the Act also furnished the sets of rights and duties of both family foster carers and foster children. It introduced new categories of foster family care, replacing those used by the regional regulations. Finally, the reform pointed to the

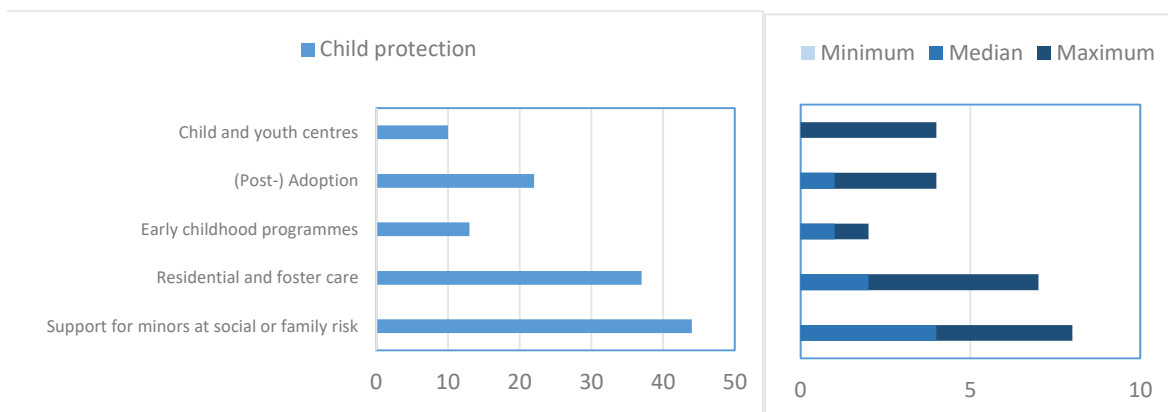
standardisation of the legal definitions of foster family care and care for adoptive purposes, the unification of their legal regime, and the development of common criteria for having access to foster care services. The Act also ordered the implementation of a state-based information tool that should provide data about foster family care and adoption measures across Spain.

Until now, only a handful of regions seem to have completed the task of implementing the definitions and standards set by the state legislation.⁴⁴ Instead, most of them have reacted by adopting specific rules for pressing matters, such as unaccompanied foreign children. Some complained that state legislation challenged their powers to enact and develop child protection policy and statutory tools to provide foster care services.⁴⁵ The efforts of both the regions and the state to set common general criteria to access the services and develop the information tool have not reached success yet.

Programmes for at-risk youth are the most frequently mentioned across the social services catalogues of the different regions, followed by residential and foster care and pre- and post-adoption services (Figure 2.8). Hardly any regions mention youth centres within their social services catalogue, but these may still exist at a municipal level; or they may be seen as part of youth or leisure policies. Early childhood programmes, directed at children under the age of six are not mentioned in the catalogues of Andalusia, Extremadura, Galicia, and Murcia.

Figure 2.8. Support for at-risk youth, residential and foster care and (post-)adoption services are important child protection areas

Number of services for the protection of minors by sub-area and distribution of number of services in each sub-area across Autonomous Communities



Notes: The analysed catalogues are those of Andalucía, Aragón, Asturias, Castilla-La Mancha, Castilla y León, Cataluña, the Valencian Community Extremadura, the Balearic Islands, La Rioja, Murcia, Navarra and the Basque Country as well as the provisional catalogue for Galicia. If the minimum or median does not appear, its value is equal to zero.

Source: OECD Social Services project (forthcoming).

Data show that intimate partner violence is widespread. In 2004, a new comprehensive legal instrument established a broad range of support measures, ranging from individual counselling for victims to structural economic incentives for employers to hire former victims of intimate partner violence.⁴⁶ It also increased potential sentences for men's acts of gender-based violence against women and created special courts,⁴⁷ responsible for dealing with all criminal issues connected with gender violence, but also with civil matters concerning family legal relationships that involve the victim and the alleged perpetrator (Article 87 ter 2 Organic Act 6/1985, 1.7.1985, on Judicial Power (as amended by Article 44 Organic Act 1/2004).). If a father is involved in gender-based or domestic violence, the judge must consider suspending his custodial

rights (Article 65 Organic Act 1/2004). But this suspension is neither automatic nor mandatory and rarely applied in practice.

The services offered to the victims of gender-based violence fulfil the requirements set out by a European Convention in terms of their existence, though not always in terms of the actual spots that are available. The legally binding Istanbul Convention, which came into force in 2014, aims to tackle gender-based violence in Europe and ensure the protection and support of female victims as well as of their children. The Convention lays out general and specialist support services, assistance in complaints, shelters, 24-hour helplines, rape crisis or sexual violence centres and the protection of child witnesses as the minimum services countries have to provide (Meurens et al., 2020^[84]). All of these services exist in Spain. However, as in most other countries, the prevalence of sexual violence referral centres and the availability of beds in shelters remain below the Convention's targets.

Shelters can allow victims of intimate partner violence to be safe from their aggressors, receive counselling and line up housing and other necessities so that they do not have to return to their prior home. Some of these shelters are open to women with their children, some also to male victims of intimate partner violence, and some specialise in the specific needs of migrant women. All of the analysed countries offer shelters. However, the number of available spots may not always be sufficient; different parts of the country may have different availabilities; and the shelters may not always meet the needs of all victims. The Council of Europe minimum's requirement is that there should be one family place (for one woman and one child) per 10 000 inhabitants. A 2019 report by *Women Against Violence Europe* NGO that used an amended version of the target of one shelter family place (for one woman and one child) per 10 000 inhabitants estimated that the actual number of beds fell 42% short of the target in 2018 (WAVE, 2019^[85]). Of the analysed countries, only four (Luxembourg, Malta, Slovenia and Northern Ireland) actually met the target.

Family leave and reconciliation of work and family life policies

Family leave policies allow the parent to suspend their work contract temporarily to take care of the children. In Spain, family leave policies generally fall under the competence of the state and include measures such as leave during pregnancy and after birth, leave for urgent family reasons such as taking care of sick children or relatives, and regulated working-time reductions for the same reasons. They typically apply to public and private-sector employees, but parallel measures have recently been set up to provide similar social security coverage to self-employed parents. Independent professionals who are not affiliated to social security schemes are usually part of specific arrangements with private insurers, allowing them to have access to monetary allowances during a break due to pregnancy, birth or childcare.

Before the birth or adoption of a child, parents-to-be may have the right to time off, leave or contract interruptions. Any prospective mother or father has the right to time off work for prenatal examinations or classes, or compulsory courses or tests during the process of becoming an adoptive or foster parent (Article 37.3, f) [Estatuto de los Trabajadores – ET] Worker Statute and 48 e) Basic Statute of Public Servants [Estatuto Básico del Empleado Público – EBEP]. The biological mother can also anticipate her maternity leave up to four weeks before the day of the likely birth (Article 48.4 VI ET).⁴⁸ Pregnant or breastfeeding workers can suspend their work contract temporarily if her current working place exposes her to health risks and if a change to her work place is not feasible or cannot reasonably be required (Article 45, e) and 48.7 ET). The suspension may last until the child's ninth month (Article 45.1 e) ET). Social security pays a subsidy equal to the sum established in the work contract for temporary disability caused by labour-related events.

After birth, parents have a right to maternity, paternity and parental leave. Maternity leave lasts 16 weeks, the first six of which have to be taken full-time (Article 48.4 I ET = 49 a) EBEP). Mothers can take the remaining leave at once or interrupted before the child's first birthday, and on a part- or full-time basis; but only provided their employer agrees. Since 1 January 2021, the same rights – including the provision that the first six weeks must be taken on a full-time basis – are granted to the other parent (Article 48.5 I ET),

though here as well, employer agreement is needed. These paid leave periods are individual rights and no longer transferable to the other parent (Article 48.4 V ET). The single-parent upbringing of the child does not imply the duplication of the individual claims of the only parent.⁴⁹ Leave-taking parents affiliated to social security and who fulfil lenient contribution requirements⁵⁰ (such as having contributed for 180 days out of the prior seven years for over-26-year-olds) receive a subsidy equivalent to the amount established in the work contract for temporary disability caused by non-labour related events. In general, the amount is near 100% of the worker's usual salary. The calculations are based on the applicable basis of contribution, which varies among seven professional groups and which is updated at every year by the General State Budget Act. This Act also determines the minimum and maximum contributions to non-labour risks. Currently the maximum and minimum monthly amounts of the basis are EUR 4 070 and 1 050.

Several reforms have shaped the current maternity and paternity leave system. In 1989, maternity leave was extended from 12 to 16 weeks, and the option to transfer these four additional weeks to the father was introduced. In 1995, maternity leave was improved and detached from sick leave. The 2007 Gender Equality Law (Organic Law 3/2007) created a new social security paid paternity leave of initially two and later four weeks, combined with more flexible reversible working time reductions also extended to adult care contingencies. Learning from the experience of Nordic countries, the reform counted on the potential of leave policies to encourage the involvement of men in post-birth care. Finally, the most recent reform on birth leave created a fully gender neutral leave around birth.

The motivation for the birth leave reform was to promote the equal sharing of parenting and the de-gendering of the use of leaves. The practical aim seems to be to eliminate statistical gender discrimination in the labour market, by showing employers that male and female employees have the same leave entitlements and benefits at birth, and may thus be absent from the workplace for an equal duration due to family reasons. The reform focuses on the first months of parenthood, often a turning point at which gaps in male and female employment trajectories become wider, particularly in groups with lower education and more precarious labour conditions. Previous international research indicates that father's paid leave allows men to develop primary care competences when they perform it alone and during a minimum period of time (O'Brien and Wall, 2017^[86]; Meil, Rogero-García and Romero-Balsas, 2017^[87]), while mother's paid leave protects her employment provided it is long enough (Addati, Cassirer and Gilchris, 2014^[88]; Escobedo, Navarro and Flaquer, 2008^[89]). This is not clear in the Spanish case whether the leave is indeed long enough when taking into account the observed increase of maternal unemployment or labour market abandonment after the end of maternity leave (Escobedo, Navarro and Flaquer, 2007^[90]).

After the paternity and maternity leave, both parents may ask for one-hour time off work each day to care for the infant until he or she is nine months old (12 in the case of public employees) (Article 37.4 ET (as amended by Article 2.9 RD-L 6/2019) and Article 48, f) EBEP). The duration of the leave increases proportionally in cases of multiple births. Like maternity and paternity leave, infant care leave is an individual right that cannot be transferred between the two parents. To encourage parents to use this leave simultaneously, the leave is extended until the infant is one year old if both parents apply for leave with the same duration and regime. In this case, however, a reduction in the salary takes place in proportion to the reduction of working time. Through collective or individual agreements with the employer, the infant care leave may be compacted to take some days off work instead of a daily reduction of working time. The unpaid reduction of working hours by both parents for the time between the ninth and twelfth month of age of their child gives rise to a social security benefit equivalent to 100% of the amount established in the work contract for temporary disability caused by non-labour related events, calculated according to the reduction of working time (Article 185.1 LGSS).

Parents of children who are one year or older can take different types of leave:

- Parents can take an unpaid leave of absence for up to three years after birth or the judicial order granting the adoption or foster care of the child (Article 46.3 I ET). Parents who take this leave keep their seniority and may attend professional training courses. Their employer must let them

return to the same workplace if they leave for one year or less (extended to 15 or 18 months for parents of large families) or to an equivalent workplace if the leave lasts longer than that. Social security law considers this period as if the worker had been working as regards contribution requirements for benefit calculations (Article 237.1 LGSS), but does not pay an allowance to the leave-taking parents.

- For the care of children under the age of 12 or persons with disability who do not carry out paid work, workers can reduce their working hours by up to half. For up to two years, social security treats these periods as if the worker had not reduced their working time for the calculation of retirement, survivor and permanent incapacity pension schemes and parental leave (Article 237.3 LGSS).
- Parents of children suffering severe illnesses can reduce their working hours by 50 to 100% (Article 190 II and III LGSS). In this case, parents working in the private sector can receive a social security allowance equivalent to 100% of the amount established in the work contract for temporary disability caused by labour-related events, calculated according to the effective reduction of working time. Civil servants, in turn, receive their full salary (Article 49 e) EBEP). The benefit is paid until the children are no longer in need of hospitalisation or treatment, or when they still need them but are 18 years-old. If both parents meet the requirements for the benefit, it is only granted to one of them.

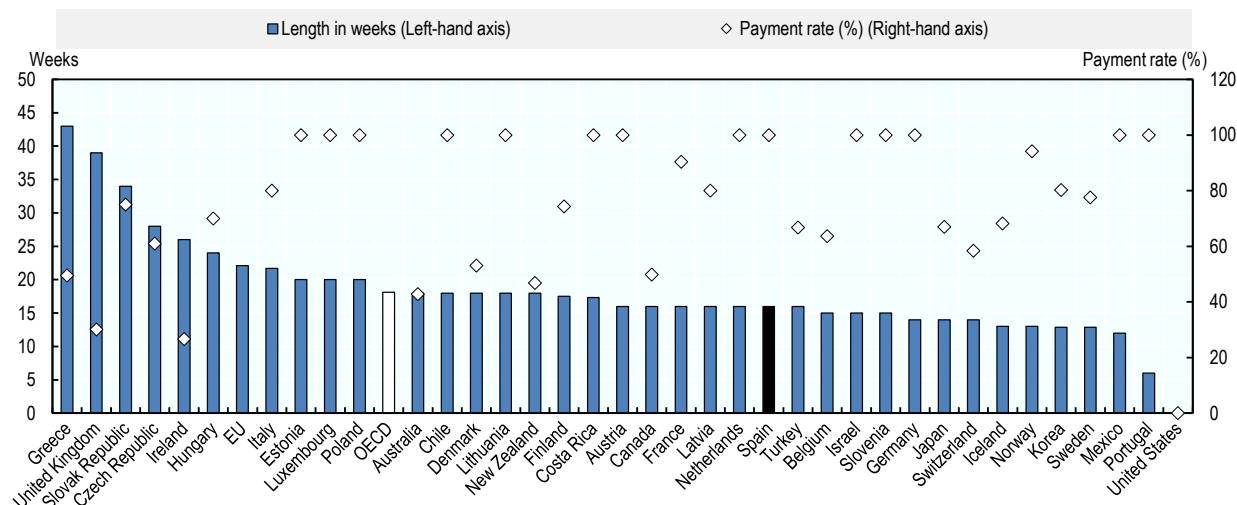
It is controversial whether the allowance should be available when only one of the parents is working and affiliated to social security (Blasco Lahoz and López Gandía, 2020^[44]). According to Article 4.2 RD 1148/2011, both parents must be affiliated and registered in one of the social security schemes. The Supreme Court held that if one of the parents does not work, the other does not need to reduce his or her working time. The issue also arose in cases concerning divorced spouses, where one of the parents was the only custodial parent. The Supreme Court rejected granting the allowance based on the fact that the legal link of the child with the other parent is alive, and this must have consequences regarding their parental duties.⁵¹ Legal writing critically argues that it does not make sense that a custodial parent cannot ask for leave without losing part of their income if the other divorced parent is not working and has no or minimal contact with the sick child (Gala Durán, 2018^[91]). Leave to take care of children with non-severe illnesses remains unregulated, even though an exception has been made during the COVID-19 crisis for parents whose children have had a positive COVID-19 diagnosis or needed to quarantine. Within the framework of the State Government “Plan Me Cuida”, parents whose children have had a positive COVID-19 diagnosis, have had the option of paid sick leave for 10-14 days (under sickness insurance) while parents whose children needed quarantine without COVID-19 diagnosis were granted unpaid leave or flexible or telework or homework arrangements with the employer.

In Spain, maternity and paternity leaves themselves are relatively generous, but the lack of further paid parental leave lowers the relative generosity. While maternity leave is slightly more than two weeks shorter than the OECD average and six weeks shorter than the EU-28 average (based on 2018 information), its payment rate at 100% for an average earner is very generous (Figure 2.9). However, on top of maternity and paternity leave, many other OECD countries also offer parental leave that can usually be taken by either fathers or mothers. This leave is often of a longer duration but a lower payment rate. When this leave is taken into account, the gap in the duration between maternity and home care leave in Spain and the OECD average grows to nearly 38 weeks. The recent extension of paternity leave to 16 weeks places Spain far above the 2018 OECD average of eight weeks of the combined paternity and parental leave reserved for fathers. The shorter duration of total parental leave in Spain compared to the OECD average can represent a challenge for families who may struggle to assure good-quality care for their babies. This is particularly true given that in the recent extension of the birth leave for fathers, six of the 16 weeks have to be taken at birth together with the mother (thus not extending the period that the child can be at home with parents on paid protected leave); and the use plan for the ten remaining weeks has to be agreed with

the fathers' and mothers' employment (Meil, Escobedo and Lapuerta, 2021^[28]). However, it also needs to be noted that very long parental leave entitlements have been found to be associated not only with decreased employment opportunities for mothers, but for women of childbearing age in general (Adema, Clarke and Frey, 2015^[92]; Thévenon and Solaz, 2013^[93]).

Figure 2.9. The leave for new mothers is slightly lower than the OECD average but at a high payment rate

Duration of paid maternity leave and the average payment rate across paid maternity leave for an individual on national average earnings, 2018



Note: The table refers to paid leave entitlements in place as of April 2018. Data for Chile and Costa Rica refer to April 2017. Data reflect entitlements at the national or federal level only, and do not reflect regional variations or additional/alternative entitlements provided by states/provinces or local governments in some countries (e.g. Québec in Canada, or California in the United States). The "average payment rate" refers the proportion of previous earnings replaced by the benefit over the length of the paid leave entitlement for a person earning 100% of average national full-time earnings. In most countries, benefits are calculated on the basis of gross earnings, with the "payment rates" shown reflecting the proportion of gross earnings replaced by the benefit. In Austria, Chile, Germany and Lithuania, benefits are calculated based on previous net (post income tax and social security contribution) earnings, while in France benefits are calculated based on post-social-security-contribution earnings. Payment rates for these countries reflect the proportion of the appropriate net earnings replaced by the benefit. Additionally, in some countries benefits may be subject to taxation and may count towards the income base for social security contributions. As a result, the amounts actual amounts received by the individual on leave may differ from those shown in the table.

Source: OECD (n.d.^[46]), "PF.2.1. – Parental leave systems", OECD Family Database, http://www.oecd.org/els/soc/PF2_1_Parental_leave_systems.xlsx.

The coverage of maternity leave is high, while many men did not use any days of their previously shorter paternity leave. In 2018, according to results of the INE's Fertility Survey, 82.5% of eligible first-time and 84.9% of second-time mothers took the leave; compared to 74% of eligible men (Meil, Escobedo and Lapuerta, 2021^[28]; Meil, Rogero-García and Romero-Balsas, 2020^[94]). Reasons for why a proportion of mothers are not using maternity leave include that they work in informal or precarious employment, are self-employed or have some other professional reason (Meil, Rogero-García and Romero-Balsas, 2020^[94]). In 2016, the ratio of the number of beneficiaries of paternity leave to the number of live birth was 59.8, up from 35.3 in 2007 (OECD, n.d.^[46]). This ratio is slightly higher than the average across 11 OECD countries for which the statistic was available. The increase of leave from two to four weeks in 2017 did not result in a reduced usage rate, although it did increase the proportion of fathers who did not use the whole leave period to which they were legally entitled. In fact, the percentage of fathers who took leave out of all births rose from 59.8% in 2016 to 68.8% in 2018 (Meil et al., 2022^[95]). Coverage may even

have grown to 85% from 2017 onwards (Flaquer and Escobedo, 2020^[96]), though changes in how statistics are generated created discontinuities and difficulties in understanding fathers' leave patterns.⁵² Evidence from the 2021 Young Spanish Family Survey suggests that half of the men who became fathers in 2020 split their leave into several spells, up from 38% in 2019. The prevalence of part-time leave-taking rose from 16 to 22% (Meil, Escobedo and Lapuerta, 2021^[28]) based on (Meil et al., 2021^[97]).

Parental leave remains unpaid and thus non-affordable for most employees, particularly those on fixed-term contracts, who make up a substantial proportion of the labour force in the younger age groups. In 2019, fewer than 5% of children under the age of three had a parent who took this unpaid leave. Among those that do use the right, the overwhelming majority (90.9%) are women, who on average earn less than their partners (Guerrero Vizquete, 2018^[98]). Men who take parental leave usually have a stable job, often in the public sector, and have above-average educational attainments (Flaquer and Escobedo, 2020^[96])

Workers also have the right to request adaptations in the organisation of their working time, including remote work (Article 34.8 ET). The requested adaptations must be necessary for their work-family life reconciliation and must be reasonable and proportionate. Initially, the law merely mentioned that collective or individual agreements should be encouraged to set up work-life balance measures such as continuous working hours or flexible timetables. However, evidence suggests that collective agreements seldom refer to these arrangements (Barrios Baudor, 2019^[99]). In the absence of collective agreement, employers could refuse workers' requests without further justification,⁵³ and the goals thus had little enforcement power behind them. Amendments in the legal framework of reconciliation measures of work and family life in 2019 sought to improve the practical effect of workers' rights. Collective bargaining is still supposed to determine the scope of work-life balance measures. However, when there are no relevant collective provisions, each worker now has the right to request negotiation process with the employer to set up the flexible working arrangements he or she needs. When employers refuse the requests, they must provide objective reasons related to organisational or production needs (Article 34.8 ET).⁵⁴ When controversies persist, workers can turn to social courts under a special procedure. Courts place the burden on the petitioners to substantiate their need for reconciliation measures, particularly by pointing to the other parent's availability or other circumstances of the family.⁵⁵ The temporary plan MECUIDA for worktime adjustment during the pandemic has been prolonged several times since March 2020. According to the plan, employees have had the right to adapt or reduce their working hours after giving 24 hour notice to their employers if they need to care for children who for example have to go into quarantine or for other family members who fell ill with COVID-19.

In practice, worktime flexibility is often still limited. According to the 2015 6th European Working Conditions Survey, fewer than one-quarter of Spanish employees had some or total control over daily working hours, compared to a European average of around a third. Differences between mothers, fathers and childless individuals were minimal (OECD, 2016^[100]). Along with many other important factors, a lack of flexibility in setting daily working hours can contribute to difficulties in reconciling work and family life. In Spain in 2012, fewer than one-third of employed parents whose youngest child had not reached school age yet reported no or little difficulty in combining their work and family roles, compared to an average across 25 OECD countries of 42% (OECD, 2016^[101]).

Housing policy

While housing policy is not a direct field of family policy, the availability of housing has an outsized impact on the rate of household and family formation and on the well-being of families. Moreover, certain provisions in housing policy target the needs of large families in particular.

The basic regulatory framework in the field of housing builds on the successive three-year housing plans, which have undergone a shift from promoting home ownership to facilitating renting. The State approves and finances these plans and the Autonomous Communities execute them by managing the corresponding aids and benefits after signing an agreement with the State. Since the first plan (1981-83), plans

traditionally focused on stimulating the building of new houses and subsidizing their ownership. Large families in particular have priority in the award of housing and have more favourable financing conditions (Palomar Olmeda and Terol Gómez, 2017^[27]). In the aftermath of the global financial crisis, it was concluded that the incentives for home buying had contributed to price increases and to an extraordinary surplus of empty houses. At the same time, thousands of people were evicted from their homes due to non-payment of their mortgage. As a direct result, the state housing plans began focusing on the promotion of renting rather than buying. This is equally the approach of the current plan for the period 2018-21 (Approved by RD 106/2018, 9.3.2018 (BOE no 61, 10.3.2018)).

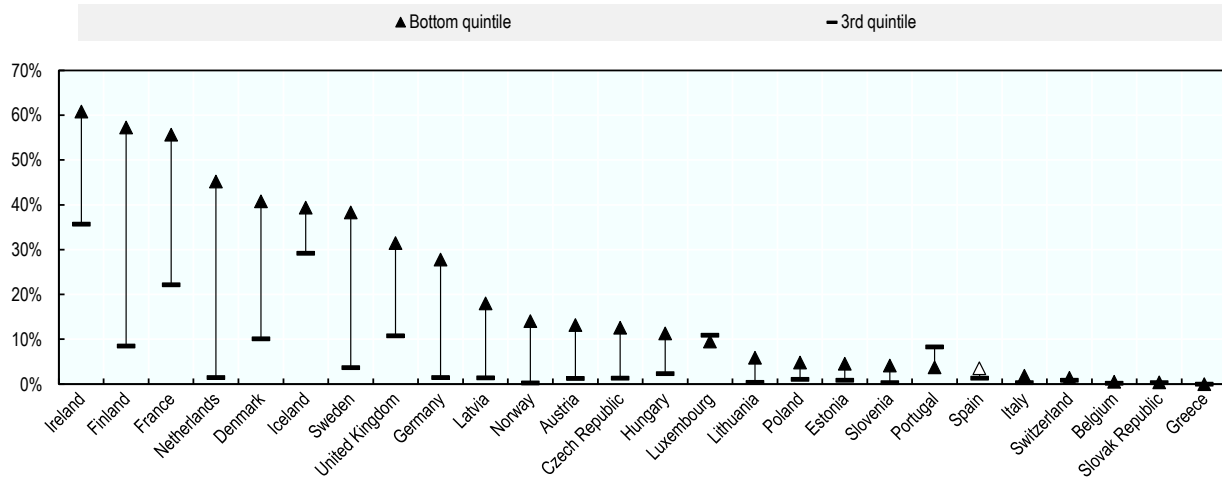
To benefit from the aid under the housing plan, the beneficiaries must fulfil a number of general criteria not tied to family status, but may receive preferential help if their family is large or if they are single parents. As general requirement, the plan demands that beneficiaries possess Spanish nationality or have legal residence in Spain. Aid eligibility hinges not only their individual declared income, but on the income of all persons living in the same household. The regulation considers the “unidad de convivencia” as the “group of people who live and enjoy a home regularly and permanently and with a vocation for stability, regardless of the relationship between all of them” (See Article 7.2 b) RD 106/2018). Therefore, the notion of “family unit” based on blood or legal ties does not appear to apply. However, the same regulations refer to “preferred sectors” to which the aids and subsidies must be directed, including large or single-parent families; families who have lost their habitual residence after a foreclosure; households with victims of gender violence or with a disabled member, and other economically vulnerable units. The requirement of residence in the home is proven by the certificate of registration. Children whose parents have joint physical custody can only be registered with one parent. When the children are not registered with the applicant of the subsidy, he or she must provide official proof of the judicial decision ordering the shared custody arrangement so that the children can also be deemed part of his or her unit.⁵⁶

The state housing plan is structured across nine programmes, including direct aid for the acquisition of protected housing and for rent. The programme for home acquisition only applies to benefits already granted under previous plans. The second programme subsidises rent payments (Article 10 RD 106/2018). The maximum income available to the household unit must be equal to or less than three times the IPREM.⁵⁷ To calculate the maximum income limit, the first adult person counts 1.5 times the IPREM and each additional person 0.5 times the IPREM. In the case of large families of the special or of the general category or of people with disabilities, the multiplying factors are 0.6 and 0.75 for each additional individual, respectively. In any case, it should be noted that the regions normally set up a minimum income amount as an eligibility requirement in order to avoid that due to lack of sufficient income tenants cannot pay the rent. The rent must be equal to or less than EUR 600 per month, or EUR 900 in the case of large families. Autonomous Communities and the ministry can alter this maximum through an agreement in the event of updated studies on the supply of rental housing that prove such need. The amount of the aid varies according to the circumstances of the tenants, as determined by the regional regulations dealing with the specific programme. As a general rule, beneficiaries are to be granted an aid of up to 40% of the monthly rent, which may increase by 10 percentage points for beneficiaries over the age of 65 (Article 14 RD 106/2018). The aid is granted for a period of three years (Article 16). A specific programme of direct monetary benefits for rent payments targets young people under 30-five years of age. This programme has the same income requirements, rent limits and duration and scope of the benefit do apply.

The number of individuals who benefit from a housing allowance is relatively low compared to other OECD countries; and social rental housing plays a negligible role. In 2017, only 3.5% of households in the lowest income quintile received the allowance, while in many other countries their share lies above 10%, in some cases drastically so (Figure 2.10). At slightly above 1%, the share of social rental housing in the total housing stock is also very low in Spain compared to other OECD countries. In fact, only four other countries for which data are available have a lower share; and the median is nearly four times bigger (OECD, 2021^[102]).

Figure 2.10. Only a very small share of households in Spain were awarded a housing allowance in 2017

Share of households receiving housing allowance, bottom and third quintile of the disposable income distribution, in percentage, 2017



Note: Quintiles based on the equivalised disposable income distribution. Low-income households are households in the bottom quintile of the net income distribution.

Source: OECD (2021^[102]), "PH3.3 Recipients and payment rates of housing allowances", *OECD Affordable Housing Database*, <http://www.oecd.org/els/family/PH3.3-recipients-payment-rates-housing-allowances.xlsx>.

As a response to the COVID-19 pandemic, the policy was changed in several ways. An existing programme aimed at the population affected by evictions or foreclosures has been replaced by a new programme to help victims of gender violence, people who are evicted from their habitual residence, the homeless and other especially vulnerable groups (Order TMA/336/2020, 9.4.2020). For these beneficiaries, aids may reach up to 100% of rent (with the same maximum amounts as set in the general programme). In addition, beneficiaries may receive up to EUR 200 euros per month to meet maintenance, community and basic supplies expenses. These aids can be granted for a maximum period of five years. Another programme grants support to tenants who temporarily could not pay all or part of their rent and who could demonstrate to have fallen into a situation of economic and social vulnerability as a consequence of the economic and social impacts of COVID-19. The regions had to implement the programme and determine the financial and social requirements. Still, they need to respect state basic rules laid down in RD-Act 11/2020, which required the applicant to be unemployed with a substantial loss of income; to have an income below three times the monthly IPREM (increasing by 0.1 times the IPREM for each child or for each family member over 65 years of age in charge of the family unit, or 0.15 times the IPREM for each child in the case of a single parent family unit);⁵⁸ and to have rental costs that were greater than or equal to 35% of the net income of the whole family unit. Unlike other programmes, this programme thus does refer to the 'family unit' defined as the one made up of the tenant, his or her (non-separated) spouse or the registered partner, and their children, regardless of their age, as well as their spouses, who live in the same household. The benefit may consist of 100% of the rent up to a maximum amount of EUR 900 per month. It could be granted for a period of up to 6 months. The entry into force of this programme in May 2020 gave rise to an avalanche of applications. In few days the credit available to the Autonomous Communities to allocate these aids were exhausted.⁵⁹

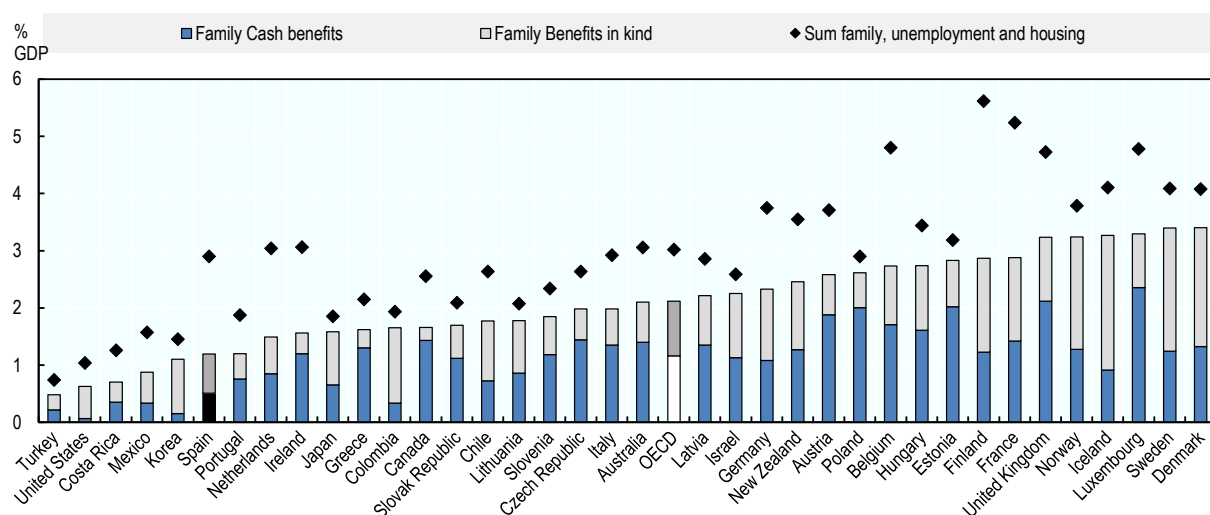
Social expenditures on families and their redistributive impact

Spain spends comparatively little on targeted family benefits and services. In 2017, family transfers and in-kind benefits in Spain amounted to 1.2% of its GDP compared to an OECD average of 2.1% and an EU average of 2.3%. Within this spending, Spain favours in-kind over cash benefits: 57% of its family-focused spending is dedicated to in-kind benefits and services, compared to 45% across the OECD. Tax breaks for families account for a further 0.12% of GDP in Spain, compared to OECD and EU averages of 0.23 and 0.29% (OECD, n.d.^[46]). As a share of their respective year's GDP, the 2005 and 2017 family benefit budgets were identical. Prior to 2005, there had been a noticeable increase, from 0.3% in 1990 to 0.9% in 2000.

Spanish overall social spending is in contrast not lower than is the norm across the OECD. In 2017, Spain devoted 2.9% of its GDP to family, housing and unemployment benefits. This share is comparable to the OECD cross-country average of 3.0%. As in many other, in particular European, OECD countries, spending on unemployment benefits far overshadowed spending on housing benefits: Spain spent nearly 16 times more on the former than the latter, while the ratio across the OECD was below two.

Figure 2.11. Spain devotes a relatively low share of its GDP to family-specific benefits

Public social expenditure as percentage of GDP, 2017



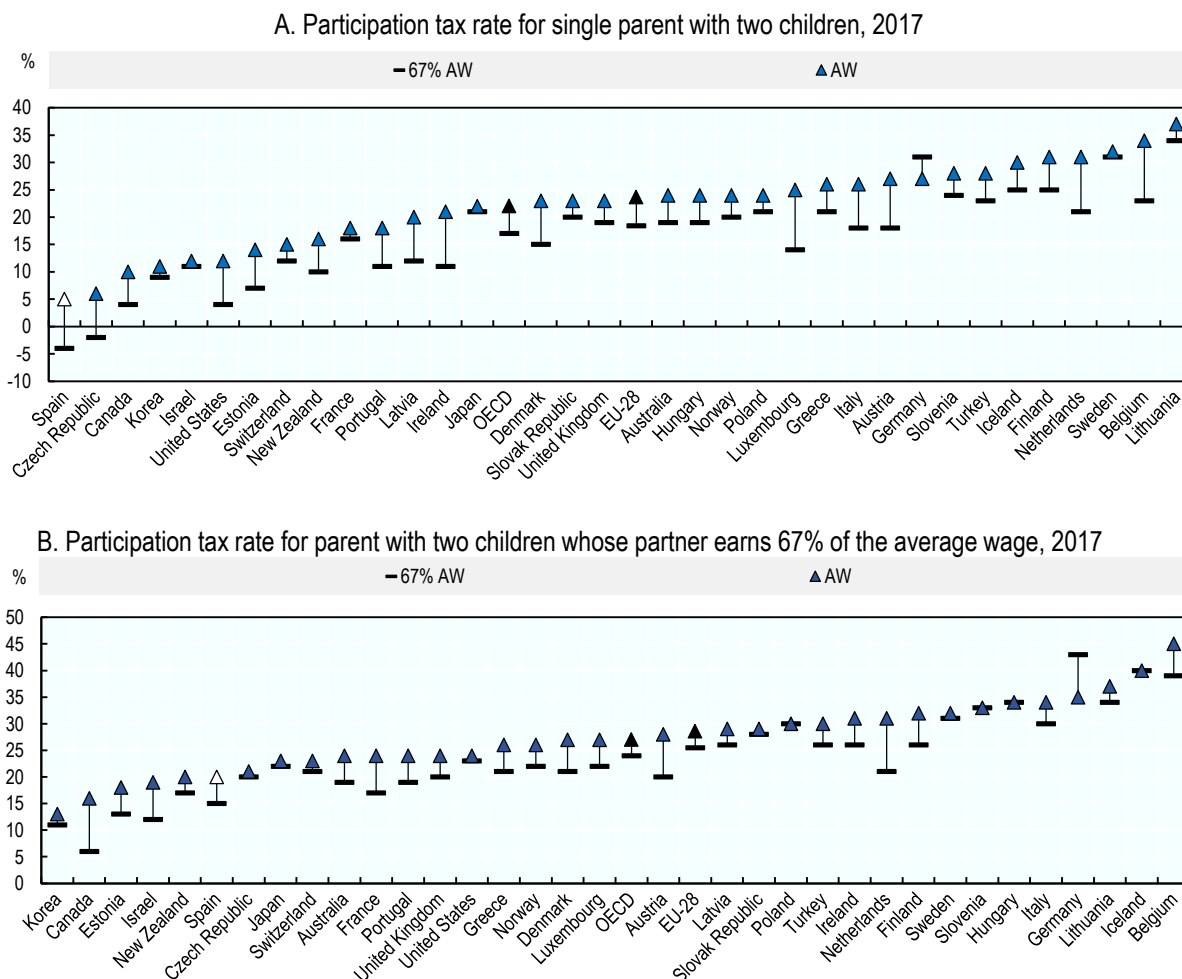
Note: The family cash and in-kind benefits refer to public support that is exclusively for families (e.g. child payments and allowances, parental leave benefits and childcare support) and does not include spending in other social policy areas such as health and housing support that also assists families, but not exclusively. Coverage of spending on family and community services in the OECD Social Expenditure data may be limited as such services are often provided and/or co-financed by local governments. The latter may receive general block grants to finance their activities, and reporting requirements may not be sufficiently detailed for central statistical agencies to have a detailed view of the nature of local spending.

Source: OECD (2020^[103]), "Public expenditure on family by type of expenditure (cash and in kind), in percentage of GDP", *OECD Social Expenditure Database*, https://stats.oecd.org/Index.aspx?datasetcode=SOEX_AGG#.

The interplay between taxes and in-kind and tax benefits influences how much financial sense it makes for people to work and how post-transfer income is distributed across the population. A full review of the behavioural and distributional impact of Spain's family policy package is beyond the scope of the current report. Nonetheless, several pieces of evidence point to comparatively small disincentives for both parents in two-parent households to be employed, but also to a relatively modest redistributive capacity of the tax and benefits system.

The tax system does not disincentive working as much as elsewhere. When a single parent with children aged two and three who previously received minimum income benefits starts a job at the country’s average full-time wage and sends his or her children to full-time childcare, the implicit tax rate of lost benefits and increased net childcare costs only amount to 5% in Madrid (Figure 2.12, Panel A). This is the lowest participation tax rate for OECD countries and compares very favourably to the 22% OECD and the 24% EU-28 average. If the job only pays two-thirds of the average wage, the participation tax rate is even negative, meaning that the parent would increase his or her income by more than the job’s salary. When one parent of a two-parent family where the other partner earns 67% of the average wage takes up employment at the average earnings, the increase in tax payments and childcare costs and the reductions in benefits amounted to 20% in Spain, compared to 27-29% across the OECD and EU (Figure 2.12, Panel B). In some countries such as Belgium and Iceland, the participation tax rate can even get close 50% even at these below-average or average earnings rates. That being said, the calculations assume that the two-year old child can attend a public childcare institution; otherwise the participation tax will likely be higher.

Figure 2.12. The participation tax for a parent entering employment is not as high in Spain as elsewhere



Note: The estimation is for 2019. This indicator measures the financial disincentives to participate in the labour market. It calculates the proportion of earnings that are lost to either higher taxes, lower benefits and net childcare costs when a parent with young children takes up full-time employment and uses full-time centre-based childcare. This indicator is calculated assuming that the family claims social assistance and/or Guaranteed Minimum Income (GMI) benefits but not unemployment benefits. The calculation assumes that the children are 2 and 3 and the parents 40 years old. In countries where taxes or benefits vary across the territory, the 'typical' case is assumed. For Spain, the calculation is for a family living in Madrid.

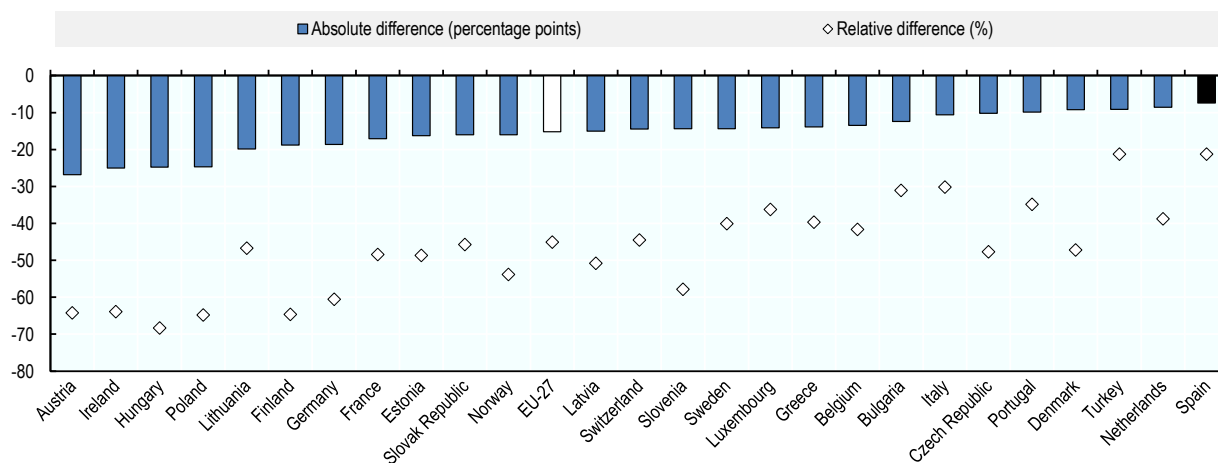
Source: OECD (n.d._[104]), "PTRs for parents claiming Guaranteed Minimum Income (GMI) benefits and using childcare services", *OECD Tax-Benefit Model*, <https://stat.oecd.org/Index.aspx?DataSetCode=PTRSA>.

When looking at the poverty-reducing impact of social transfers alone, the impact on childhood poverty is relatively limited. A comparison of the share of children and teenagers who are at risk of poverty before and after social transfers reveals that in Spain, benefits only reduce the poverty rate slightly. In 2019, the childhood poverty rate after transfers was only 7.4 percentage points lower than before transfers, implying a 21% reduction (Figure 2.13). This is noticeably lower than the 45% average reduction across the EU-27. The limited poverty reduction is a result of the Spanish welfare system being primarily aimed at addressing the loss of income due to old age, disability and unemployment rather than fighting the consequences of labour market segmentation and of in-work poverty (Cabrero et al., 2019_[105]).

When looking at overall rather than only childhood poverty rates and the overall effect of both taxes and benefits, the poverty-reducing impact is larger. Poverty rates before taxes and transfers in Spain are, at 34% in 2019, second highest amongst OECD countries (average of 27%), just after France (Figure 2.14). Thanks to taxes and social transfers, the poverty rate significantly reduces in most countries, including in Spain. In 2019, 14.2% of the Spanish population lived in relative poverty after taking into account taxes and transfers, compared with 11.5% of the population on average in the OECD. However, Spain remains in the upper third of OECD countries with the highest relative poverty rates.

Figure 2.13. The poverty-reducing impacts of social transfers in Spain are small compared to other EU countries

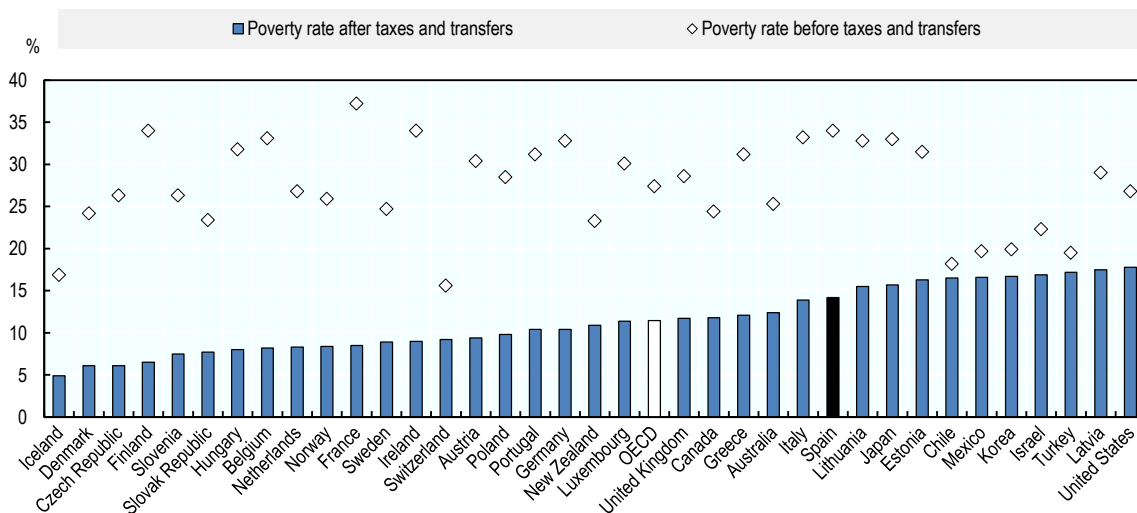
Percentage difference in the share of under-18-year-olds at risk of poverty after compared to before social transfers, 2019



Note: The at-risk-of-poverty threshold is defined as 60% of median equivalised income, before and after social transfers respectively.
 Source: Calculation based on Eurostat (2020), *At-risk-of-poverty rate by poverty threshold, age and sex* and *At-risk-of-poverty rate before social transfers (pensions included in social transfers) by poverty threshold, age and sex*.

Figure 2.14. Taxes and social transfers significantly reduce poverty in Spain, but poverty remains high

Poverty rates before and after taxes and transfers, 2019



Notes: The poverty threshold is set at 50% of median income in each country. Data are for 2014 for New Zealand; 2015 for Japan and Turkey; 2017 for Chile, Denmark, Germany, Hungary, Iceland, Ireland, Italy, Mexico, the Netherlands (provisional), Switzerland and the United States. The poverty rates before taxes and transfers for Mexico and Turkey actually refer to the poverty rate post taxes and before transfers. Source: OECD Income Distribution Database, <http://oe.cd/idd>.

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Notes

¹ *Real Decreto Ley de Protección a las familias numerosas de funcionarios públicos y de la clase obrera* (21.6.1926).

² Act of protection of large families (1.9.1941). The importance conferred to the protection of large families is revealed in Article 22 of the Franco's regime basic law *Fuero de los españoles* (17.7.1945).

³ The Law on the Protection of Large Families is developed by the Regulation for the Protection of Large Families approved by RD 1621/2005, 30.12.2005.

⁴ Until 1975, married women did not have full legal capacity and needed their husbands' authorisation to enter into work contract or to buy or sale real estate, among many other legal acts. In 1975, most of the existing restrictions to married women's legal capacity were abolished (Act 14/1975, of 2 May, amending the Civil Code and the Commercial Code regarding the legal condition of married women and their spousal duties (BOE n 107, 5.5.1975)).

⁵ See Article 16.3 Universal Declaration of Human Rights 1948 (“The family is the natural and fundamental group unit of society and is entitled to protection by society and the State”); 23.1 United Nations International Covenant on Civil and Political Rights 1966 (“The family is the natural and fundamental group unit of society and is entitled to protection by society and the State”); and Article 16 European Social Charter 1961 (“Article 16 – The right of the family to social, legal and economic protection – With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means”)

⁶ Accordingly, the protection of the family laid down in Article 39.1 CE “can be satisfied with the existence of family benefits and allowances and does not necessarily require that certain income is exempt from taxation”. See also ATC 289/1999, 30.11.1999. STS 6.5.2010 (RJ 2010 \ 3 595) used this reasoning to expressly rule out that the failure to provide a specific tax benefit for large families in the rate levied on the water supply service harms the right to equality guaranteed in Article 14 CE or the guiding principle for the protection of the family set forth in Article 39 CE.

⁷ The Constitutional Court pointed out that “the system of income accumulation, insofar as it increased the tax burden of the family, discouraged... work outside the home of the recipient of the second income who is typically the wife (...) from this point of view, then, [the original income tax regime of 1978] is difficult to reconcile with Article 39.1 CE in connection with Article 32 CE, in the sense that it requires, in the first place, the neutrality of the tax system with respect to the reciprocal situation of the spouses”.

⁸ Before the entry into force of the CE, Spanish family law was deeply rooted in the protection of marriage and discrimination against unmarried women and children. Affiliation of children born out of wedlock could be declared against the will of the father or the mother only under very rigorous requirements that made it almost impossible (Article 135 CC). Means of proof of biological truth were ruled out: Article 108 CC stated, for instance, that no contestation of the paternity of the husband was allowed except if based upon his physical impossibility for sexual intercourse during the 180 days prior to the birth of the child. The legal effects of affiliation of so-called “natural” children (Article 134 CC) and of illegitimate children (Article 140 CC) were very different from those of children born of a married couple. On the reform of the Civil Code, see Acts 11/1981 of 13 May, which modifies the Civil Code regime regarding filiation, parenthood and matrimonial property regime and 30/1981 of 7 July, reforming the Civil Code regulation of marriage (BOE no. 172, 20.7.1981). According to the new wording of Article 108 CC, «affiliation may be by nature and by adoption. Natural affiliation may be marital and non-marital. Affiliation is marital when the father and mother are married to each other. Marital and non-marital affiliation and adoption have the same effect, in accordance with the provisions of this Code».

⁹ STC 19/2012, 15.2.2012 added that the constitutionally protected family “has nothing to do with the physical fact of cohabitation between its members”, and concluded that Article 39.1 CE was violated for excluding the parent who does not live with his descendants but who has the legal obligation to provide them assistance of any order from applying the reduction of minimum family income available to the members of intact families.

¹⁰ This was one of the star measures of the Equality Law (Organic Act 3/2007, 22.3.2007, for the effective equality of women and men).

¹¹ Additional Provision 13th, Act 40/2007, 4.12.2007, on Social Security measures. In addition, family members reaching the age of majority and who have been in guardianship, permanent foster family care or pre-adoption foster family care «shall keep the status as children [of the family]». Finally, three or more

orphaned siblings over 18 years of age, or two if one of them is a person with a disability, who live together and depend financially on each other, also have the status of a large family.

¹² Before 2003, case law considered that the parent who did not live with their children could not enjoy the status of large family irrespective of their paying child support. STSJ Andalusia, Granada (Administrative Chamber, Section 1) 532/2002, 1.7.2002 (JUR\2002\242662) and Castile-La Mancha (Administrative Chamber, Section 1) 241/2004, 14.7.2004 (JUR\2004\196571).

¹³ The threshold in this case is 75% of minimum interprofessional salary (see Article 4.2). LPFN

¹⁴ Article 6 LPFN provides that the title must be renewed or terminated when the number of family unit members changes, or when the conditions that gave rise to it change, which entails a change in category or even the loss of the status of a large family. However, the Final Provision 5.2 of Act 26/2015, 28.7.2015 added a second paragraph to Article 6 to the effect that the title was to remain in force as long as at least one of the family's children meets the conditions set forth in Article 3 LPFN. The Supreme Court held that not only the title but also the category remains intact. The family members who still meet the conditions enjoy the original status and category until they reach the limit, and the title ceases to apply.

¹⁵ The Basque country, in addition to a Framework Act and the development of its provisions through specific regulations, has set up four successive strategic plans and has carried out assessments of these plans. See Gobierno Vasco, *IV Plan interinstitucional de apoyo a las familias de la Comunidad Autónoma de Euskadi para el periodo 2018-22. Invertir en las familias, invertir en la infancia.*

¹⁶ For instance, see Article 6 Act (Castile-La Manche) 17/2010, 29.12.2010, on large families and maternity of Castile-La Manche. Navarre amended the Foral Act 20/2003, 25.3.2003, on large families of Navarre, to adapt it to the LPFN. See Foral Act 6/2005, 18.5.2005.

¹⁷ Catalan law also adds that “when the parents do not live together, each of them can request the issuance of the title [of large family], provided they fulfil the obligations inherent to parental responsibilities”. According to basic state law, however, only one parent can request the title in case of legal separation or divorce. In the absence of an agreement, the law gives preference to the parent living with the children.

¹⁸ For instance, see Additional Provision, D (Cantabria) 26/2019, 14.3.2019 and Article 7.7 Act (Balearic Islands) 8/2018, 31.7.2018, on the support of families.

¹⁹ Article 4.5 D (Catalonia) 151/2009, 29.9.2009; Article and 7.5 Act (Balearic Islands) 8/2018, 31.7.2018; Article 5 a) Order (Aragon) of the Department of Citizenship and Social Rights 384/2019, 4.4.2019 (which also includes «maintaining an affective relationship analogous to marriage»). Article 5 D (Cantabria) 26/2019, 14.3.2019.

²⁰ Article 4.2 f) D (Catalonia) 151/2009, 29.9.2009. References to personal situations are usually to a degree of severe dependency, absolute permanent disability or severe disability. In addition, income thresholds are established to obtain the status of a single-parent family (Article 2.2 c) and d) D (Valencian Community) 19/2018, 9.3.2018; Article 3.2 c) and d) Foral Act (Navarre) 5/2019, 7.2.2019).

²¹ See Article 7.6 Act (Balearic Islands) 8/2018, 31.7.2018; Article 4.1 D (Valencian Community) 19/2018, 9.3.2018. With slight variations see regulations from Cantabria, Navarre and Aragon.

²² Article 13.4 D (Catalonia) 151/2009, 29.9.2009; Article 21 D (Valencian Community) 19/2018, 9.3.2018; Additional Provision 4 Act (Balearic Islands) 8/2018, 31.7.2018; Article 30 Foral Act (Navarre) 5/2019,

7.2.2019; Article 13 D (Cantabria) 26/2019, 14.3.2019; Article 16 Order (Aragon) of the Department of Citizenship and Social Rights 384/2019, 4.4.2019.

²³ The child over 18 years-old is the beneficiary of the allowance, provided that they is not judicially incapacitated (Article 235.2 c) LGSS). Besides, the childcare allowance is incompatible with non-contributory pensions awarded to persons with a disability (Article 361.3 LGSS).

²⁴ The pension supplement is not available for mothers who have anticipated their age of retirement or retired partially See Article 60.4 LGSS. ATC 114/2018, 16.10.2018 rejected that such a limitation could be unconstitutional on the grounds of discrimination against the mothers who retired earlier. The Constitutional Court argued that the basis of the maternity supplement provision was not only the 'demographic contribution' of mothers but also offsetting detriments suffered by those who had a shorter working career due to structural difficulties of reconciling paid work with childcaring.

²⁵ ECJ (First Chamber) 12 December 2019, Case C-450/18, *WA v Instituto Nacional de la Seguridad Social (INSS)* at § 65.

²⁶ According to FEFN, their pension supplement represents an average increase of about EUR 60 per month, although in the case of large families the average would be EUR 100 per month. See Press release FEFN 07.05.2020 <https://www.familiasnumerosas.org/noticias/notas-de-prensa/reclamaste-el-complemento-de-paternidad-en-las-pensiones-y-te-lo-han-denegado-puedes-volver-a-rec/>. Some courts have decided for the claimants against the refusal of the INSS. See STSJ Canarias (Social Chamber) 44/2020, 20.01.2020.

²⁷ STS (Social Chamber) 5.12.2008 (RJ\2 009\251) and STSJ Canary Islands, Santa Cruz de Tenerife (Social Chamber, Section 1) 363/2017, 27.4.2017 (AS\2017\1511) (grandchild not under foster care). STSJ Catalonia (Social Chamber, Section 1) 5872/2018, 8.11.2018 (AS\2019\232) (aged mother living with applicant not to be included in «family responsibilities»). But see Social Court of First Instance Terrassa 23.10.2014 (AS\2015\632) contending that a flexible construction of the requirement was needed according to constitutional values. See also STSJ Valencian Community (Social Chamber) 2881/2000, 7.6.2000 (JUR\2001\1595) (orphan underage sister living with the applicant; arguing for an exception based on constitutional values and the fact that siblings legally owe maintenance to each other).

²⁸ Some regions grant the benefit even when the salary is higher if the job is likely to be temporary. For instance, Article 4.6 Decree (Catalonia) 55/2020, 28.4.2020, approving the regulations on citizenship guaranteed income of Catalonia, enhances this compatibility with regard to single-parent and large families.

²⁹ The legal definition of *unidad de convivencia* also applies to persons sharing a domicile but who are not bound by these family bonds. In this case, the persons must be older than 23 years, and at least one must have a disability over 65% or be over 65 years of age without being eligible for disability or old age contributory or non-contributory social security pensions (Article 6.2 c) RD – Act 20/2020).

³⁰ But see the decision taken by the Catalan Parliament on 7.8.2020 not to validate the Decree-Act 28/2020, 21.7.2020, which attempted to amend Act 14/2017, on citizenship guaranteed income of Catalonia. It seems thus possible to receive the full amount of both the regional minimum income benefit and the minimum life income benefit.

³¹ Case law is very strict in construing this requirement, and rejects other documental evidences of the life in common of *de facto* partners. The high number of claims is evidence that formal requirements entail a considerable hurdle for surviving partners to obtain widowhood allowances.

³² See Article 1.3 Act 3/2019. This benefit is means-tested. The total income of the family unit where the orphan belongs, divided by the number of its members, must not exceed the 75% of the annual minimum interprofessional wage, excluding the proportional part of the extraordinary payments.

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³⁵ Article 8.1 and 2 RD 1618/2007. Article 7 D 123/2010 provides that the maximum amount shall be 50% of IPREM. If the amount awarded by the court is lower than EUR 100, the guarantee fund shall pay this amount and can recoup the excess (see STSJ Madrid (Administrative Chamber, Section 6) 835/2019, 27.12.2019 [JUR\2020\113 604]).

³⁶ Provincial Governments of Basque Country (Alava, Guipuscoa, Biscay) and Navarre. See additional provision no 1 Foral Regulations on natural persons income tax (Gipuscoa) 3/2014, 17.1.2014, (Biscay) 13/2013, 5.12.2013 and (Alava) 33/2013, 27.11.2013, and Article 2 Foral D-Act 4/2008, 2.6.2008 as amended by Article 1.14 Foral Act 38/2013, 28.12.2013.

³⁷ Among many others, for instance, see Article 12, 14 and 20 D-Act (Andalusia) 1/2018, 19.6.2018 (extending to non-married couples some regional deductions from personal income tax or the exemptions to several other taxes).

³⁸ See DGT Binding opinions V2230-18, 26.7.2018 (JUR\2018\256836) and V0964/19, 7.5.2019 (JT 2019\703).

³⁹ DGT Binding opinion V2041/2016, 12.5.2016. Conversely, the amount resulting from the transfer of the share in the property of the family home as payment of the spousal compensatory award can be reduced by the transferor (DGT Binding opinion V0368/12, 21.2.2012 [JUR 2012\121627]).

⁴⁰ The cited participation figures are based on survey responses. They differ from official enrolment rates as reported by the Ministry of Education because the latter only refer to programmes that fulfil the ISCED-0 definition, meaning that they must have an intentional educational component.

⁴¹ Law 1/2001, of 15 March, on Family Mediation in Catalonia.

⁴² Recommendation Rec (2006)19 of the Committee of Ministers to Member States on Policy to Support Positive Parenting.

⁴³ www.familiasenpositivo.es/.

⁴⁴ Decree (Basque Country) 179/2018, 11.12.2018, on foster care in Basque Country; Act (Valencian Community) 26/2018, 21.12.2018, on the rights of children and adolescents in Valencia, developed by D 35/2021, 26.2.2021, on family foster care; Resolution 20.2.2020 (Andalusia) on the statute of foster family carers.

⁴⁵ See the agreement reached by the Spanish Government with the Catalan *Generalitat* in which the former acknowledged that implementation of the Act would be done without prejudice of the statutory powers

grated to the región in matters of civil law and child protection services (Article 129 and 166 Catalonia Statute 2006). See resolution EXI/1324/2016, 20.5.2016.

⁴⁶ Organic Act 1/2004, 28.12.2004 on integrated protection measures against gender-based violence (*BOE* no. 313, 29.12.2004).

⁴⁷ See especially Article 153.1 Penal Code. This provision was deemed constitutional and not discriminatory against men by a number of judgments of the Constitutional Court, starting with STC 59/2008, 14.5.2008 and 98/2008, 24.7.2008.

⁴⁸ For public servants the regime is slightly different. See Additional Provision 16 EBEP. The prospective parents that need to visit a foreign country for adoption purposes also enjoy a parental leave from four weeks before the judicial order of adoption is to be issued. See Article 48.5 III ET. Concerning public servants, Article 49 b) EBEP extends the paid leave up to 2 months even if limited to basic salary.

⁴⁹ But see STSJ Basque Country (Social Chamber, Section 1) 1217/2020, 6.10.2020 (JUR\2020\343178) (dismissing the referral of a question of constitutionality of Article 48.4 II and III ET in a single-mother case, and construing the contested provisions in the light of Article 3 UNCRC, 8 ECHR and 39 CE). With respect to the additional paid leave week that each parent has if the child is a person with a disability, see INSS Response 11.6.2019 [JUR\2 019\190 642] § 12, which was later amended by Response 31.7.2019 in the sense of affirming the right of the mother to enjoy two paid leave weeks. Guillermo L. Barrios Baudor, *Prestación por nacimiento y cuidado del menor: primeras interpretaciones administrativas*, *Aranzadi Doctrinal* 1 (2020).

⁵⁰ A female worker affiliated to social security who does not meet the contribution requirements to access the maternity subsidy can ask for a non-contributory allowance during the first six weeks after birth. This period can be increased by two more weeks a) if the birth occurs in a large family or the family becomes large as a result of the birth; b) if the birth takes place in a single-parent family, c) if the birth is multiple, or d) if the mother or the child are persons with a disability equal to or greater than 65%. This allowance amounts to 100% of IPREM (Public Indicator of Multiple Effect Income).

⁵¹ See STS (Social Chamber, Section 1) 614/2018, 12.6.2018 (RJ\2018\3101) and 293/2020, 7.5.2020 (RJ\2020\1459).

⁵² After the 2019 reform, the way in which Spanish Social Security statistics are presented does not allow to continue historical follow-up series, nor adequate international comparison. The data on leave use are only provided by benefit spells, with no gender distinction, nor information on beneficiaries. Duration is only provided for the first parent (a proxy for mothers), who mostly use the leave in one full-time block of 16 weeks. For the second parent (in heterosexual couples, a proxy for fathers), information on leave duration and full- or part-time use is not yet provided. Therefore, it is not clear whether fathers use their leave in one spell after birth together with the mother (the 6 first weeks after birth are compulsory both for mothers and fathers), full or part-time, or once the mother has returned to work. Some advocacy groups believe that many fathers use their leave in one concurrent spell with the mother, consolidating a secondary caregiver role, with a lower structural impact on long term effects on shared responsibility in child raising. But the methodology at which they arrive at this estimation is unclear.

⁵³ See STC 24/2011, 14.3.2011. The issue raised controversy within ordinary courts (see in particular STS [Social Chamber, Section 1] 13.6.2008 [RJ\2008\4227]) and 19.10.2009 [RJ\2009\7606]) and within the Constitutional Court (see in particular STC 3/2007, 15.1.2007 and 26/2011, 14.3.2011). Cf David Montoya Medina, *Dimensión constitucional de los derechos de conciliación de la vida laboral, personal y familiar*, *Aranzadi Social* 4 (2011).

⁵⁴ Article 34.8 III ET *in fine*. Any controversy on the matter may be submitted to social courts through an special procedure laid down in Article 139.1 LRJS. The burden of proving the organisational or production needs that prevent accepting the worker's request lies with the employer. For instance, STSJ Navarre (Social Chamber, section 1) 176/2019, 23.5.2019 (JUR\2019\238613).

⁵⁵ For instance see decision of the Social Court of Pamplona 334/2019, 20.11.2019 (AS\2020\674).

⁵⁶ For example, see Article 2 Resolution (Catalonia) TES/986/2020, 8.5.2020, approves the regulatory bases for the concession, in a public competition regime, of subsidies for the payment of rent.

⁵⁷ This threshold is higher for large families and when there are persons with disability in the household. The threshold for large families of general category is four times the IPREM and for large families of a special category is five times the IPREM. The same applies in the case that there are certain types of people with severe disabilities.

⁵⁸ Exceptionally the limit increases to 4 or 5 times the IPREM if any family member is a person with disability or severe impairments.

⁵⁹ See Resolution (Catalonia) TES/1199/2020, 29.5.2020, suspending the acceptance of applications for aids to tenants to minimise the economic and social impact of COVID-19.

3 Areas for improvement in Spain's family policy

This chapter draws on the description of the situation of Spanish families and of family policy to identify areas where changes could most meaningfully strengthen family support policy. It first describes the increasing diversity and the current legal treatment of families. Second, it outlines the extent and characteristics of child poverty and the degree to which the tax-benefit system addresses it. Third, it focuses on features of leave and workplace flexibility policies and family-relevant services. The final part of the chapter discusses the current status of vertical and horizontal co-operation on family policy and the situation of monitoring and evaluation systems in family policy.

Family support in Spain is comprehensive but fragmented and insufficient. It is comprehensive in the sense that there exist a variety of benefits, services and legal provisions to cover different material and other needs, including measures to allow parents to combine their family and work responsibilities. It is insufficient in the sense that most family-related benefits provide low amounts, are means-tested and tied to certain conditions related to the structure of the family. It is fragmented in the sense that the terms and conditions can vary from one tax or benefit to another as well as across regions. This fragmentation has given rise to a system of protection where most measures are unavailable to many, where certain services and benefits such as after-school care and family leave do not meet the needs of working parents, and where a comparatively large share of children are at risk of poverty.

Drawing on the review of current family outcomes and policies in Spain of the preceding chapters, the goal of this chapter is to identify areas where changes could most meaningfully strengthen family support policy. First, attention is paid to the design of an updated legal framework, which is instrumental to the implementation of a new family policy. Next, the focus shifts to substantive goals of improving family well-being through reducing child poverty and making family life easier for all. Finally, the third aspect that needs attention is how co-operation across different policy areas and government levels can be improved, and how monitoring and evaluation instruments of family support measures can be set up. Concrete reform proposals based on these identified areas and Part II's review of good practices are presented in Part III of the report.

Incorporating the diversity of families into a new legal framework for family policy

Over time, the legal framework for family policy has adjusted to some alterations in the structure of the 'typical' Spanish family. However, these adjustments contributed to inconsistencies in the treatment of families across different taxes and benefits, and do not yet reflect the full diversity of families. This section will first summarise some of the trends in family diversification, followed by a brief overview of the features of the current legal treatment of families. It finally proposes some ideal characteristics of a new legal framework for families.

A brief profile of the diversifying Spanish family

Over the past decades, Spanish families have on average become smaller and less 'traditional' in their composition and division of labour.

First, very low fertility rates are one of the contributing factors to a lower-than-average share of large families. Women in Spain tended to have among the highest number of children well into the second half of the 20th century in comparison to other EU countries. Today, at 1.3, the Spanish total fertility rate is the lowest in the EU, where the average is 1.5. Many couples wait to have a child, in part because finding stable employment and housing can be difficult for young people in Spain, but also because of fear for financial difficulties or an unsatisfactory work-life balance. This postponement, in turn, is one of the factors that contribute to a divergence between the desired and realised fertility rate. A higher share of Spanish households include at least one minor child than in the EU on average (32.5% and 28.8% respectively in 2019). However, the average number of children that live in these households are lower.

Second, while a large majority of children continue to live with two parents, the share of children born to unmarried parents is rising. In 2018, more than 80% of minors were living either with both of their parents or within a reconstituted family, a share that is basically identical to the OECD and EU averages. Compared to 2004, the proportion of minor children living with married parents declined by 7 percentage points and the share living with cohabiting or a single parent rose by 4 and 7 percentage points, respectively. In addition, the share of new-borns born to unmarried parents tripled from 17.7% in 2000 to 47.3% in 2018. The divorce rate also increased for many decades but recently declined, likely because fewer people were

getting married to begin with. In more than one-third of divorces with children, both parents now continue to have joint physical custody. The majority of Spanish respondents to different opinion surveys voiced liberal attitudes towards cohabitation, unmarried parenthood and same-sex partners as parents.

Third, the two-earner model has become more prevalent in Spanish families, though still less so than elsewhere. In 1999, a third of under-15-year-olds were living in a household where all adults were working. By 2018, this situation applied to nearly six in ten (58.6%), which remains slightly below the OECD (60.7%) and EU (61.5%) averages. In the majority of dual-earner households with children in Spain, both parents work full-time, while in some other countries including the Netherlands, Germany and the United Kingdom, it is much more common that one of the partners works part-time. Nearly three-quarters of children living with a single parent live with a working parent, while across the EU and OECD the share is slightly lower at around seven in ten. The age of the youngest child and the mothers' education level have less of an impact on maternal employment rates in Spain than is the case than in most EU countries, but the number of children has a larger impact. The growth in the share of working mothers occurred concurrently with an increase in positive attitudes towards maternal employment. Fathers have increased the time they spent on household and family tasks, but according to the latest available data from 2009, men were still spending less than half as much time on unpaid work as women were.

Features of the current legal treatment of families

Family policy refers to the aggregate of benefits, services, tax breaks and leave arrangements that support family members in raising and providing care to minor children and other dependent persons. Laws do not only define the scope of these transfers and services, but importantly also which households count as a family for the purposes of each law. The Spanish Constitution offers the basis for family support measures. In particular, public authorities are called upon to ensure the 'social, economic and legal protection of the family'. Families are not defined by whether the parents are married or not, but a more favourable treatment of family units based on marriage (though not of children with married parents) is not necessarily unconstitutional.

Family law, in turn, defines under which conditions legal marriages and divorces occur, how custody and the division of property are handled in the case of a separation or divorce, and how cohabitating non-married couples are treated under the law. Family law has undergone an extensive liberalisation since 1981 and especially since 2005. The 2005 reforms introduced no-fault divorce on demand and allowed same-sex couples to get married under the same regime as other couples. This liberalisation halted a trend whereby more Autonomous Communities had started to recognise rights and duties of cohabitating couples. Upon marriage, more and more couples opt for the separation of property regime rather than the community property regime, which is the default regime in many Autonomous Communities. When they split up, joint physical custody of any children is now the quasi-default regime in many Autonomous Communities.

Given the importance of different policy areas such as social protection, housing, education and employment policy for family well-being, the actors in family policy range from the central, regional and local governments and administrations to non-profit organisations and even companies. At the national level, some governments have favoured advancing family policy through the adoption of comprehensive family support plans while others have aimed to introduce specific changes in areas such as parental leave, work-life reconciliation and updated social security protection for families. Many Autonomous Communities have likewise introduced frameworks for family support or family support plans.

The only national legal framework on family policy currently in place is the 2003 Law regarding the protection of large families. The definition of what constitutes a larger-than-average family has shifted over time to currently three children. The Law also grants large family status to smaller families under certain circumstances, such as families that lost a parent or with disabled members. There is no national framework on single-parent families, but there are significant references to single parenthood in other

regulations (including in tax law) and several Autonomous Communities have specific provisions for single-parent families. Some Autonomous Communities have also taken steps in the direction of updating large family regulation, though the constitutionality of these changes is still up for debate. The state has so far not challenged these regional developments, likely because the Autonomous Communities' efforts did not fundamentally question the status of the large families' regulation as basic law or its actual scope, but have instead merely supplemented and updated it.

Existing family policies already acknowledge situations of additional needs of certain family types. In addition to the number of children and the family situation, other diversity factors point to the specific needs of support because of a parent's or child's disability, a parent being the victim of intimate partner violence or the particular challenges faced by families of immigrant origin or who are living in isolated rural areas. However, this acknowledgement often relies on the adjustment of individual laws rather than a comprehensive view of all families, leading to inconsistencies across policy areas. A new legal framework for family policies can address these inconsistencies, while at the same time acknowledging that each family – including those that fall into categories that suggest they may be more vulnerable – has different needs.

A focus on large family protection that leaves out an important share of families

For a long time, family policy in Spain has been synonymous of policy for large families. But this framework leaves out many families in need of support. In part, this is because the model is based on a type of family that has become marginal. Moreover, successive legal amendments only captured particular needs, like disability within the family or prolonged adult children's dependence. Families with a smaller number of children remain out of the general picture. Single-parent families, which are disproportionately at risk of poverty and social exclusion, also do not enjoy the same protection and support as large families.

One of the large family legal framework's strengths is that it is firmly established in Spanish family culture and administrative practice. It is well-known by private and public actors and families. From a regulatory viewpoint, this technique is a shortcut for targeting families in need of support, even though not all large families are equally disadvantaged (or disadvantaged at all).

Regional legal developments show that updating is needed in two areas: the exclusion of unmarried parents and the handling of families' dissolution. The situation of single-parent families with two children, who currently are granted large family status only in the case of death of the other parent, also needs further clarification in connection with the development of a legal framework for single-parents. Litigation in this area has focused on the official recognition as a large family, in particular with the operation of the title or card issued by the competent regional authorities. The Constitutional Court stressed the need to look at the large family's factual situation when granting benefits or allowances. This position demands a revision of the current legal framework, either to align the solution with the constitutional court's view or to provide clarification for future administrative practice.

Some regions have developed definitions of single-parent families and single-parenthood situations. But these provisions cannot affect the granting of state-based benefits or social rights. The regional regulation cannot be used to handle practical issues flowing from social or tax rules, such as assessing the legal position of the other parent or what happens with their child support obligations. However, no national general legal framework exists that states under which conditions a single-parent can have access to allowances or benefits stipulated to cope with their particular needs.

Inconsistent definitions of family units and situations

There is no basic common definition of a family unit for the purpose of granting social benefits or tax breaks. Each benefit's regulation includes its own definition, which may be similar or may differ in some points from

definitions used elsewhere. These existing differences are difficult to endorse given that most of these instruments pursue similar goals.

In addition, the treatment given to de facto couples, step-parents or different forms of foster family carers is different in several sets of rules. Parents' marital status may influence eligibility to certain social benefits that depend on the available resources of the family unit, and can thus lead to differences in the resources that are available for children of married and unmarried parents. In some cases, a de facto partner belongs to the relevant family unit; whereas in other cases, he or she is not mentioned. For instance, joint children of cohabitating unmarried parents are treated differently from joint children of married couples or children of single-parents: in the two latter cases, the parents may enjoy tax savings from joint taxation and benefit from specific tax reductions that are denied to unmarried couples. Regarding the means-tested non-contributory unemployment subsidy, children of married and unmarried couples are treated differently insofar as for unmarried couples, the resources of the other parent are (partially) considered when he or she has economic resources but not when he or she is poor.

There is also an uneven treatment of the same family scenarios in cases of family dissolution, in particular regarding child custody arrangements or child support obligations. Relevant legal provisions and case law have increasingly promoted shared physical custody arrangements after family dissolution. However, family support regulation does not take this into account with consistent criteria. Some benefits are granted to mothers only, others to the first parent who applies and yet others to both parents in proportion to their custodial time. In cases where parents do not come to an agreement amongst themselves, the national legal framework for large families gives preference to the parent living with the children without regard to the shared physical custody arrangement in place.

Concerning blended and reconstituted families, their private law status is unclear. While the unit lives under the same roof, a minimal economic solidarity does legally exist. However, step-children do not become children of the step-parent unless he or she adopted them, and this is unlikely since adoption severs the legal link with the other parent. If the couple in a reconstituted or blended family split up, step-parents have zero liabilities towards their step-children. Regulations on tax benefits and social support treat stepfamilies unevenly. On occasion, step-parents are given equal recognition as biological or adoptive parents. However, lacking special legal reference to them, competent authorities and courts find it difficult to grant them the same treatment. The status of foster family carers was also ambiguous and was only recently improved. However, consistency demands to unify the concept used across the whole system of family protection and the relevant situation should be identified properly according to the different types of foster family care.

Different tax and benefit laws already aim at addressing the needs of specific types of families, such as single-parent families, families with disabled persons, and families where the mother was a victim of gender-based violence. But definitions of these family types do not necessarily coincide across different policy areas.

Any regulation dealing with the contours of single-parenthood as a protected situation faces the dilemma of whether to expand the concept from the status of single-parent family to the situation of single parenthood. The first concept points to a specific family structure. In contrast, the second one focuses on social risks similar to those typically linked to single-parent families, despite there is another parent responsible for the children. Some regions have gone as far as recognising as single-parent families biparental families where one of the parents is severely ill, imprisoned or unable to bear the parental responsibilities. The national legislator also chose the household's vulnerability rather than the family structure when amending the eligibility requirements for IMV (see Art 10 RD-Act 20/2020 as amended by RD-Act 30/2020). Sticking to single-family status confines the inquiries to whether the applicant is married or in a stable de facto union and what kind of relationship has with persons living in the same household. Focusing on single parenthood situations necessarily brings the assessment of the family situation near to

ordinary social diagnosis and blurs the special needs of children living in single-parent households, compared with children belonging to disadvantaged families in general.

Different foundations to assess the financial capacities of families

Most family benefits are means-tested, but the rules on calculating the family financial capacity diverge among different benefits and services, and are sometimes inconsistent. Ensuring equal and fair treatment in access to public services and benefits is essential, particularly for supporting more disadvantaged families.

The divergence in assessing financial capacity arise from several sources. First, the financial threshold differs for similar allowances, partly because it is calculated using different indexes such as the minimum wage and the IPREM. Second, the factors used for the means-test are not the same for all benefits. There are differences regarding the economic unit to be considered (family based on kinship bonds, household, *unidad de convivencia* as defined by the corresponding provisions) and how to allocate this capacity among family members. A consistent view on which assets or rights are to be included in the calculation is lacking, including the criteria on the compatibility of a given benefit with other allowances or rights of the same kind, or with temporary situations of formal employment.

A special case in which the assessment of financial capacity is highly relevant concerns child maintenance payments, which may particularly threaten the economic well-being of single-parent family units. The solutions provided by the existing legal framework are not always consistent. Sometimes, the legal obligations of the other parent are disregarded when granting a benefit to a single-parent. More often than not, however, being the sole breadwinner depends on the proof of the other parents' insolvency or of the impossibility of enforcing the support order, as in the means-test analysis prior to granting unemployment subsidy or regional minimum income benefits.

Regional differences in the treatment of families

Regions have developed legislation or strategic plans to focus and improve family policy. In addition, some of them have introduced new benefits aimed at families raising children, for example lump-sum payments to supplement social security benefits for childbirth and adoption. Regional autonomy, however, has been primarily exercised in tax deductions. These deductions are linked to different requirements in each region, contributing to marked coverage differences across regions. They also target different family-related direct or indirect costs. As a result, certain benefits and tax treatments can vary from one Autonomous Community to the other, giving rise to potentially unequal outcomes for families in similar situations and to potential losses of benefits as families move from one region to another.

Features of a proposed new legal framework

The review of the current legal framework suggests that the new general and basic state framework that better reflects family diversity would ideally have a number of characteristics. A first characteristic would be harmonised definitions of the family unit and the basic features of different types of families, to be used throughout the social protection and tax system. It would avoid current inconsistencies and gaps, clarify eligibilities for families and would be the fastest way to unify the requirements for rights and services guaranteed by basic state law. A second desirable feature would be common criteria to assess economic resources of family units. A default rule unifying the general threshold for programmes granting access to family support services or benefits would be useful and ease administrative costs. Finally, the framework could guarantee minimum protection throughout the Spanish territory with room for regional enhancements. The scope of this minimum protection could be elaborated in a dialogue between the national government, autonomous communities and other relevant stakeholders.

Strengthening family well-being

Policies can influence some of the dimensions that affect family well-being. Economic insecurity and poverty are immensely detrimental to personal well-being; and children who experience poverty may face additional obstacles that affect their opportunities throughout their life, contributing to an inter-generational transmission of disadvantage and poverty. A primary goal of a strong family support system should therefore be to reduce child poverty as much as possible. But economically vulnerable families are not the only ones whose well-being benefits from well thought-out policies. Rather, families of all economic and social backgrounds are likely to be better off if they can receive needed benefits and services (such as quality early childhood education and care or support in their parenting) and have access to leave and flexible working conditions. This section will first outline the extent of childhood poverty, describe the family-related transfers and tax benefits in Spain and then provide suggestions for reform areas that could contribute to a reduction in child poverty. In a second step, it will focus on policy areas that affect many families beyond those at risk of poverty, such as leave policies.

Reducing child poverty

The extent and risk factors for childhood poverty

Childhood poverty is very high in Spain compared to most other OECD countries. In 2018, nearly one in five children (19.3%)¹ lived in relative income poverty in Spain. This compares to an average of 12.9% across OECD countries, and is the highest rate among European OECD countries. Spain also has a larger gap between the child and overall population share at risk of poverty (5.1 percentage points) than is the case across the OECD on average (1.2 percentage points). Being exposed to income poverty is harmful to all members of a family, but it is particularly so for children. Income poverty also increases the risk that children will experience some kind of material deprivation. For example, children at risk of poverty are twice as likely to live in poor quality housing and three times as likely to not participate in leisure activities or to not eat fruit, vegetables or protein every day.

Trends in childhood poverty show a small uptick following the global financial crisis, followed by a slight decline. A recent cross-OECD analysis shows that different developments of parental employment rates and job quality are the most important factors in explaining cross-national differences in the evolution of the income of low-income families. In Spain between 2007 and 2014, a decline in the proportion of children with a working father contributed to a sharp drop in household income, as did a decline in the employment quality and lower public transfer, and to a lesser extent the increase in the share of single parent families.

Analyses of the household characteristics of children at risk of poverty back up some of the findings of the cross-national analysis and complement others:

- Parental joblessness is an extremely important risk factor for child poverty in Spain, but parental employment does not insulate families from poverty risks as much as elsewhere: in 2018, 79.6% jobless households with at least one child were income-poor (compared to an OECD average of 64.5%); but so were 15.6% of working households (compared to an OECD average of 8.5%). While maternal employment has been on the increase for several decades, it remains below the EU and OECD averages. For those individuals who were employed, the incidence of low pay was slightly below the OECD average in 2016, but had risen relative to 2006.
- Single-parent but also large families are at the highest risk of relative income poverty. In 2019, around one-third of large two-parent families with at least three children were at risk of poverty, as were around three in ten of single-parent families and one in eight of two-parent families with one or two children. The higher risk for single-parent and large families also exist across the EU-28 countries, but the differences are less stark than in Spain.

Features of the current tax-benefit system for Spanish families

From the overview of childhood poverty risk factors, it is clear that improvements in the rates and quality of parental employment would go a long way in reducing the risk. The policy levers to address these factors, however, go beyond the scope of this report. The focus here lies instead on the main features of the tax-benefit system, which are described in more detail in Chapter 2. Services that can help mitigate the consequences of childhood poverty are discussed in the following section on improving the well-being of all families.

Family benefits in Spain are generally relatively modest and not universal. A number of previously existing universal benefits, such as a monetary benefit at birth, have been abolished. Today, large or single-parent families, families with a disabled mother or families with multiple birth or adoption can receive a means-tested lump-sum payment of EUR 1 000. For dependent children with a disability, social security provides a means-tested allowance that can go up to EUR 4 747 per year. Mothers (and more recently fathers if they can prove that paternity and childcare negatively affected their career progression) who have the right to a contributory social security pension receive a boost of their pension of 5, 10 and 15% if they have two, three or four or more children, respectively. The low importance of family benefits within the Spanish social security system can be seen by the low share of families who receive such benefits (5.9% compared to the OECD average of 77.0%) and the low average amounts they receive. After the abolishment of the universal birth allowance in 2010, both the share of family benefits out of all benefits received by families and the proportion of recipients in all income quintile (except the lowest one) roughly halved, from already low amounts.

Families also benefit from other social transfers that are not specifically targeted to families. These include contributory and non-contributory unemployment benefits. The contributory unemployment benefits have relatively generous net replacement rates, but their coverage is average. In addition, spouses and children who lost a parent or partner, respectively, may be eligible for survivor's and orphan's pensions. Low-income households can also receive regional and (since 2020) national minimum income benefits. While these are not specifically targeted at families, of the roughly 565 000 beneficiaries in March 2021, 40% were minors. Prior to the introduction of the national benefit, the coverage rate of minimum income benefits was below the OECD average, and it likely remains so: only one in ten working-age individuals at risk of poverty received the benefit, compared to one fourth of parents living with a partner or childless adults on average across the OECD.

A recently introduced advance child support payment provides modest benefits under stringent conditions in case a parent does not fulfil his or her child support payment obligations. Child support obligations are set by courts based on the age and number of children, the type of custody, the parents' economic capacity and other factors. However, economic grounds for relieving a parent's obligations are almost non-existent. For this and other reasons, many parents breach their obligations and enforcement is often ineffective. In cases where a low-income custodial parent has exhausted all procedural means to enforce their rights, they can receive advance payments equal to the monthly amount of set child support or EUR 100, whichever one is smaller, for up to 18 months.

While the non-contributory benefits apply to a relatively small share of the population, many more families can benefit from tax breaks. For most families, the main family-related tax advantage is the exemption of transfer payments from income taxes – including social security maternity and paternity benefits, family benefits, child support and minimum income benefits. For married families, the option of filing jointly can also lead to a lower tax burden; an option that is not open to unmarried families. The per-child minimum personal and family income that is not taxed rises with the number of children, from a yearly EUR 2 400 for the first to EUR 4 500 for the fourth or later child (with an increase of EUR 2 800 during each child's first three years of life). Individuals who are affiliated to social security or another professional scheme may be eligible for maternity, paternity, single-parent or large family deductions, with the latter amount to up to EUR 2 400 for families in the special category and increasing by EUR 600 per child above the large family

threshold. Different Autonomous Communities offer a variety of family-related tax deductions, such as deductions related to the disability of a spouse or de-facto partner or other family member, the birth or adoption of a child, maternity or paternity leave, foster or single-parent families; or deductions related to household expenses for services related to the care of children or other household members. Amounts are often quite low and many are means-tested or include other eligibility requirements.

Even though overall social spending (at 2.9% in 2017) is in line with the OECD average (3.0%), Spain spends comparatively little on targeted family benefits and services. In 2017, the spending on family transfers and in-kind services was 1.2% of GDP, compared to the OECD average of 2.1%. The lower than average benefits mentioned above mean that the tax-benefit system does not provide strong disincentives for both parents in a two-parent household or for single parents to work. But these lower benefit levels and relatively low coverage rates of many transfers also imply that the social transfers only reduce the rate of children at risk of poverty by 7%, compared to the 29% cross-OECD average.

Policy levers that could contribute to a reduction in childhood poverty

There are several policy approaches that could help in the fight against childhood poverty. First, rethinking family policy from a children's right perspective – while acknowledging differing capacities of families to meet their children's basic material needs – could offer a way forward from the large family paradigm. Connecting family policy with a comprehensive strategy against childhood poverty means giving priority to preventative measures in particularly during the child's earliest years and treating children equally through ensuring equal access to opportunities and protections for all children. Second, since parental unemployment and inactivity in particular of single parents is an important risk factor for childhood poverty, policies to support parents' engagement in the labour market may contribute to reducing childhood poverty. Third, strengthening the enforcement of child maintenance obligations is a particularly important policy tool for improving the situation of single-parent households. Fourth, there are reasons to consider the introduction of a universal child benefit, but potential costs and benefits should be carefully evaluated.

Making family life easier for all

While low-income families are likely to struggle more than others in fulfilling their material and other needs, other families may also have difficulties in satisfying certain material needs and to find adequate care for their pre-school and school age children that fully cover the working hours of the parents; or alternatively to be able to afford to take parental leave. Moreover, all types of families may benefit from family conciliation or parenting education services.

One area in which it has become more difficult for many Spanish families to fulfil their material needs is in housing. On average, housing affordability is only slightly worse in Spain than across the OECD. But in particular low-income and young individuals who do not own their home and are thus reliant on the private rental market or still have to pay off their mortgage may struggle to afford an apartment or house: about four in five low-income tenants and mortgage-paying households are overburdened by their housing costs. Among the 28 OECD countries for which this statistic is available, the share of overburdened tenants is only higher in Greece, the United Kingdom and Denmark.

Families living in certain rural areas that are attractive for secondary residences of (mainly) city dwellers may also face rising housing prices, but in addition have to contend with sparser infrastructure and public and private service offers. Spanish rural areas are becoming more sparsely populated, older and more masculine. Broadband internet is less available than in most other OECD countries.

Features of leave and workplace flexibility policies and family-relevant services

Leave policies in Spain include maternity leave and leave for the other parent and different types of unpaid leave. Maternity leave lasts 16 weeks, four of which can be taken before the day of the likely birth and six

of which have to be taken full-time. Since the beginning of 2021, the same rights are granted to the other parent. These leave periods are individual rights and cannot be transferred to the other parent. For parents affiliated to social security who fulfil certain lenient requirements, the amount they receive during this time is close to 100% of their usual salary, within the lower and upper bounds of EUR 1 050 and 4 070 per month. On top of this paid leave, parents can take unpaid leave during the first three years after birth or adoption; and can reduce their working hours (with a proportional reduction in their pay) while their children are younger than 12. Parents of disabled children can reduce their working hours by up to half (with social security treating the first two years as if they had contributed on their full-time salary for the calculation of pension and other benefits); and parents of severely ill children can reduce their working hours by at least one half and up to 100 (with social security paying an allowance of 100% of the amount established in the work contract for temporary disability caused by the labour-related events). Leave to take care of children with non-severe illnesses remains unregulated.

The maternity and paternity leaves are relatively generous in Spain, but the lack of further paid parental leave lowers the relative generosity. In particular, the gap in the duration of combined maternity and paid parental leave in Spain compared to the OECD average amounts to 38 weeks. Since parental leave is unpaid in Spain, fewer than 5% of children under the age of three had a parent who took unpaid leave. Nevertheless, through the recent extension, the leave for the other parent is twice as long in Spain as in the OECD on average.

Workers have the right to request (but not to be granted) adaptations in the organisation of their working time and conditions, including remote work, if these are needed for family reasons. Collective bargaining agreements are supposed to set out the conditions, but when none exist, employees can now request a negotiation with the employer; and employers must provide objective reasons related to organisational or production needs they refuse the requested adjustment. When controversies persist, workers can turn to social courts, but must substantiate their need for reconciliation measures. In practice, worktime flexibility is often still limited. According to a 2015 survey, less than one-quarter of Spanish employees had some or total control over daily working hours, compared to a European average of around one-third. No state financial support is in place to support adaptation of working times. Some regional governments are investing in this area and social allowances exist that focus on financing measures of reconciliation of work and family life. Since the onset of the pandemic, employees have the right to adjust their working hours after giving 24 hour notice to their employers if they need to care for children who for example have to go into quarantine or for other family members who fell ill with COVID-19.

The public provision of early childhood and pre- and after-school care may leave gaps that parents have to close through relying on formal or informal private providers or through their own initiative. While almost all children attend the second cycle of early childhood education and care from age three onwards, the first cycle is not available or affordable for all parents. In particular in large cities, there is not a sufficient number of public daycare spots, and private institutions are often too expensive. As a result, more than one in five low-income and more than one in six middle-income respondents with children under the age of six said that they would like to use more (formal) childcare, but could not afford to do so. A recent change of the 2006 Organic Act on Education strengthens the requirement for Autonomous Communities to increase the supply of public spots in the first cycle. A new co-responsibility plan moreover foresees measures to strengthen the formalisation of informal care providers and support their hiring by families with children under the age of 14. Families with younger school-age children may still struggle to fill a gap between the end of the school day and the end of the work day. Few children attend centre-based after-school programmes. Private schools usually offer more hours and complementary pre- and after-school services; and the share of pupils who attend lunch service at school is higher than in public schools. Families' organisation in public schools may offer some of the activities that are on offer in private schools, and in some Autonomous Communities, the regional authorities offer financial support for such out-of-school programmes.

The Autonomous Communities as well as municipalities are also the government level that offer primary and specialised family and child protection services. These can include psychological, educational and social supports for families, including positive parenting programmes; family mediation in cases of separation and divorce; family meeting points for supervised family visit; and support for the victims of gender-based violence. The extent to which these services are indeed universal rather than being targeted at disadvantaged or even ‘problem’ families is unclear.

Spanish policy related to housing does not specifically target families, but gives large and single-parent families, victims of gender-based violence or families that lost their home in a foreclosure priority. State housing plans had traditionally focused on stimulating new construction and home ownership, but now provide rent allowances instead. Applicants’ income have to be below a threshold that depends on family size. The rent has to be less than EUR 600 (or EUR 900 in the case of large families); and the maximum subsidy amounts to 40% of the rent for non-pension age applicants. The number of beneficiaries is comparatively low, and social rental housing plays a negligible role.

Potential policy levers for making family life easier for all

Changes in several policy areas have the scope for improving life for a large range of families. A first possibility that could be explored is the introduction of a paid parental leave. However, the fiscal and potential gender equity costs should be carefully evaluated beforehand. Second, formal care options for pre-school and school children could be expanded. Third, workplaces could continue to be incentivised to be more family friendly. Finally, the impact of family mediation and positive parenting programmes on the quality of life of families and on gender equality could be evaluated, and programmes potentially expanded.

Improving policy coherence and efficiency

As a policy area that falls into the area of responsibility of different ministries and government levels, changes in family policy will likely be more impactful if different relevant actors, including the state, regional and local governments, service providers and advocacy organisations interact and potentially even align their policy instruments. Any major reform in any policy area should ideally be accompanied by an effort to monitor and evaluate its implementation. This approach might also serve to reduce the politicisation of debates around family models and create family policy making processes based on scientific evidence. Monitoring and evaluation should not be an additional element, but the catalyst to mainstream family dimensions in different areas of public policies and legislative activity.

This section first discusses the current status of vertical and horizontal co-operation on family policy. Second, it discusses the situation of monitoring and evaluation systems in family policy.

Facilitating co-operation across different policy areas and government levels

Family outcomes are determined by a complex web of state, regional and local policies and programmes across a wide array of policy areas. Benefits and services are offered within different competence areas, and levels of public responsibility. The most important areas are developed as part of labour and social security law and tax law. Housing and education policies, as well as social services, are subject to an intricate net of competence and regulations. State law focuses on the basic regulation of labour and social security benefits, and on the framework of taxation of personal income. Social services are under the competence of the Autonomous Communities and provided by public bodies at the local and regional level. Housing and education provision are also under the responsibility of the Autonomous Communities, but the state provides binding guidelines and specific funds.

Most family policy planning instruments already devote a substantial part to establishing and organising advisory boards and councils whose tasks are facilitating co-operation across policy areas and government levels. In addition, some of these instruments also allow NGOs the ability to provide inputs.

The state government reference authority for family policies, the General Directorate for Family Diversity and Social Services works on a permanent basis with an interterritorial commission, which includes representatives from all Autonomous Community administrations in the field of family support; and with an interministerial commission, which includes representatives from relevant ministries and has the possibility to adapt its composition according to policy agendas and priorities. The Family State Council (*Consejo Estatal de Familias*) and the Family State Observatory (*Observatorio Estatal de Familias*) used to provide a stable framework for the participation and collaboration of family associations with the general state administration, but their mandate expired in 2011 and was not renewed afterwards.

The current situation could be strengthened in several ways. First, it appears useful to clearly define the responsibilities of existing co-operation bodies. Moreover, it could be worth it to consider reviving the Family State Council and Observatory.

Setting up a monitoring and evaluation system

In Spain, as elsewhere, policy design may not fully reflect the existing evidence base nor incorporate a framework against which to judge the benefits and costs of planned policies. With regards to the instrumental (rather than symbolic) function of family policies, the effectiveness of family policies must be consistently evaluated and, if necessary, adjusted. A good way to avoid populism in policy making is to create a culture of public policy evaluation (Flaquer et al., 2012^[1]). In order to shape good policies, it is necessary to start with a careful diagnosis of the situation and the challenges posed by social change and to base measures on scientific evidence and proven effectiveness. Whenever possible, measures should be accompanied by quantifiable and regularly reviewed objectives and a set of indicators that allow the monitoring of the situation and provide an evidence basis for a potential updating of policies later on.

Spain's evaluation culture and institutions are relatively less developed than is the case in some other OECD countries. At the central government level, evaluations are carried out by individual ministries as well as by a dedicated institution. From 2007 to 2017, this was the Spanish Agency for the Evaluation of Public Policies and Quality of Services (Agencia Estatal de Evaluación de las Políticas Públicas y la Calidad de los Servicios, AEVAL), an independent agency initially within the Ministry of Finance and Public Functions and later in the Office of the President. Since then, its functions have been taken over by the Institute for the Evaluation of Public Policies (Instituto para la Evaluación de Políticas Públicas), initially as a sub-directorate within the same ministry and since 2020 within the Ministry for Territorial Policy and Public function. The Institute is responsible for (in conjunction with the relevant ministry) evaluating plans and programmes that ask for evaluations as well as promoting evaluations through making methodologies and trainings available. Some critics of the experience of AEVAL point to insufficient budgets as well as insufficient demand for evaluations as weak points of the agency.

Prior experience of family support or other plans demonstrate some of the possibilities and difficulties in monitoring and evaluation. Some of the 2015-17 Comprehensive Family Support Plan's objectives regarding the co-ordination, co-operation and the mainstreaming of family policies that were also relevant for policy evaluation were fulfilled. These include the implementation of the INE Continuous Household Survey and the Household Projection Survey (*Encuesta Continua de Hogares y Proyección de Hogares*); the elaboration of several studies on youth and family; and the obligation that all regulations with the force of law that processed in the jurisdiction of the state include an analysis of impact on the family. But difficulties were also present. First, some of its measures are difficult to evaluate since the objectives are broad rather than specific and quantified. Second, instead of continuous monitoring, for example to check milestones or deviations, the evaluation was performed at the end. After the plan's implementation period was completed, a change in government led to an interruption of the evaluation that was already under

way. In the end, no final evaluation reports were approved. Prior experience suggests that monitoring Law 26/2015, on the protection of children and adolescents, introduced the obligation to include impact reports on families in draft laws and regulations. Such reports should assess the foreseeable consequences of laws and regulations on the well-being of families, prior to their approval. However, administrations often side-step this requirement by stating that the law or regulation would not have any impacts on families. When reports were actually presented, they often limited themselves to concise statements of intent, without real attempts to forecast the impacts of the proposed measures (García-Ruiz et al., 2020^[2]; Redondo, 2021^[3]).

Various Autonomous Communities that have passed Family Plans have undertaken either interesting diagnoses or specific evaluations with the support of academic experts and researchers. One positive example is the Basque Country's systematic monitoring, evaluation and public dissemination over four consecutive inter-institutional family policy plans. The extensive evaluation report of the Third Interinstitutional Plan to Support Families 2011-15 produced by an independent research foundation contributed to a diagnosis on which the Fourth Interinstitutional Plan to Support Families 2018-22 was based. The evaluation itself applied mixed methods with quantitative data on inputs and actions results and on social impacts on families, and with qualitative expert contributions based on expert questionnaires and discussion groups. The new plan includes an improved system for the Plan Governance which includes the continuous monitoring and evaluation in terms of social impacts on Basque families, and the involvement of technical staff and of the Basque Family Observatory (Gobierno Vasco, 2017^[4]; Gobierno Vasco, 2018^[5]). Another example is the 2016 Catalan Working Group on Children's Indicators Report, which was based on an interdepartmental group charged with monitoring the impact of Catalan policies on children. Besides a small group of academics from various universities, the group consisted of civil servants in charge of data and statistics from different governmental departments. The Group's report provided an inventory of available data and potential indicators measuring policy outcomes in terms of impacts amongst the target population.

Anticipate obstacles that can appear in the creation of a monitoring and evaluation system

There are multiple challenges in the creation of a monitoring and evaluation system that functions in the long term. A first challenge is to create adequate communication channels between researchers and decision makers. Researchers may also have to enhance their capacity to establish and communicate the policy implications of research results. A second challenge is that public decision structures have to guarantee continuity for the use of the evaluation system, beyond political changes and shifts, and have to keep up-to-date on research debates and results. For example, many academic experts have contributed to diagnosis reports or policy or evaluation plans that were neither implemented nor published when there was a change in political leadership. Some academics believe that their main function was to rubber-stamp an existing plan rather than having their work fully considered in the initial policy development.

The monitoring and evaluation experience in other policy fields can provide inspiration. For example, evaluations of employment policies occurred in the framework of the European Employment Strategy. They were based on the definition of operative goals in time in terms of population impacts, with annual monitoring of selected social impact indicators and the possibility for comparative evaluations. To ensure the co-operation of the different Autonomous Communities in data sharing, an approach similar to the open method of co-ordination used for the EU Employment Strategy could be used. The open method is based on so-called "soft law" mechanisms, such as guidelines and indicators, benchmarking and the exchange of best practices. The method works in stages: first, objectives are agreed, so that they can be quantified and monitored, and second, the guidelines are incorporated into the specific policies of each participating entity. Third, milestones or benchmarks and specific indicators are agreed to measure best practices, and fourth, results are monitored and evaluated, providing feedback on the formulation of goals and targets. The choice of indicators is key in this type of methodology, and their availability, quality and adequacy

must be taken into account for an appropriate selection, as well as a balance between economic and social criteria (Flaquer et al., 2012^[1]). In practice, this approach can for example mean setting common but also specific regional goals.

Going forward, monitoring and evaluation of family support policies could be strengthened in a variety of ways. A first area concerns the establishment of regular monitoring involving different actors. A second area to look at are further investments in data structure and the definition and creation of more relevant indicators. Finally, in order for monitoring and evaluation results to play a more important role in the policy debate, they also need to be communicated to the public.

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Notes

¹ In order to closer to the poverty definitions of a number of OECD member states, the OECD Income Distribution Database (IDD) defines the at risk of poverty threshold at 50% of the median income, compared to a 60% cut-off for the equivalent Eurostat indicator. According to Eurostat, 29.5% of children in Spain were at risk of poverty in 2018.

Part II Family policy in EU countries

4 Incorporating the diversity of families into policy

This chapter analyses how policies across OECD countries have responded to the changing nature of families and family life in the last decades. Today, young people increasingly chose to postpone marriage and parenthood until they are established in the labour market. Family living arrangements are also increasingly diverse due to more frequent divorces and separations, with many more children now living in single-parent families, with unmarried cohabiting parents, or in “re-constituted” families. This growing family complexity and diversity increases uncertainty about family relationships, weakens the private safety net provided by families for their members, and generates differences in rights to benefits and social protection depending on marriage status or family composition. This situation can cause substantial variation in children’s living standards, which can be further exacerbated within certain socio-economic and demographic groups.

This chapter builds on the work by Miho and Thévenon (2020^[1]), “Treating all children equally? Why policies should adapt to evolving family living arrangements”, <https://dx.doi.org/10.1787/83307d97-en>.

Changes in family living arrangements call for a revision of family policy

The structure and composition of families has not only been changing rapidly in Spain, but also in many OECD countries. In the 1970s, the traditional married-couple male-breadwinner model was still predominant in most OECD countries. Couples typically married in their twenties and separation and divorce were relatively uncommon. Men took the role of breadwinners in a couple whereas women tended to leave work on marriage or parenthood, and often did not return to the labour market until after their children had left education, if at all.

Today, families look very different. Young people increasingly chose to postpone marriage and parenthood until they are established in the labour market. By the end of the 2010s, adults in OECD countries on average postpone their (first) marriage until they are into their thirties, if at all. Family living arrangements are also increasingly diverse due to more frequent divorces and separations, with many more children now living in single-parent families, with unmarried cohabiting parents, or in “re-constituted” families. Dual earning has become the norm in the labour market for most couples in most OECD countries.

Growing family complexity and diversity has generated increased uncertainty about family relationships and weakened the private safety net provided by families for their members (Seltzer, 2019^[2]). In addition, differences in rights to benefits and social protection by marriage status or family composition can cause substantial variation in children’s living standards. To further complicate the policy challenge, changes in family behaviours and their consequences are not uniform across socio-economic and demographic groups.

Reforms across OECD countries in response to the changing nature of families and family life have typically focussed on the risks associated with divorce. For example, many countries have introduced and improved support for single-parent families and strengthened parental obligations in case of separation and divorce. Some countries have also adapted access to social and/or fiscal benefits for families with unmarried parents.

However, these reforms remain limited in light of the rise of informal cohabitation and the diversity and complexity of certain family living arrangements (Miho and Thévenon, 2020^[1]). For instance, children with informally cohabiting parents do not have the same access to benefits as children with married parents in many OECD countries. Similarly, financial support for children affected by informal partnership break-up or death of a parent is often not the same as when parents were previously married.

As emphasised in the OECD’s extensive body of work on family policy, family policy can only succeed if it provides co-ordinated, joined-up assistance to all families in all their forms. Modern family policy requires offering families a continuum of support from birth through until adulthood, helping parents meet their work and family goals and protecting all families from poverty and disadvantage, whatever their circumstances.

Spain’s family policy is still very much geared towards large families, as detailed in Part I of this report. This framework leaves out many families, which have become increasingly smaller and more diverse. Different tax and benefit laws aim to address the needs of specific types of families, such as single-parent families, families with disabled members, and families where the mother was a victim of gender-based violence, but these definitions do not necessarily coincide across different policy areas. In addition, certain benefits and tax treatments can vary from one Autonomous Community to the other, giving rise to potentially unequal outcomes for families in similar situations and to potential losses of benefits as families move from one region to another.

A basic state family framework would help to guarantee uniform minimum protection throughout the Spanish territory. A similar approach has been used in Switzerland, where a federal law on family allowances has been introduced in 2009 to ensure minimum protection for all families (Box 4.1). A national framework in Spain would provide the basis for incorporating family diversity into policy and allow for the harmonisation of family definitions across sectors and regions.

Box 4.1. A national framework to guarantee uniform minimum protection for families in Switzerland

In an attempt to regulate family allowances across Switzerland, the federal law on family allowances was put into practice in January 2009. The law provides a clear framework that the cantons must follow when setting their own guidelines for family benefits. The federal law regulates who is entitled to receive these benefits and under which conditions. The Confederation prescribes minimum amounts for the child allowance and the education allowance, but the cantons are allowed to be more generous than these federal regulations if they choose to do so. The cantons may also pay a birth and adoption allowance in addition. However, if they decide to introduce such an allowance, it must meet the minimum requirements imposed by federal law. The cantons are fully responsible for their own family allowance fund, and they need to budget and organise the funds themselves.

Social rights and protections depend on the partnership form

Legal differences between marriage, registered partnerships and cohabitation are the first determinant of unequal access to family support and protection in many OECD countries. While registered partnerships share many of the legal rights of married spouses in some European countries (e.g. France and the Netherlands), almost no country has completely equalised cohabitation and marriage in terms of the law (Sánchez Gassen and Perelli-Harris, 2015^[3]). Countries typically require cohabiting couples to either marry or to register their unions if they want to benefit from the legal protections and rights that resemble those provided for married couples (Miho and Thévenon, 2020^[1]). Such civil or registered partnerships exist in two-thirds of OECD countries (21 out of 36 countries) (Table 4.1). In some countries (including the Czech Republic, Finland, Hungary, Italy, Slovenia and the United Kingdom) only same-sex couples can formally register their union, whereas Denmark, Germany and Sweden closed the option to enter into registered partnerships when same-sex marriage was made legal. In these countries, existing partnerships remain valid, but it is no longer possible to enter into new ones. In several other countries (notably Canada, Mexico, Spain, Switzerland and the United States), access to civil partnership registration varies across regions, as they have the final responsibility for creating such status.

- In Denmark, informal cohabiting couples are recognised and are legally defined in specific areas, such as The Danish Inheritance Act, The Danish Administration of Estates Act and The Danish Insurance Contracts Act. Cohabitants have fewer rights upon inheritance such that they have the right to inherit only in case of a specific will. Nevertheless, informal unions have some rights in respect of social security, compensation, taxes and housing similar to the married couples. Cohabiting couples who are not married are defined in specific areas but are almost equalised to the married unions. For example, social assistance is calculated at the individual level, or a survivor's allowance can be paid to any person whose husband/wife or cohabiting partner has died, on the condition that they shared a joint address for the last three years immediately preceding the death.

Table 4.1. Recognition of registered partnerships and cohabitation

Situation in OECD countries in 2015-16

	Registered Partnership	Year enacted (1)	Cohabitation	Year enacted
Netherlands	✓	1998	✓	1971
Belgium	✓	1999	✓	1996
France	✓	1999	✓	~1972
United States (California)	✓	1999	✓	1976
New Zealand	✓	2004	✓	1976
Greece	✓	2008	✗	
Israel ³	✓	2010	✓	1949
Luxembourg	✓	2010	✗	
Chile	✓	2015	✓	2015
Estonia	✓	2016	✗	
Colombia	✓	...	✓	...
Austria	✓	2019	✓	~1920s
Australia	✗		✓	2009
Canada (Ontario)	✗		✓	1990
Czech Republic	✗		✓	1964
Denmark	✗		✗	
Finland	✗		✓	2011
Germany	✗		✓	1972
Hungary	✗		✓	1978
Iceland	✗		✓	1946
Ireland	✗		✓	1996
Italy	✗		✓	2000
Japan	✗		✓	..
Korea	✗		✗	
Latvia	✗		✓	..
Lithuania	✗		✓	..
Mexico	✗		✓	2006
Norway	✗		✓	1991
Poland	✗		✓	1997
Portugal	✗		✓	1999
Slovenia	✗		✓	1976
Slovak Republic	✗		✗	
Spain	✗		✗	
Sweden	✗		✓	1974
Switzerland	✗		✗	
Turkey	✗		✗	
United Kingdom ¹	✗		✓	1973 ²

Note: Data from 2016 for Ireland, Italy, and the United Kingdom. Data from 2015 for Belgium, Bulgaria, the Czech Republic, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovenia and Sweden. "✓" indicates the family form is legally recognised for opposite sex couples. "✗" indicates the family form is not legally recognised. (1) United Kingdom refers to three jurisdictions (England and Wales, Northern Ireland, and Scotland). (2) In the jurisdiction of Scotland, enacted in 2006. (3) The data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

Source: Miho and Thévenon (2020^[1]), "Treating all children equally?: Why policies should adapt to evolving family living arrangements", <https://dx.doi.org/10.1787/83307d97-en>.

- In France, civil partnership (PACS) has effects on the social and salary rights, the property, the housing of the partners and in tax matters, but a PACS has no effect on the name or filiation. These

partnerships are available to same-sex as well as opposite-sex couples. Civil partners are jointly and severally liable for debts contracted by one of the partners for “everyday needs”. Each partner remains free to administer his or her property and remains liable for his or her personal debts. PACS partners are subject to the same tax rules as married couples. In order to enter into a pact, the partners must meet certain conditions and draw up an agreement, then register it, providing certain papers. All the couple’s resources are taken into account in determining the amount of: family allowances, housing allowances, the disabled adults’ allowance and social assistance. Loss of rights for the person who enters into a PACS loses in particular: the family support allowance, the widowhood allowance, and, under certain conditions, social allowances if they were entitled to it as a single parent. The PACS has effects on income tax returns (they are subject to the same rules as married persons), inheritance tax, the deduction and reduction of gift tax, and taxation of real estate wealth tax.

- In the United Kingdom (England and Wales), same-sex couples can formalise their relationship by entering into a civil partnership. The legal consequences are virtually identical to those of marriage (including ancillary relief). Civil partner’s finances are considered jointly when deciding if they are entitled to means-tested benefits and tax credits such as contributory employment and support allowance, maternity allowance, contribution-based Jobseeker’s Allowance. Civil partners can claim bereavement benefits or a retirement pension based on their partner’s national insurance contributions. Other benefits, for example, Disability Living Allowance and Attendance Allowance are not affected by whether or not you are a civil partner.

In Spain, there is no national framework that regulates the legal effects of cohabitation, and even though most Autonomous Communities have passed specific statutes establishing the legal effects of cohabitation, differences between marriage and cohabitation remain larger than in several other European countries. For instance, in Sweden and Norway, some rights that apply in case of death and were reserved for spouses have been extended to cohabitants with children and those living together for longer periods of time (Sánchez Gassen and Perelli-Harris, 2015[3]). The allocation of the joint home in case of separation is also regulated in laws on cohabitation or household communities in these two countries. In most European countries, social security laws focus on household communities and effectively treat marriage and cohabitation the same.

A more limited legal regulation of cohabitation is not necessarily to the cohabitants’ disadvantage, and it may be an explicit choice to keep a certain independence. However, the lack of legal regulation may render cohabitants vulnerable, for instance, as a result of the death of the partner or separation. Careful consideration of differences in treatment by marital status is necessary to ensure that vulnerable people and their children receive appropriate state support when needed.

Criteria to assess economic resources of cohabiting couples vary

Social benefit programmes that limit eligibility to families with incomes below a certain level (i.e. means-tested) must include an explicit definition of who is included in the family, such that the total income can be calculated based on the sum of the incomes of the members of the unit. Such definitions either use as a basis the “family unit” (individuals living together related by blood, marriage or adoption) or the “economic unit” (individuals living together who share resources) (Miho and Thévenon, 2020_[1]). For instance, in the United States, the family unit is used to calculate eligibility for child-care vouchers, housing vouchers and Medicaid, whereas the economic unit is used for some other programmes. European countries generally take into account the economic unit when calculating means-tested social benefits.

To ensure equal treatment for families, it is important to use easily enforceable criteria and ensure that the same criteria are shared by the various social and tax administrations, accurately reflecting the household’s budget constraints and sharing of expenses (Miho and Thévenon, 2020_[1]). For instance, in Denmark,

resource sharing is assumed if cohabiters are 25 years or older, have a shared residence and have either a child or some other indicator that they are a couple, such as a joint bank account or a shared mortgage. In France, the jurisprudence of the Conseil d'Etat indicates that only a bundle of concordant evidence makes it possible to establish a situation of cohabitation. Different pieces of information can be used, such as joint property, water and electricity consumption, the existence of a single home insurance contract or the presence of a child for whom one parent assumes financial responsibility and the other receives family benefits. If individuals wish to be treated as independent units, then evidence that partners pay separate rent and food outlays can be requested.

In France, irrespective of whether a couple is married, has a registered partnership, or cohabits, all resources are taken into account in determining the amount of family allowances, housing allowances, disabled adults' allowances and social assistance. Similar regulations exist in England (United Kingdom), where finances of couples are considered jointly (regardless of whether they are living together in cohabitation or have civil partnerships) when deciding about their entitlements to benefits and tax credits such as contributory employment and support allowance, maternity allowance, the contribution-based Jobseeker's Allowance. In Spain, the criteria to assess economic resources of couples do not only differ by marital status, but also across the different social and tax policies, and across regions. The role of a centralised family allowance fund like in France to assess the economic resources of families and determine the taxes and costs of child services for parents could be considered for Spain (see Box 4.2 for more details).

Box 4.2. Assessment of families' economic resources in France

The Family Branch of the French Social Security system consists of a National Family Benefits Fund (*Caisse Nationale des Allocations Familiales* or CNAF) and a countrywide network of 101 local family benefits funds (*Caisses d'Allocations Familiales* or CAF), which are responsible for providing family benefits to all families legally residing in France with at least one dependent child, regardless of their nationality and marital status.

Families can be eligible for more than 20 benefits depending on their family situation and their income. These benefits can be grouped into three main categories: basic maintenance benefits, early childhood benefits (*Prestation d'Accueil du Jeune Enfant* or Paje), and special benefits, such as housing allowances or additional benefits paid to parents of children with disabilities or serious illnesses. The CAF also finances a number of services, such as childcare facilities and school meals.

To determine families' eligibility for certain benefits and services, the CAF calculates a family quotient. This family quotient depends on the "shares" in the household. Parents account for two shares, irrespective of whether they are married, live in a registered partnerships, or are single. The first two dependent children each account for half a share, and a full share per child is counted from the third child onwards. Total household income (i.e. sum of revenue(s) and social benefits) is then divided by the number of household "shares" to obtain the family quotient. This family quotient is then used to determine entitlement to certain benefits as well as the price families have to pay for childcare, school meals, or extra-curriculum activities organised in schools.

A similar, though slightly different, family quotient is used by the French tax authority to determine the tax obligations of families. Contrary to the CAF, tax authorities do take into account the marital status of parents to determine the family quotient for tax purposes. However, the overall principle remains the same, a couple with children will pay less taxes than a single person with equal revenues.

Source: <https://www.aide-sociale.fr/quotient-familial-caf/>.

Protection in the event of parental death depend on the marital status

Finally, the protection and income that children and other family members receive in case of parental death often depend on the marital status of parents (Miho and Thévenon, 2020^[1]). As the loss of a parent is likely to result in a substantial decline in family income, rules and regulation related to survivor pensions, housing and household assets can have a significant effect on children's living standards.

A survivor's pension is a state transfer paid to a dependent surviving spouse. Even within marriage, this right is often subject to eligibility criteria, such as being married for a minimum period of time, being above or close to the retirement age, or having custody of an underage child. Few countries extend this right to non-married partners. Those countries that allow different-sex registered partnerships, Greece and the Netherlands extend the married right to survivor's pensions to registered partnership. Hungary, Iceland, the Netherlands, Norway, Portugal, Sweden, Slovenia, and the United Kingdom extend the possibility of survivor's pension to cohabiters. Within that group, Hungary, Iceland, Norway and the United Kingdom impose extra eligibility requirements to cohabiters, such as a minimum length of time spent together and/or having had a child together, or if the deceased explicitly named the partner in their will (Miho and Thévenon, 2020^[1]).

The treatment of a couple's property in the case of a partner's death varies greatly across countries depending on their marital status. Some countries automatically consider the property acquired during a marriage as joint property (absent a prenuptial contract), such that the surviving spouse automatically owns 50% of the possessions in the event of death. These rights are extended to cohabiters in some countries, though often only under certain conditions: Sweden limits the automatic right of joint property to a specific type of property; France, Italy and Norway only apply it in the case of a contract; and Finland, Iceland, the Netherlands, and Norway apply the right if the cohabiter can argue that they contributed to the acquisition of the property. Other countries (Belgium, the Czech Republic, Greece, Hungary, Poland, and Portugal) do not extend the automatic right to cohabiters. In contrast, countries can also choose to not have an automatic system for joint property for married spouses: a joint property regime can be established by choice (Italy) or through a contract (Austria); or all property of the deceased can be subject to inheritance laws like in Germany, Iceland, Ireland and the United Kingdom. Inheritance laws often defer to the spouse where there is no will, so this type of system gives only partial rights to cohabiters.

Tenancy continuation, which is the right to remain in the housing rented by a deceased partner, is also an important policy tool to reduce the impact of a parent's death on children's living environment. Tenancy continuation allows children to stay in the same school and to keep the same leisure activities and friends network, which may be critical to a child's material and emotional well-being in an already emotional time. The right to tenancy continuation exists in many OECD countries, even for the cohabitating partner. However, some countries put extra eligibility requirements for cohabiters, such as a minimum residential requirement (France, Ireland, the Netherlands and Norway), the landlord's consent (the Czech Republic) or the presence of children (Norway). In Belgium and Greece, married people and those in registered partnerships are automatically given the right to tenancy continuation, whereas cohabiters are not given this right. In Finland, there are no systematic rule and the entitlements are subject to interpretation by the relevant public authorities.

Overall, the degree of protection in the event of a parent's death varies a lot across countries and by marital status. As a result, children's living standards can be significantly affected when one of their parents passes away. More careful consideration of the interests of children can encourage countries to equate rights across union type in these different areas when a child is present in the household.

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5 Tackling child poverty

On average across OECD countries, 13.1% of children live in relative income poverty, a figure that becomes even larger for children living in single-parent (32.5%) and jobless (63.9%) households. Given that the likelihood of growing up in poverty significantly varies across household types and socio-economic situations, anti-poverty policies need to span a wide range of policy domains. This chapter analyses different anti-poverty policies across OECD countries, including employment policies, social benefits, and increased service delivery. The chapter also covers the “first 1 000 days” strategy, an approach that seeks to provide tailored support and continuous assistance to pregnant women and families with infants throughout early childhood development. It then sheds a light on fully comprehensive anti-poverty strategies of two countries in particular, France and Ireland.

This chapter builds on the work by Thévenon et al. (2018^[1]), “Child poverty in the OECD: Trends, determinants and policies to tackle it”, <https://doi.org/10.1787/c69de229-en>; and Riding et al. (2021^[2]), “Looking beyond COVID-19: Strengthening family support services across the OECD”, <https://doi.org/10.1787/86738ab2-en>.

On average across OECD countries, 12.9% of children live in relative income poverty (see Chapter 1, Figure 1.7). In five OECD countries (Chile, Costa Rica, Israel, Spain, and Turkey), more than 20% of children live in relative poverty, whereas in 12 other OECD countries less than 10% of children live in relative income poverty. The lowest child relative income poverty rates can be found in Denmark and Finland, at below 5%. In 26 of the 37 OECD member countries for which the statistic is available, relative poverty rates for children are higher than poverty rates for the total population, with an average gap of around 1.2 percentage points.

Despite considerable efforts and the introduction across OECD countries of policies aimed at tackling child poverty, child relative poverty rates have increased between 2006 and 2016 in 11 of the 21 OECD countries with available data.¹ The likelihood of growing up in poverty also varies across different types of household and with the employment status of the household. The OECD average poverty rate in households with children and only a single adult is, at 32.5%, more than three times higher than the poverty rate in households with children and two or more adults (9.8%).² Similarly, poverty rates tend to be much higher in jobless households than in households where at least one adult works.³ On average across the OECD, 63.9% of individuals living in jobless households with children also live in relative income poverty, compared to only 8.9% of individuals in working households with children.

Poverty typically results from a large number of interrelated factors that all need to be taken into account when designing policies (Thévenon et al., 2018_[1]). The macroeconomic environment and policy settings affect people's labour market outcomes and fertility decisions, which in turn influence household income. A country's tax and benefit system and broader social policy settings can mitigate the effects of demographic and economic changes on disposable household income, and thus poverty.

As such, anti-poverty policies need to span a wide range of policy domains, including employment policies, education and training, cash transfers, housing support, food security, family planning etc. Interventions in these areas can be grouped into two main groups. The first approach consists of redistributive transfers in cash or kind, generally targeted to households who are deemed poor based on observable criteria. The second type of policy intervention tends to work more directly at the market and institutional failures, essentially by making the key factor markets (labour, credit, and land) work better from the perspective of poor people, and giving them better legal protection.

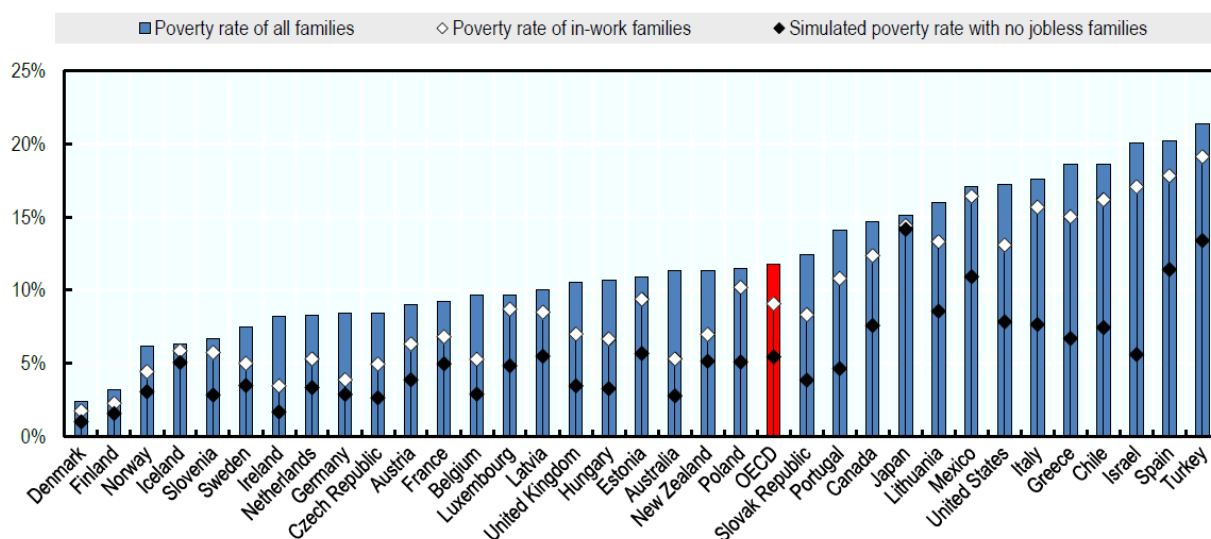
Policy makers need to find the right balance between protection and promotion. On the one hand, protection policies help people deal with uninsured risks and avoid transient poverty, by providing short-term support to avoid that current consumption does not fall below a crucial level, even when some people are trapped in poverty. On the other hand, promotion policies aim to help people escaping poverty permanently. Such policies permit a sufficiently large wealth gain to put people in poverty on a path to reach a higher and stable level of productivity and wealth. As there are limits to the extent to which redistributive taxes and transfers can be used to reduce poverty while maintaining work incentives, the use of protection policies must be accompanied by more structural promotion policies that act on risk factors in a more sustainable way.

Quality employment protects against poverty

Increasing parental employment can be expected to lead to a major reduction in child poverty. A basic simulation presented in OECD (2018_[3]) can serve to illustrate the point. If all parents were to be in paid employment (and assuming that poverty rates of working families remain at their current levels), the poverty rate in families with children would half, from an OECD average of 11% to 5.4% (Figure 5.1). In Spain, family poverty rates would fall from 20.2% to 11.4% if there were no jobless parents.

Figure 5.1. Poverty in Spain could be significantly reduced by raising parental employment

Share (%) of poor children and in families with children by employment status of parents, 2016 or latest available year



Notes: The scenario with no jobless families assumes no jobless single parents and all two-parent families having two earners. The current poverty rates applying to families with working parents are then applied to all families with children to estimate the rate that would result if all parents were in employment. On average, the poverty rate for families with children would be halved (from 11 to 5.4%) if all parents had a job. Source: OECD (2018^[3]), "Poor Children in Rich Countries: Why We Need Policy Action", using data of the OECD Income Distribution Database, <http://oe.cd/idd>.

However, employment is no guaranteed remedy against high poverty rates (Nieuwenhuis, 2020^[4]). The quality of a job is an equally important determinant of poverty, in particular among Spanish households. Shorter working hours and lower real minimum wages in the aftermath of the global financial crisis significantly contributed to lower income of full-time working fathers in Spain. Helping parents gain good-quality employment is therefore crucial for reducing child poverty and reversing the decline in living standards experienced by many families. It involves enabling parents to have a stable and if possible full-time job.

Thévenon et al. (2018^[1]) point towards four key policy tools that can help in addressing the different employment barriers that poor families face, including:

- *Ensuring that barriers to employment are removed*, including for the most disadvantaged people whose health status, social problems or low skill levels keep them away from the labour market. It requires accompanying intensively hard-to-place unemployed people and adapt assistance to provide better opportunities for them to participate in the labour market and move up (OECD, 2015^[5]).
- *Making work pay for both parents and ensuring that tax/benefit systems provide first and second earners in couple families with equally strong financial incentives to work*. Tax and benefit systems should ensure that employment of the second earner in a two-parent family or that of a single parent pays off, including after the costs of childcare have been paid and even if being employed results in the withdrawal of certain assistance benefits. Such policy settings encourage parental employment and durably protect children against poverty (OECD, 2011^[6]).
- *Enhancing access to affordable all-day childcare after parental leave*, to ensure low income parents can work full year and full-time and increase their earnings. In many countries, children from low-income families have a much lower access to formal childcare than wealthier families (OECD,

2020^[7]). Children in single-parent families are less likely than their counterparts in two-parent families to be covered by childcare services, even though they lack the time partners spend on childcare. After-school care services are also needed for parents with school-aged children. Access to childcare services that are compatible with irregular or atypical hours is necessary for parents working outside standard schedules.

- *Granting learning and training opportunities to low-skilled parents.* In order to combat chronic poverty and ensure upward mobility opportunities, parents from low-income families must be provided with opportunities to improve their skills and get access to better paid jobs (OECD, 2018^[8]). Countries can encourage the vocational training market to develop a supply adapted to the needs of the least qualified and affordable for low-income families. In a longer term perspective, promoting high quality education system (including initial education and vocational training) is needed to prevent the risk of falling into chronic poverty.

Increasing the minimum wage may also be an option for reducing families' risk of extreme poverty in the short term, but its long-run impact on poverty is likely to be limited due to the possible adverse effect on the employment rate of low skilled workers (OECD, 2015^[5]; Bradbury, Jäntti and Lindahl, 2017^[9]). The effect of raising the minimum wage on poverty depends on whether wage income is above or below the poverty line prior to the increase, as well as the incomes of other family members. Most US studies show that minimum wage increases would only have a small impact on poverty rates – though they nonetheless would tend to help families in the lower part of the income distribution (Bernstein and Shierholz, 2014^[10]; Dube, 2019^[11]; Sabia, 2014^[12]; Moffitt, 2015^[13]).

Returning to work is central to reducing the risk of poverty for families. However, having at least one parent working is not always a guarantee of getting out of poverty. On average across the OECD, slightly less than one in ten families with children and just one working parent lives on an income below the poverty line. For these families, as well as those where parents are not immediately employable, support with cash benefits and services is important.

Social transfers benefit poor children

In addition to employment-related measures, social benefits have an important role to play in reducing child poverty. In most OECD countries, per capita social expenditure has increased in recent decades. This growth in spending has coincided with a reduction in child poverty, with effects that appear particularly strong when the share of spending on low-income households increases. Estimations by Thévenon et al. (2018^[1]), using data for 27 OECD countries from the mid-1990s to 2013/14, show that, on average, a 1% increase in per capita social expenditure is associated with roughly a 1% reduction in the relative child poverty rate.

Not only the level of social spending matters, but also the way in which it is targeted at the poorest populations. At given expenditure levels, reductions in child poverty are larger when a larger share of expenditure is directed towards the poorest fraction of the population – in line with the existing literature despite some mixed results (Box 5.1). More detailed analysis by Thévenon et al. (2018^[1]), on changes in the poverty rate by family type, suggests that higher rates of social assistance payments are particularly efficient in reducing the poverty rate for families with two parents, whereas housing benefits are successful in reducing poverty among one-parent families and families with two jobless parents.

Box 5.1. Universal benefits versus targeting

The literature on the effectiveness of targeting social transfers to the poorest to reduce family poverty rates generates some contradictory results. Korpi and Palme (1998^[14]) suggested the existence of a paradox in that benefits targeted at the poor achieve less redistribution than universal benefits, the main reason being that universal benefits receive wider popular support so that their payment rate can be set at a higher level than the targeted ones. Recent evidence suggests, however, that targeting is no longer necessarily associated with lower levels of redistribution (Kenworthy, 2011^[15]; Marx, Salanauskaite and Verbist, 2013^[16]; Jacques and Noël, 2018^[17]).

From a child perspective, Van Lancker and Van Mechelen (2015^[18]) pointed out, on the basis of cross-section data for 26 European countries, that targeting child benefits and child-related tax allowances towards lower incomes is associated with higher levels of child poverty reduction. Similarly, with short time series data from 2004 to 2011, Diris, Vandenbroucke and Verbist (2017^[19]) found that increased pro-poorness leads often to lower poverty rates, but that the effect sizes are quite modest, and strongly dependent on how targeting is defined. In practice, countries very often have a family support system that is neither totally universal nor totally targeted towards the poor (Morissens, 2018^[20]). Many countries are “targeting within universalism” when, for example, there is a universal family allowance supplemented by specific assistance for specific groups, particularly single-parent families.

However, time series analyses do not always lead to the same findings. Some evidence suggests that within countries the reduction of income inequality and the incidence of poverty are generally lower during periods when net cash transfers – considering the whole of the tax and benefit system – have been more closely targeted on lower income households (Mcknight, 2015^[21]).

Source: Thévenon et al. (2018^[1]), “Child poverty in the OECD: Trends, determinants and policies to tackle it”, <https://doi.org/10.1787/c69de229-en>.

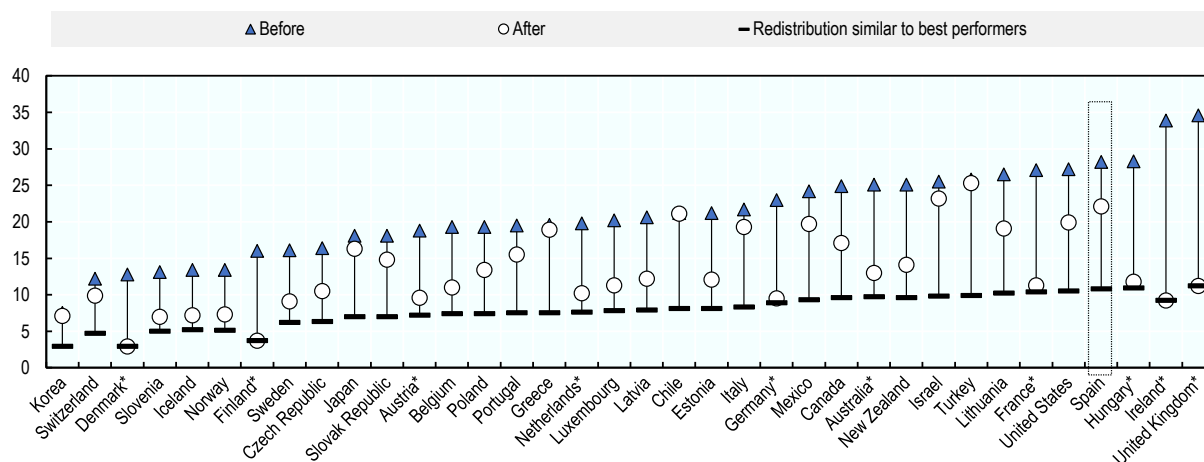
Nevertheless, the poverty rate of jobless single-parent families does not appear to be affected by the level of payment rates for assistance and housing allowances, probably because their standard of living before tax and transfers is so low that increases in the payment rates of housing allowances have been not high enough to lift these families out of poverty. In addition, the erosion of the social protection floor over time has limited the impact of social transfers on poverty reduction. Although social assistance benefits (whether they are paid in the form of social assistance or housing benefits) are important levers to reduce poverty among certain groups of vulnerable families, they are nonetheless insufficient to lift the most economically disadvantaged families out of poverty. As argued in Thévenon et al. (2018^[1]), closing the poverty gap would imply increasing social transfers for working and non-working households, while maintaining average financial participation incentives at the bottom of the income distribution. Such policy combination would require a significant increase in public spending.

That said, investment in families is most efficient if it starts when children are young. OECD analysis of early years’ tax and benefit policies shows that the greatest variation in household income occurs for families with children in the period from birth to around the age of four, which is a period critical for child development and parental career development (OECD, 2011^[6]). During the early years, sole-parent families generally face the highest risk of falling into poverty, compared with other family types. Starting to spend early on children is efficient, as it can yield a higher return than later investment for outcomes such as cognitive development. Spending early on children also contributes to equity as it reduces gaps between rich and poor families. The family environment not only plays a key role for a range of children outcomes but also lays the basis for long-term outcomes.

If Spain were to align its redistribution strategy to the ten OECD countries that reach the strongest reduction in family poverty through taxes and transfers, family poverty rates would reduce from 28% to about 11% (Figure 5.2). This scenario hypothesises a family poverty rate that Spain would reach if it were to achieve a poverty reduction similar to the ten best-performing OECD countries. If Spain were to reduce poverty as much as Denmark (the best-performing OECD country in reducing poverty through taxes and transfers), family poverty in Spain would only be 6.4%.

Figure 5.2. Spain could reduce family poverty considerably through redistribution

Simulated family poverty rates if countries were to align their socio-fiscal system to the best OECD performers



Note: The figure shows the actual poverty rates before and after taxes and transfers, as well as the simulated rates if all countries had the same reduction in child poverty as the mean of the ten best performing countries (i.e. those countries with a poverty reduction that is greater than the mean poverty reduction by 0.5 of a standard deviation). The top performing countries are marked with an asterisk. Countries that perform better than the benchmark are assumed to be unchanged.

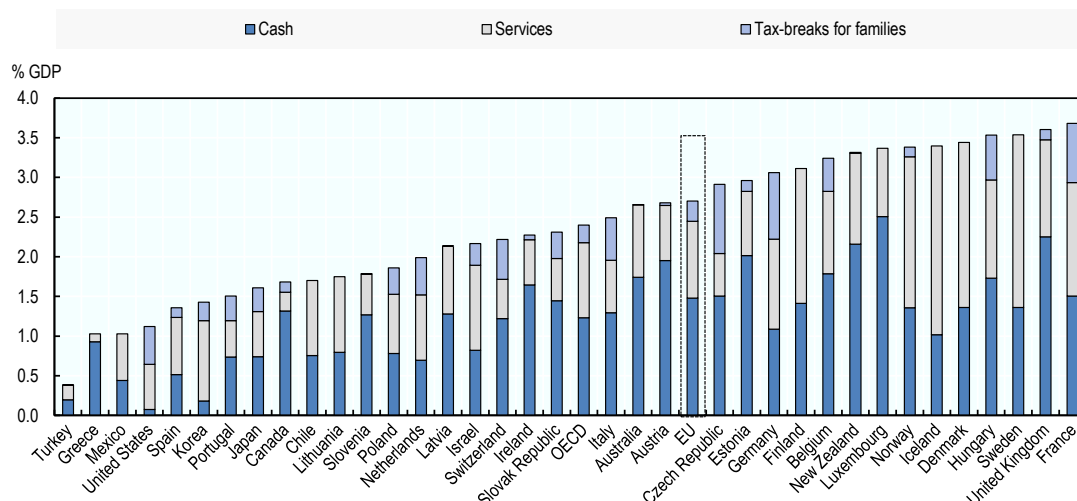
Source: Simulation performed by Thévenon et al. (2018^[1]), "Child poverty in the OECD: Trends, determinants and policies to tackle it", <https://doi.org/10.1787/c69de229-en>, based on data from the OECD Income Distribution Database, <http://oe.cd/idd>.

These simulations show that poverty can indeed be significantly reduced through the right set of social-fiscal policy settings. Even so, the approaches of these countries tend to differ significantly. For instance, Denmark devotes 61% of its spending on families to services, whereas countries like Austria and Ireland devote only 25% to services and instead heavily focus on cash benefits (Figure 5.3). Overall, all best-performing OECD countries devote considerable government budgets to families, and reducing family poverty through taxes and transfers would require a considerable increase in expenditure on families by the Spanish Government. Among the ten best performing OECD countries considered in this exercise, eight countries spend more on families than the OECD average – which stood at 2.4% of GDP in the mid-2010s). To reach the OECD average, Spain would need to nearly double its spending on families (1.4% of GDP in the mid-2010s). Especially the expenditure on cash benefits is very low compared with the OECD average.

The majority of OECD countries transfer at least 1% of GDP to families with children in the form of cash benefits, on average this amounts to about 1.2% (Figure 5.3). Spain, in contrast, devotes only 0.5% of GDP in cash benefits to families. Other OECD countries spend most of their family budget on family allowances, child benefits or working family payments, but also on maternity, paternity and parental leave payments and birth grants. A number of OECD countries also include one-off benefits such as back to school supplements or social grants in these amounts (such as payments to support one-off purchases for the home).

Figure 5.3. Spain spends very little on family benefits and services compared with OECD countries

Public expenditure on family benefits by type of expenditure, in percentage of GDP, 2015 and latest available



Note: Public spending accounted for here concerns public support that is exclusively for families (e.g. child payments and allowances, parental leave benefits and childcare support). Spending in other social policy areas such as health and housing support also assists families, but not exclusively, and is not included here. Coverage of spending on family and community services in the OECD Social Expenditure data may be limited as such services are often provided and/or co-financed by local governments. The latter may receive general block grants to finance their activities, and reporting requirements may not be sufficiently detailed for central statistical agencies to have a detailed view of the nature of local spending. In Nordic countries (where local government is heavily involved in service delivery), this does not lead to large gaps in the measurement of spending, but it does for some countries with a federal structure, for example, Canada and Switzerland. Data for the Netherlands and New Zealand refer to 2011, for Poland to 2014. For Lithuania, data on tax breaks towards families are not available. For Switzerland, data on tax breaks for families are estimated by the national correspondent. The OECD-32 average and EU average exclude Lithuania, the Netherlands, New Zealand, and Poland, where applicable.

Source: OECD Family Database, Indicator PF1.1 Public spending on family benefits, <https://www.oecd.org/els/family/database.htm>, based on the OECD Social Expenditure Database, <http://www.oecd.org/social/expenditure.htm>.

In-kind payments or public services for families, including childcare services, amount to 0.9% of GDP across the OECD on average. In-kind services can include childcare and day care services, home help for families, and a suite of family social services. The largest “service providers” are Denmark, Iceland and Sweden – which spend around three times as much on services as Spain, over 2% of their GDP in total. France also spends significant amounts on services for families (1.4% of GDP), compared to 0.7% of GDP in Spain.

While redistribution through tax breaks has been growing in OECD countries in recent years, the administration of child benefits through tax systems is not always straightforward (Box 5.2). Non take-up can be substantial due to application obstacles, lack of awareness on eligibility or lack of trust. Administrative simplicity, flexibility for changing circumstances, ease of compliance and additional outreach efforts are crucial to reach all families that are eligible. Lessons learned from behavioural insights, automation and artificial intelligence can help to ensure that more people claim eligible tax benefits.

Box 5.2. Main ways to support families

The main ways in which families are supported in OECD social protection systems are through cash benefits (periodic and one-off), in-kind service provisions including childcare (again periodic or one off), and tax breaks. Different spending choices by type may reflect different priorities in terms of family and children's outcomes, administration and coverage, and broader policy goals.

Cash benefits

Cash benefits are popular tools in social protection systems due to their relative flexibility; they can be adapted relatively easily and so respond faster to needs or targets such as poverty rates, or the need to cut spending in times of budgetary constraint. Options to means-test cash benefits can add precision to interventions designed to raise minimum standards of living. Cash transfers are also more transparent; their costs can be quickly assessed, and outcomes can be evaluated over a shorter period than service interventions. Broadly, cash benefits can be categorised into two types: a “horizontal” transfer, which moves income from one group in society to another (such as universal family benefits) and “vertical” transfers which moves income from one point in a person's lifecycle to another (such as social insurance-based leave policies). Efforts to influence how families spend their cash payments, by naming benefits as “child” benefits or paying them to the mother rather than to the father, add to the flexibility of this type of intervention. Moreover, there are examples of cash benefits being used in OECD countries as incentives to take-up services, such as immunisations or other health services (e.g. the Australian immunisation allowance, the Finnish and Hungarian birth grants).

Tax breaks

Tax breaks are seen as more efficient for encouraging work in comparison to cash benefits. However, they may not be as easily applied to directly improving family outcomes, such as child poverty targets, if work is not readily available or paid at a low wage. As with cash benefits, the costs and effects of tax break policies can be quickly assessed. Over the past decades, this type of redistribution has been growing in the OECD, reflecting the evolution of tax and benefit systems designed to encourage welfare through work.

The administration of child benefits through tax systems can be challenging. Non take-up can be substantial due to application obstacles, lack of awareness on eligibility or lack of trust. Lessons learned from the Child Tax Credit in the United Kingdom (phased out in the meanwhile) and the Family Tax Benefit in Australia (initially managed by the Taxation Office) show that certain elements are crucial to reach all families that are eligible, including administrative simplicity (e.g. an online application platform), flexibility for changing circumstances (possibility to make regular updates), ease of compliance (avoiding duplicate verification) and additional outreach efforts (e.g. through information sharing across agencies) (Hammond and Koggan, 2021^[22]). Behavioural insights, automation and artificial intelligence can also help to ensure that more people claim eligible tax benefits (OECD, 2019^[23]).

Services

In the case of services, issues of flexibility and short-term outcomes may not be the priorities. As opposed to cash transfers, which can be used for anything once paid to the family, services are earmarked for specific purposes. Family services can be categorised into the following policy areas: basic material needs; health care; family functioning support services; parenting support and early intervention; child protection services; and specialised services to address specific or complex needs. The well-established “cascading approach” of social services develops family support services along

universal supports at a very early age, which help to identify special needs to be addressed by specialised services. Since each family is unique, the family support system needs to be flexible in its approach to working with children and families. Countries with relatively high commitments to in-kind spending are often countries with good outcomes as measured in terms of child well-being. The challenge for all countries is to deliver services efficiently.

Source: OECD (2011^[6]), *Doing Better for Families*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264098732-en>; and OECD (2021^[24]), *Looking beyond COVID-19: Strengthening family support services across the OECD*, OECD Publishing, Paris, <https://www.oecd.org/els/family/fss2021-brief-covid.pdf>.

Addressing complex needs through increased service capacity

Many of the OECD countries that perform well in comparisons of poverty and child well-being are strong investors in service delivery (OECD, 2011^[6]). Addressing the needs of families in poverty indeed requires dealing with different issues that often intersect (OECD, 2021^[24]). Case management of vulnerable families can be particularly complex for service providers as multiple issues such as poverty, addiction, domestic violence, or health issues have to be addressed for family support to be effective. Vulnerable families with the highest service needs are often those least likely to access mainstream services (OECD, 2015^[25]). Matching families with services that meet their needs thus requires close co-ordination between various organisations delivering services.

A first step towards the development of an integrated approach of service delivery are whole-government initiatives and co-ordinated national strategies targeting parents and children or vulnerable families. For example, Lithuania's *Action Plan for Complex Family Services (2016-20)* is implemented in collaboration with 60 municipalities throughout the country (OECD, 2021^[24]). The plan aims to ensure access to community support services for families in case of emergency, as well as supports towards the reconciliation of work and family commitments.

Another way to build integrated family support systems are inter-governmental working groups and committees that bring together various levels of governments and ministries. Public family support agencies can join their efforts through funding, co-ordinated guidelines, and collaboration of monitoring and assessment of services. Australia is a working example of prioritising integration and joining-up services. Over the past decades, the Australian Government has made specific funds available for improving collaboration between service providers, community members, non-government organisations, businesses and all levels of government (OECD, 2015^[25]).

The co-ordination of services across sectors through case-management is a third way to enhance service coherence. In this case, a case manager, also called family support worker, community development worker or project worker, helps families address key issues and connect with various support services. Case managers typically focus on building a long-term working relationships with the family to provide ongoing support and information. A key point of a client-centred approach to making family services successful is to treat the family as one whole unit and to consider the needs of all family members through approaches that may vary (Box 5.3).

Finally, the most comprehensive form of integration is the provision of services within one organisation. For example, the YMCA in Halifax is the largest multiservice organisation for women in Atlantic Canada (Riding et al., 2021^[2]). Their services include housing, anti-human trafficking support, emergency employment programmes, childcare and early learning, microloans, financial literacy, income tax clinics, and peer leadership training. They work with multidisciplinary teams and use a co-ordinated plan of support to engage in joint problem solving. When the necessary resources to develop such a comprehensive approach are not available, an alternative to multiservice organisations is case conferencing. This

approach allows practitioners from various organisations working with the same family to periodically come together to discuss a co-ordinated support plan, preferable with the family present.

The combination of conditional cash transfers and support services can be an effective way to increase service take-up and enhance their impact on family outcomes. For instance, the payment of a cash benefit can be made conditional on the participation in a specific programme, like medical screening, school meals or parenting classes. The evidence from experimental studies on “Cash+” suggest this combination attains better outcomes than when supports and cash transfers are provided separately (Bastagli et al., 2016^[26]). The recent OECD report on *Strengthening family support services across the OECD* show that this approach is increasingly popular in OECD countries (Riding et al., 2021^[2]). About half of capital cities support families in need who are taking up services through conditional cash transfers.

Box 5.3. Delivering services that prioritise families

Practitioners who work with families as a unit rather than only supporting one member of the family provide opportunities for more holistic interventions. Service providers can utilise various strategies to support families who are facing multiple issues.

Two-generation approach

Supporting families through a two-generation approach aims to improve family outcomes through access to services which enhance human capital and provide programming for adults and children (Lindsay Chase-Lansdale and Brooks-Gunn, 2014^[27]; Acquah and Thévenon, 2020^[28]). Two-generation programmes support children by investing in parents and increasing their capabilities by way of financial literacy programmes, postsecondary education, and job training. Two-generational programming also include health and education services, early childhood education, programmes addressing issues related to childhood trauma, parenting programmes, literacy, addressing mental health issues and prevention of child abuse or domestic violence.

Home visiting

Through various in-home support programmes, trained practitioners work within the family home to target a range of outcomes including improved maternal and child health, prevention of child abuse or maltreatment and improved school readiness and reduce barriers of accessing service. Delivering services at home represents a number of advantages: these approaches can effectively address some of the barriers related to vulnerable families’ take up of services, including issues such as affordability and physical accessibility to services. Home-based models of family support address issues such as transport, child care or lack of motivation and can enhance families’ feelings of security when dealing with service providers. Seeing the families’ home environment also allows professionals to gain better understanding of the needs of parents and their children, and tailor their services (Michalopoulos et al., 2017^[29]).

Wraparound services

Wraparound supports aim to provide services to families with complex needs while collaborating with all areas of a client’s environment such as schools or workplaces, family and natural supports, and community-based supports (Thomson et al., 2017^[30]; Vandenberg et al., 2003^[31]; Silva et al., 2020^[32]). For example, in Ireland the Family Matters: Area Based Childhood (ABC) programmes provide individualised wraparound supports to parents living in homeless or emergency accommodation. In addition, their home visiting support services are provided to expectant mothers to prepare them for the birth, reduce anxiety and encourage parents to engage with the relevant maternity services.

Practitioners from the Family Matters programmes work collaboratively with various community specialists, social workers and public health nurses in order to support the family's needs.

Sources: OECD (2021^[24]) "Looking beyond COVID-19: Strengthening family support services across the OECD", Employment, Labour and Social Affairs Policy Briefs, OECD, Paris,

The first 1 000 days of children's life

A growing body of evidence suggests that the period of pregnancy and the first 1 000 days of a child's life are particularly important for their development and future outcomes (Riding et al., 2021^[2]). This approach seeks to provide tailored supports to pregnant women and families with infants, identifying their individual needs, and addressing them before small problems turn into serious issues. The "first 1 000 days" strategy, used in countries like Australia, New Zealand, Finland, France and the United Kingdom, puts an emphasis on providing continuous assistance throughout early childhood development, as well as on the ability of the health care and social systems to do wellness checks, identify families' needs and detect problems early and guide families to appropriate services (Box 5.4).

Box 5.4. Strong foundations: Getting it right in the first 1 000 days

The earliest stages of child development – from conception to the child's second birthday – has become known in policy and research circles as the "First 1 000 Days" and has helped frame the type of supports very young children and their families need in order to give children the best possible start to life (Moore, 2018^[33]; Gradovski et al., 2019^[34]). The special focus on the first 1 000 days comes from the growing body of scientific evidence showing the importance of the early life experiences for long-term healthy development and well-being. The first 1 000 days of life are regarded as the period in people's lives when public policy can have the most positive impact as brain plasticity is at its highest (Moore, 2018^[33])

All OECD countries provide pregnant women and parents of new-born babies and small children supports with regards to health care, and work and caring commitments (e.g. parental leave and childcare), or additional income support where needed. However, the perspective of the First 1 000 Days would add several dimensions to this policy mix by putting an emphasis on (Moore, 2018^[33]; Pentecost and Ross, 2019^[35]; Cyrulnik, 2020^[36]):

- The continuous support that is needed from pregnancy and throughout the early years of life to make parent's work commitments compatible with early child development;
- Screening and preventive measures from the pre-natal period to ensure that possible child health issues do not accumulate over time, but are addressed through early intervention;
- The important roles of parents and the community in helping children reach their potential is leveraged. Providing parents with information and support around developing positive parenting practices and nurturing children's development is key.
- The provision of personalised supports plans, adjusted to the needs of children and parents, and help for families to navigate the system.
- A whole-of-government approach ensures that measures adopted in different policy areas are based on a common framework and shared objectives for enhancing early child development.

A few OECD countries, for example, Australia, Finland, France, New Zealand and the United Kingdom have put forward a First 1 000 Days approach to structure policies for families with very young children.

These initiatives share common features, such as measures to combat family poverty and help parents reconcile work and family commitments, support for good maternal and paternal physical and mental health, enhancing parents' awareness of good nutrition practices, improving the quality of parent-child interactions and reducing family stress, and improving the quality of childcare.

Services around childbirth can also include some kind of coaching to help expectant parents become parents. In Helsinki (Finland), for instance, multi-professional family-coaching is offered to first-time fathers and mothers, including family coaching and physiotherapy groups at maternity clinics prior to childbirth as well as family activities at playgrounds upon childbirth.

Some countries focus their programmes on particular groups of children, for example, in Australia and New Zealand, on improving the well-being of Indigenous children (Arabena, Panozzo and Ritte, 2016^[37]). In France, part of the First 1 000 Days approach is the extension of paternity leave from 14 to 28 days to encourage fathers to spend more time caring for their babies to help support the bond between father and child that develops in the first year of life through the caregiving relationship (Cyrulnik, 2020^[36]).

Source: Riding et al. (2021^[2]), "Looking beyond COVID-19: Strengthening family support services across the OECD", <https://doi.org/10.1787/86738ab2-en>.

A comprehensive anti-poverty strategy for families

The variety of factors driving the evolution of family income suggest that only a range of policies addressing all these factors can significantly and durably improve children's standard of living and reduce their exposure to poverty. Labour market-oriented policies can and should play a crucial role in reducing poverty, but adequate income protection schemes and family-oriented benefits remain also important instruments for improving the effectiveness of poverty alleviation. It involves measures with different objectives and means to either prevent poverty (by in particular raising parental employment and/or raising income gains from employment) or protect children and families (by ensuring that the assistance provided by financial aid covers all poor children and that it responds to the changing characteristics of poor families).

Some OECD countries tend to focus on prevention, particularly through activation policies aimed at reducing poverty by empowering parents to return to stable employment. In this case, a protective component may be missing for families whose jobs do not pay enough to get out of poverty or for whom there are many obstacles before they can work. Conversely, other OECD countries provide a relatively generous package of financial transfers to reduce poverty without, however, developing enough support for parents to get a job and reconcile work and family life. These two pillars are therefore important to develop simultaneously.

A successful anti-poverty strategy requires policies not only to reduce the incidence of income poverty or to prevent it, but also to mitigate many of the consequences that come with income poverty, including material deprivations and barriers to meet basic needs in health, housing and education. Thévenon et al. (2018^[1]) highlight various elements that need to be considered in order to break the intergenerational transmission of disadvantages and improve opportunities for children from low-income families, including:

- Health issues can act as an obstacle to education and result in poor physical and/or educational achievements, adding to the challenges faced by families. Promoting universal access to health care and public health policies that benefit poor children can ensure that children's basic needs in nutrition, medical supervision and health care are met. Such a provision is especially important for the poorest segments of children who are most at risk of experiencing deprivation in nutrition.

- Food insecurity can lead to serious physical growth problems and influence children’s school attendance and performance as well as the development of social skills. National school meal programmes are used in several OECD countries as a way to reach food-insecure school-age children directly and offset hunger and insufficient nutrition. Evaluation of the Healthy Start programme in England suggests that food vouchers can also provide an important nutritional safety net and potentially improve nutrition for pregnant women and young children living on low incomes (McFadden et al., 2014^[38]). Finally, nutrition assistance can help direct practices towards healthy diets to combat the high risk of overweight and obesity in children from low-income families (Inchley et al., 2016^[39]).
- Children from disadvantaged backgrounds are disproportionately likely to miss out on formal early childhood education and care (OECD, 2020^[7]). Yet, early interventions in childcare and education are effective policy tools to create level playing fields and to reduce gaps among children. The evidence suggests that the benefits of high quality childcare programmes on child and young adult outcomes are positive and often stronger for children from disadvantaged families than for those of wealth families. To foster the use of childcare services by low-income families and reduce inequalities across children, the availability and affordability of childcare places, as well as perceptions of service quality are crucial.
- Economically advantaged parents display more optimal parenting behaviours across a range of domains, including more time spent with children, authoritative parenting, more sensitive and responsive mother-child interactions, greater language stimulation and better parent management. These parenting skills can make a difference for children’s cognitive and non-cognitive skills and underlines the importance of early childhood home education programmes that aim to improve the parenting skills and children’s socio-emotional skills among disadvantaged groups. Programmes such as the “Thirty Million Words” project in the United States or “Parler Bambin” in France increased conversations and resulted in increased language development.
- Finally, children from poor families have a higher risk than others of living in poor quality housing and/or in an environment with noise, pollution, vandalism or crime problems. Low-income families tend to live in less affluent areas with lower quality housing, transport infrastructure, medical and childcare services, schools and sports and leisure facilities. Addressing spatial segregation would help to increase opportunities for children from disadvantaged backgrounds, but requires a range of well-co-ordinated local development and urban planning policies, including measures for housing and transport.

The remainder of this section sheds a light on the anti-poverty strategies of two countries in particular, France and Ireland:

- France has taken a number of actions to prevent and fight poverty of families and children. First, the *National Strategy to Prevent and Fight Poverty* strengthens social investments in areas of education and training as well as support services and social emancipation through employment. Second, the *National Child Protection Strategy (2020-22)* gives priority to preventative measures and in treating children equally through ensuring equal access to opportunities and protections for all children. Third, the French *First 1 000 Days* approach aims to build children’s resilience by starting in the earliest stages of life. Box 5.5 describes each of these strategies in detail.

In Ireland, the Child and Family Agency was established in 2014 and is now the dedicated State agency responsible for improving well-being and outcomes for children. It represents the most comprehensive reform of child protection, early intervention and family support services ever undertaken in Ireland. It was an ambitious move bringing together over 4 000 staff and an operational budget of over EUR 750 million. More information on Ireland’s anti-poverty strategy can be found in Box 5.6.

Box 5.5. France's anti-poverty strategies

National Strategy to Prevent and Fight Poverty

France commits EUR 8.5 billion between 2018-22 to its *National Strategy to Prevent and Fight Poverty* to grant equal opportunities to all children and guarantee their fundamental rights on a daily basis (Délégation interministérielle à la prévention et à la lutte contre la pauvreté, 2018_[40]). Through this strategy, social investments are made in areas of education and training as well as support services and social emancipation through employment. The strategy calls for further investment in public services, such as crèches, schools, social centres, associations to ensure equal opportunities from the very first steps of life, in addition to amplify existing educational effort, supporting parents, strengthen local social action, preventing isolation, guaranteeing access to rights and essential services for the most vulnerable. This ambitious strategy dedicates more than EUR 2.1 billion to social investment and poverty prevention, more than EUR 2.5 billion for support towards employment and EUR 3.9 billion for the revaluation of the activity allowance. Specific targets include:

- Providing equal chances from the start (EUR 1.24 million) through training and hiring 600 000 more professionals in early childhood education and as kindergarten aids, and achieving social diversity in childcare facilities with 90 000 places allocated to a 'social mix' bonus and the introduction of a third-party payment method. These measures also include the development of childcare facilities, particularly in vulnerable areas, with the creation of a "territory" bonus to reduce the remaining costs to less than 10% for municipalities, creating 300 new social centres dedicated to the support of parenthood in priority areas, strengthening the transparency of the allocation of day-care places, and supporting communities in 60 priority neighbourhoods with two adults per kindergarten class.
- Guaranteeing children's fundamental rights on a daily basis (EUR 271 000) through subsidised school meal programmes in targeted areas, social services specialising in child protection mechanisms and dedication to developing and adapting the supply of accommodation and housing including following a *Housing First strategy*.
- Obligatory schooling for children under 18 (EUR 439 000) in order to prevent school drop outs and programmes to identify, re-engage and (re)mobilise young people at risk of exclusion to lead them towards a support and training pathway. These measures include calls for projects and additional permanent funding for youth drop-in centres and specialised prevention associations as well as dedicated to solutions to help all young people find employment, in addition to an extension of the Youth Guarantee (500 000 beneficiaries between 2018 and 2022).
- Equal access to social rights (EUR 4.97 million) by simplifying the system of minimum social and health benefits towards a universal activity income and access to health care services. This measure includes modernising the delivery of social benefits by promoting the exchange of information between actors, by making procedures automatic and by promoting payment of the right amount, and by generalizing data mining to identify potential beneficiaries.
- Investing in employment opportunities for all (EUR 1.04 million) through the creation of an activity guarantee combining reinforced social support and integration into employment for 300 000 beneficiaries per year and additional support for vulnerable populations.

National Child Protection Strategy

In addition to an economic focus on reducing the impacts of poverty of children, France has taken a number of actions to promote the well-being of vulnerable children. Through stakeholder consultation with families and children as well as with social workers and departmental officials, the Ministry of

Solidarity and Health developed the *National Child Protection Strategy (2020-22)*, which gives priority to preventative measures and treating children equally (Ministère des solidarités et de la santé, 2019^[41]).

The National strategy's four main goals aim to guarantee children their rights to health, education, emotional security and autonomy after 18 years of age. These goals include responding to the needs of children and their families as early as possible such as obligatory prenatal check-ups, carrying out children's health checks in kindergarten for children ages 3-4, increasing the number of home visits for pre and post-natal care in addition to increasing health consultations for children 0-6 years old; securing the pathways of protecting children and preventing family ruptures such as reinforcing the process of referrals and access to relevant information in order to better reach parents facing particular situations of vulnerability; promoting methods in which children can be informed of their rights and enabled to act on behalf of their best interest; providing children solid foundations in order to secure their future.

The strategy increases dialogue between the State and the relevant departments on subjects such as deadlines for the execution of justice measures, assessing the multiple displacements that certain children undergo, follow-up in access to health services, and addressing the responsibility of child protected matters for the more vulnerable including children with disabilities and mental health issues. It also aims to give children a voice in order to better take into account their opinions and experiences.

First 1 000 Days

In September 2020, France announced its "First 1 000 Days" approach to build children's resilience by starting in the earliest stages of life (Ministère des solidarités et de la santé, 2020^[42]). The aim of this approach is to promote equal opportunities for good physical, mental and social health through a policy of prevention and support aimed at improving the quality of life, starting during pregnancy until a child's third anniversary. The French First 1 000 Days approach is built around five axes: (1) formulating a coherent public health discourse for the first 1 000 days; (2) offering personalised support to parents through the 1 000-day pathway; (3) providing an individualised response throughout the process, adapted to the fragility and specificities of the child and its parents; (4) giving families and their young children the time and space they need through birth leave and childcare facilities; and (5) translating this unprecedented ambition into research, evaluation of practices and training of professionals.

Four concrete policy measures have been taken:

- *The extension of paternity leave from 14 to 28 days*, of which 7 days compulsory. This measure came into force on 1 July 2021. In the case of twin or triplets, fathers benefit from 35 days of paternity leave (instead of 18 days previously). These extensions are only a first step, as the report by the Ministry of Solidarity and Health recommended 9 weeks of paternity leave (Ministère des solidarités et de la santé, 2020^[42]).
- *The generalisation of the early prenatal interview*. Until 2020, this interview was simply offered to future parents, but a survey showed that only 27% of couples took advantage of it. The midwife or doctor now must inform their patient as soon as the pregnancy is declared in order to schedule the interview before 4 months of pregnancy. It should allow for an exchange with the couple and identify any health or social weaknesses. A personalised 1 000-day course can then be proposed, with maternity support at home.
- *Key messages for parents*. During stakeholder consultation for the report, parents expressed difficulties in finding their way through the sometimes contradictory information given by professionals, on the internet, on social networks or by friends and family. The aim is therefore to convey ten (or so) key messages on breastfeeding, exposure to screens and ordinary educational violence. This information is now specified in the child's health record and an application entitled "1 000 first days" has been created.

- *Better support after the birth of the child*, in particular for the couples who need it most. Home visits after the birth will be set up, and resources of maternity wards and Maternal and Child Protection (PMI) centres will be increased. Ten new units and 20 additional mobile teams in perinatal psychiatry are to be created.

Sources: Délégation interministérielle à la prévention et à la lutte contre la pauvreté (2018^[40]), Stratégie nationale de prévention et de lutte contre la pauvreté, https://solidarites-sante.gouv.fr/IMG/pdf/strategie_pauvrete_vfhd.pdf; and Ministère des solidarités et de la santé (2019^[41]), Stratégie nationale de prévention et de protection de l'enfance 2020-22, https://solidarites-sante.gouv.fr/IMG/pdf/dossier_de_presse_-_strategie_nationale_de_prevention_et_protection_de_l_enfance_vf.pdf.

Box 5.6. Ireland's anti-child poverty strategy

Since 1997, when the first National Anti-Poverty Strategy was published, Ireland has developed various national strategies and frameworks to address child poverty. Ireland's detailed sectoral plans for social inclusion and reduction in poverty have historically targeted various sectors individually with specific key objectives related to poverty including strategies focused on improving outcomes for children and young people.

The *Better Outcomes, Brighter Futures: the National Policy Framework for Children and Young People 2014-20* represents the first overarching national children's policy framework comprehending the age ranges spanning children and young people (0 – 24 years) (Department of Children and Youth Affairs, 2014^[43]). It adopts a whole of government approach to tackling child poverty and is underpinned by a number of constituent strategies in the areas of early years, youth and participation. The framework set a target of lifting at least 70 000 children out of poverty by 2020 mainly through commitments to improve rates of parental employment and reduce the number of jobless households, and increase investment in evidence-based, effective services that can improve child poverty outcomes.

Additionally, Ireland has a cross-departmental strategy to support babies, young children and families called the *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families (2019-28)* (Government of Ireland, 2019^[44]). It provides a range of policy options to balance work and family commitments, for example, developing new parental leave scheme for mothers and fathers and greater flexible working arrangements. The Strategy aims to promote positive health behaviours, develop a dedicated child health workforce, reform the early learning and care system through an affordable childcare scheme, and address poverty in early childhood. Overall, the Strategy aims to make significant enhancements to early childhood itself in Ireland and important contributions over short, medium and long term to the lives of young children, their parents, and society and the economy (Riding et al., 2021^[2]).

Ireland's Department of Social Protection holds overall responsibility for the development of a whole-of-government policy focusing on reducing poverty and improving social inclusion. Their publication of the *Roadmap for Social Inclusion 2020-2025* (Government of Ireland, 2020^[45]) aims to move away from a traditional focus on income poverty towards a more inclusive view of methods to tackle poverty. The Roadmap provides a framework for the activities of various Government Departments. Currently, each Government Department addresses poverty reduction and social inclusion in their own strategies. The role of the Roadmap is to provide a broader framework for this work and to set the medium-term direction on a whole-of-Government basis, identifying the inter-linkages and dependencies across the various stakeholders. The Roadmap presents 7 high-level goals, 22 targets and 66 unique

commitments. The high-level goals include supporting families and reducing child poverty through prioritizing increases in family related payments and introducing and extending new family supports.

Sources: Department of Children and Youth Affairs (2014^[43]), *Better Outcomes, Brighter Futures: the National Policy Framework for Children and Young People 2014-20*, <https://www.gov.ie/en/publication/775847-better-outcomes-brighter-futures/>; Government of Ireland (2019^[44]), *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families (2019-28)*, <https://first5.gov.ie/>; Government of Ireland, (2020^[45]), *Roadmap for Social Inclusion 2020-2025*, <https://www.gov.ie/pdf/46557/?page=1>.

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Notes

¹ OECD Family Database, Indicator CO2.2.B. Child relative income poverty rates, <https://www.oecd.org/els/family/database.htm>.

² OECD Family Database, Indicator CO2.2.C. Poverty rates in households with children by household type, <https://www.oecd.org/els/family/database.htm>.

³ OECD Family Database, Indicator CO2.2.D. Poverty rates in households with children by household employment status, <https://www.oecd.org/els/family/database.htm>.

6 Supporting single-parent families

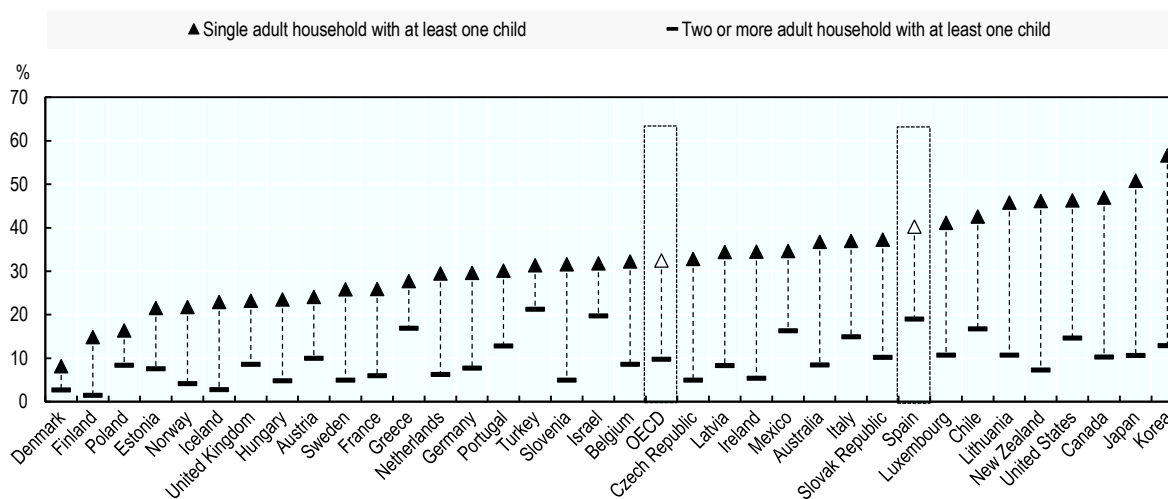
Single-parent families are among the most vulnerable household types, with an OECD average poverty rate (32.5%) more than three times higher than that of households with children and two or more adults (9.8%). Numerous factors contribute to the vulnerability of single-parent households, including difficult access to the labour market and an adequate income, multiple caring responsibilities, and lack of practical or emotional support. This chapter analyses different policies aimed to support single parents in OECD countries. These policies include social assistance, universal or targeted economic benefits, and policies designed to facilitate access to the labour market and to promote work-family balance. This chapter also provides an overview of child support (or child maintenance) systems in OECD countries, as well as the implementation of family mediation as an alternative dispute resolution mechanism.

Single parents and their children are at high risk of poverty

Regardless of the diverse causes for single parenthood, single-parent families are among the most vulnerable household types, along with large families (European Commission, 2019^[1]). On average across OECD countries, 32.5% of single adult households with at least one child live in poverty, compared to 9.8% among households with two or more adults and at least one child (Figure 6.1). In Spain, the shares are respectively 40.2% and 19.0%.

Figure 6.1. Single parents and their children are at high risk of poverty

Relative income poverty rates (%), individuals in working-age households with at least one child, by type of household, 2016 or latest available year



Note: Data are based on equivalised household disposable income, i.e. income after taxes and transfers adjusted for household size. The poverty threshold is set at 50% of median disposable income in each country. Working-age adults are defined as 18-64 year-olds. Children are defined as 0-17 year-olds. Data for New Zealand refer to 2014, for Iceland, Japan and Turkey to 2015, and for Chile to 2017.

Source: OECD Family Database, Indicator CO2.2.C Poverty rates in households with children by household type, <https://www.oecd.org/els/family/database.htm>, based on the OECD Income Distribution Database, <http://oe.cd/idd>.

While data collection and country demographics should include single parents in order to better understand how to support them through policy measures, definitions tend to vary from country to country. Not all separated parents may fall into the single parent category depending on their partnership status and family structure. Single parenthood can result from separation, divorce or death of a parent, but also from the absence of a parent for prolonged periods (e.g. due to migration, incarceration or illness), unintended pregnancy, or the choice to raise a child alone. Since family structures evolve over time and single parenthood is not necessarily a permanent status, defining single-parent families as a social category raises multiple difficulties. Moreover, many definitions for the status of single parents fail to recognise situations of *de facto* single parenthood, such as situations where a parent is severely ill or living abroad.

Single parents need a wide range of support

Several factors contribute to the vulnerability of single-parent households, including difficult access to the labour market and an adequate income, multiple caring responsibilities, and, for some, lack of practical or emotional support from a partner (European Commission, 2019^[1]). Many single parents face combined

vulnerabilities. As such, policies to support single parents typically aim to accomplish two goals: balancing work and family and ensuring the economic well-being of these families. Such policies can include social assistance, universal or targeted economic benefits, and policies facilitating access to the labour market and promoting work-family balance.

Social assistance

Policies providing various forms of social assistance to support single parents include higher rates of general social assistance based on income; housing assistance; acknowledging the additional vulnerability of single parents as well as addressing parental obligations in case of separation/ divorce such as ensuring financial support from second parents or by the state. For instance, Austria, France and Ireland provide a special benefit or tax credit for single parents, on top of other allowances (European Commission, 2019^[1]). In the United Kingdom, single-parent families may be eligible for other forms of benefits based on income, rather than specific to their status as single-parent families. In most countries, payment of child maintenance is a legal obligation and non-payment is usually sanctioned, ranging from enforced payment or salary deductions to imprisonment (see also the section on Obligations and support to the non-custodial parent below for a more detailed discussion on this topic).

Universal or targeted economic benefits

Single parents rely on various sources of income. Even though earnings from employment are the main source of single parents' income, their earnings can be supplemented by targeted benefits. Family benefits targeted to single-parent families top up their income from work and therefore pull them above the poverty line, while this is not necessarily the case for coupled-parent families (Nieuwenhuis, 2020^[2]). Universal or targeted economic benefits accessed by single parents may include, cash transfers (income tested family benefits and non-income-tested cash benefits); child tax benefits or other tax benefits for families; specific benefits or assistance for single-parent households (special allowances, additional benefits or tax credit for single parents, in addition to other allowances); and higher rates of family allowance for single-parent households (receive higher amounts of family allowances than two-parent families, and sometimes of other related benefits). In some EU Member States, for instance in Italy and Portugal, single parents may not have any special benefit, but instead receive higher amounts of family allowances than two-parent families, and sometimes of other related benefits (European Commission, 2019^[1]).

Access to the labour market

Labour force participation of a single parent offers the best protection against poverty for children. Policies facilitating access to the labour market and promoting work-family balance include access to early childhood education; access to after school care and extra-curricular activities represent a similar support mechanism for single parents struggling to combine work and care responsibilities; maternity and parental leave schemes; in-work benefits; and flexible working hours and access to part-time work. For single-parent families, ECEC can be particularly helpful, and flexible opening hours may make it easier to combine work and care responsibilities for young children without external support. Some Member States offer special leave provisions for single parents to help them combine parenthood and labour market participation. For instance, the Slovak Republic offers an extended period of maternity leave for single mothers, whereas in Greece, the period of parental leave is double for single parents. The Czech Republic offers longer periods of long-term care leave for children under the age of 10 to single-parent families (European Commission, 2019^[1]).

Combination of support

In practice, mechanisms implemented by countries may include a combination of universal benefits for families in precarious situations, and targeted policies to support the specific needs of single-parent families. Many countries are “targeting within universalism” when, for example, there is a universal family allowance supplemented by specific assistance for specific groups, particularly single-parent families. Transfers and benefits are often indispensable for single parents, even when they are working. Child support (i.e. transfers between households) are associated with modest poverty reductions, whereas family benefits reduces poverty among single parents much more (in some countries, substantially more) (Nieuwenhuis, 2020^[2]).

OECD countries support single-parent families in various ways

In the OECD area, almost all countries (except Turkey) provide support for low-income single-parent families, and that through a range of social policy measures, including family benefits, social assistance, housing benefits, in-work benefits and tax breaks (Figure 6.2). Spain is the only country that supports low-income single-parent through tax breaks only, without any additional income support. The main components of transfer income in other countries are income-tested family benefits and non-income-tested cash benefits; the latter are usually paid in respect of children. In ten OECD countries (Denmark, Finland, France, Lithuania, the Netherlands, New Zealand, Poland, the Slovak Republic, Slovenia, and Sweden) transfers exceed 30% of the net income of low-income single-parent families. Seventeen countries have cash housing benefits for rented accommodations and 11 countries offer in-work benefits. Most of the financial support is means tested and the support is reduced at higher wages. It should be noted that subsidies and the cost of childcare are not taken into account in these simulations, which are likely to be of particular importance to single parents.

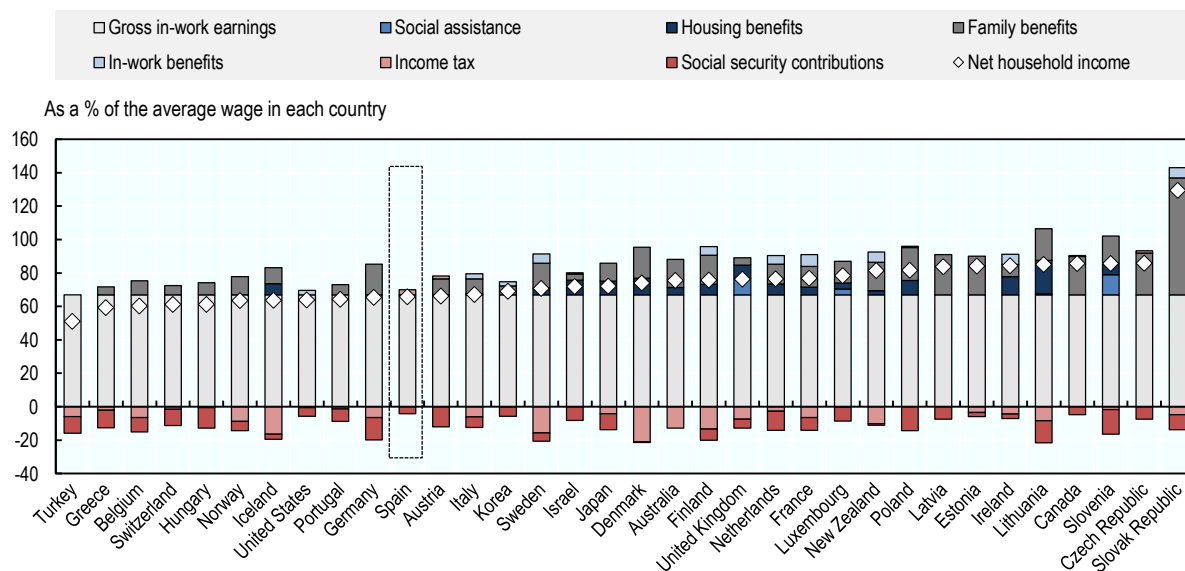
Analysis by Bradshaw, Keung and Chzhen (2018^[3]) shows that child poverty in single-parent families is reduced by social transfers in every EU country. Denmark, Finland and the United Kingdom reduced the poverty rate (i.e. the share in poverty) among children in single-parent households by over 65% thanks to transfers, whereas Ireland and the United Kingdom reduced the poverty gap (i.e. how far they are below the poverty threshold) among children in single-parent households by over 80%. In addition, Morissens (2018^[4]) shows that countries that combine (generous) universal benefits with supplementary family benefits towards single parents – based on their status, not their income – have the best results in terms of reducing poverty (i.e. Denmark, Finland and Norway). However, employment is equally important, and the countries with the best outcomes for single parents are also those with sufficient and affordable day-care provisions in place. Without these provisions, single parents’ employment becomes a true challenge.

Bradshaw, Keung and Chzhen (2018^[3]) also discuss the importance to verify whether taxes and benefits do not offset each other. Some countries (Austria, Finland, Germany, Iceland, Luxembourg, Norway and the United Kingdom) have higher cash benefits for single parents, but then undermine that advantage by taking those benefits into account when assessing housing benefits.

Box 6.1 provides further details about the range of support measures that are provided to single parent households in France.

Figure 6.2. Transfers and benefits top up income of single parents in almost all OECD countries

Net income of single adults with two children earning 67% of the average wage, 2020



Note: Simulations for Australia, Canada, Israel, Korea and New Zealand refer to 2019.

Source: Own calculations based on output from the OECD tax-benefit model. Model version 2.3.0, <https://www.oecd.org/social/benefits-and-wages/>.

Box 6.1. Support for single parents in France

In France, parents are considered as single parents when they are single, divorced, separated or widowed with dependent children who are already born or who are due to be born, do not live in a couple, and do not share their income and costs with a partner, cohabitee or civil partner. The simple geographic separation of a couple does not constitute a situation of single parenthood.

Single parenthood is determined in the same way across all benefits and parents are responsible to register any changes with the family allowance fund (*caisse d'allocations familiales*, CAF). The family allowance fund calculates the **family quotient based** on the family situation, the number of people and household income (see Box 4.1 in Chapter 4 for more details). **This family quotient then determines the taxes and costs of child services for parents. Overall, single parents in France mainly benefit from higher universal family and child benefits rather than through tax treatments.**

Birth/Adoption grants are means-tested and intend to help cover the expenses related to the birth or adoption of a child. The income ceiling depends on the number of children in the family and the number of babies expected. As of 1 January 2021, the family's annual income for 2019 must not exceed to EUR 42 892 for a dual-income household or a single parent and EUR 32 455 for a single-income family expecting one child.

Family support allowance is provided for children whose guardian is not receiving any support from one or both parents or as a top-up to a low child support award. EUR 155.40 is provided for any child who has lost both parents or is in a comparable situation, and EUR 116.57 is provided for a child who has lost one parent or is in a comparable situation. This allowance can also be paid as an advance if the other parent is behind on child support payments.

The supplement for free choice of childcare intends to offset childcare costs for children under the age of 6 and can be paid on top of the basic allowance (if the parent meets the income-related eligibility requirements) or independently. The allowance covers partial coverage (up to 85%) of childcare costs. The rate varies depending on the number and age of children and household income, and the income ceilings are increased by 40% for single parents.

The shared child education benefit allows one or both parents to reduce or cease their professional activity to take care of their child under 3 years of age. The free choice of childcare supplement allows parents who continue to work to offset the cost of childcare in the event of employment of a childminder, home childcare or micro-crèche. Couples may take 6 months each and single parents may have one year until the child's first birthday. The duration of payment varies according to the number of dependent child(ren) and the family situation.

The education allowance for a disabled child is a non-means tested allowance paid to those with a dependent child under age 20. The basic amount for the allowance is EUR 132.21 per month. This amount may be increased for a single parent, or according to the need for assistance, or the extent of the child's handicap.

Daily parental attendance allowance is paid to a person looking after a child with disability and is higher if the beneficiary is a single parent (EUR 52.34 per day) than if the person is part of a couple (EUR 44.05 per day).

Social assistance is intended to ensure unemployed people who have a low income or a minimum level of income, which varies according to the number of people in their household. The support is broken down depending on the number of people in the home: single parents receive EUR 958.37 for one child, EUR 1 197.97 for two children, and EUR 239.59 per additional child, while couples receive EUR 1 007.53 for one child, EUR 1 175.45 for two children, and EUR 223.90 per additional child.

Obligations and support to the non-custodial parent

Child support (or child maintenance) is a regular money payment made by the non-resident parent to the resident parent following the end of a relationship, or if a relationship has not formed. In theory, child support payments should mitigate some of the lower earning opportunities that many single parents face, and most OECD countries have formal child-support systems that aim to ensure compliance of non-resident parents with their payment obligations. In reality, however, parents often breach their child support obligations, and the enforcement of support orders is frequently ineffective. Strengthening the enforcement of child maintenance obligations is a particularly important policy tool for improving the situation of single-parent households. It is relatively easy to implement, at a relatively low cost for the government.

Child support payments make up for an important source of the income of single parent families: they represent on average 14% of the available income of the receiving household in the OECD (OECD, 2011^[5]; Beaumont, Mason and Schulze, 2014^[6]). This share would even be higher if the full amount of child support due was paid. Child support tends to be more important for lower income parents. For example, among American custodial parents below the poverty line who receive full payments, the mean annual child support received in 2015 represented 58% of their mean personal income (Grall, 2018^[7]). Child support payments are therefore key to prevent poverty in families with separated parents.

Non-payment (or delayed payment) of child support is common and pose significant challenges in all OECD countries, also in Spain. In France, between 30% and 40% of alimony payments due to families with children are unpaid or partially paid, and re-partnering and/or break-up with new partners are frequently the cause of the (temporary) suspension of child support payments (Favrat and Fernandez, 2016^[8]). In the United States, only 43% of custodial parents receive the full amount that is due to them,

whereas about 30% of them receive nothing at all (Grall, 2018^[7]). On average, custodial parents with a child support order receive roughly 60% of their order amount.

As described in a recent report by the European Parliament (2020^[9]), child support policies are generally complex and involve multiple parties. In most countries, the parents, court, and in about half of the countries public agencies are involved in determining the level of child support payments (Table 6.1). The final responsibility for determining the support payments often lies with the court, either directly or in case the parents cannot come to a satisfactory agreement. There is a lot of cross-country variation in the determination of the payment levels, ranging from parental discretion based on informal guidelines in the Netherlands to a rigid formula in Denmark. Support generally ends when the child turns 18 or 21, with some exceptions for continued support for children in education (e.g. Czech Republic, Greece, Estonia) or children with a disability (Czech Republic and Poland). Most countries have the same child support arrangements irrespective whether parents have been married or not.

Table 6.1. Child support policies are complex and involve multiple parties

Child support policies in selected EU Member States

Country	Involvement in the determination of child support			Responsibility for determining support payments	Rules for determining amount of payments	Responsibility for enforcement of payments	Advance on support payments
	Parents	Courts	Agency				
Austria	Yes – ratified by court	Yes	No	Parents with court approval	Formal guidelines and rules/rigid formula	Court	Yes
Belgium	Yes – ratified by court	Yes	No	Court	Mostly discretion, no fixed rules or methods	Court	Yes
Czech Republic	Yes – entry into formal system if parents cannot agree.	Yes	Yes – Sociolegal protection authorities	District and Regional Courts	Guidelines given by law	Court and Office for International Legal Protection of Children in foreign matters	Yes
Denmark	Yes – ratified by Country Governor's Office	No	Yes – Country Governor's Office	Parents or State County's Agency if parental disagreement	Rules/ rigid formula	State County's Agency	Yes
Estonia	Yes	Yes	Yes – if child is on state maintenance	Court if parental disagreement	Minimum stated by the state, additional amount according to parental income	Enforcement Service	Yes
Finland	Yes – mediated and confirmed by Social Welfare Bond	Yes (residual role)	Yes – Social Welfare Board	Parents or Social Welfare Board and court if parental disagreement	Mostly discretion, informal guidelines	Municipal Social Welfare Board	Yes
France	Yes – ratified by court	Yes	No	Court	Mostly discretion, no fixed rules or methods	Courts and Social Security Agency	Yes
Germany	Yes	Yes	No	Parents or Court if parental disagreement	Mostly discretion, using 'support tables'	Court	Yes
Greece	Yes			Parents or Court	Rules based on parents' income	Court	No
Ireland	Yes – ratified by court	Yes	No	Parents or Court if parental disagreement	Legal guidelines but high level of court discretion	Court	No

Country	Involvement in the determination of child support			Responsibility for determining support payments	Rules for determining amount of payments	Responsibility for enforcement of payments	Advance on support payments
	Parents	Courts	Agency				
Latvia	Yes	Yes	No	Parents or Court if parental disagreement	Mostly discretion, no fixed rules or methods	Law enforcement office	Yes
Netherlands	Yes – ratified by court	Yes	No	Parents with supervision of lawyers; Court if parental disagreement or parents receiving social assistance	Mostly discretion, informal guidelines	National Collection and Support Agency;. Enforcement through a bail off; If enforcement is contested, court.	No
Poland	Yes	No	Yes – Welfare office	Parents, Local Government – Welfare Office	Formal guidelines, Family Benefit Act of 28 November 2003		Yes
Portugal	Yes – entry into formal system if parents cannot agree	Yes	No	Parents with supervision of lawyers or Court if parental disagreement	Informal guidelines for private agreements or rules defined by Court if parental disagreement	Court	No
Slovak Republic	Yes – confirmed by Social Welfare Bond	Yes	No	Court	Mostly discretion, informal guidelines	Enforcement Service	Yes
Spain	Yes	Yes	No	Court	Mostly discretion, using 'support tables	Court	Yes
Sweden	Yes – confirmed by Social Welfare Bond	Yes	No	Court	Mostly discretion, informal guidelines	Enforcement Service	Yes

Source: European Parliament (2020^[9]), The situation of single parents in the EU, Policy Department for Citizens' Rights and Constitutional Affairs, [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/659870/IPOL_STU\(2020\)659870_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/659870/IPOL_STU(2020)659870_EN.pdf)

Box 6.2. Examples of child support payment amounts and adjustment rules

Germany

In Germany, parents may have to pay maintenance to their children and an unmarried parent may have to pay maintenance to the other parent, if a child is in their care. In principle, maintenance must be paid monthly in advance to the party entitled to maintenance or, in the case of minors, to the parent looking after them or to the party otherwise entitled to receive payment. There is no age limit for child maintenance: it must be paid as long as the child is dependent on it. The level of the payment is determined by the requirements and needs of the party entitled to maintenance and the ability to pay of the party liable for maintenance. The higher regional courts have developed tables and guidelines in this respect which assist in determining a flat rate for the items to be taken into account. The *Düsseldorf table* is regularly used as a basis for calculating the level of child maintenance.

If there is a change in the actual circumstances on which court orders are based, these orders can be modified at the request of the party entitled to maintenance or the party liable for maintenance. In the case of a minor, child maintenance can also be index-linked, in which case it is stated as a percentage of the minimum level of maintenance in force at any given time. The minimum level of maintenance is regulated in the Civil Code and increases on a three-bracket scale as the child gets older. If a court

order contains an index-linked maintenance payment, the order does not have to be modified whenever the child reaches a new age bracket.

Norway

Child maintenance is payable by the parent who does not live with his/her child. Parents have a duty to pay for their children irrespective of whether or not they live with them. Both parents are obliged to pay the costs of the child's upbringing and education according to their financial ability.

Child maintenance in Norway is a private-law concern and parents can agree on and pay it without the authorities being involved. They are free to agree on the size of the amount and adjust this to their personal circumstances. The Labour and Welfare Administration has a child support calculator in case parents need guidance. If the parents do not agree on the child maintenance, either of them can ask the Labour and Welfare Administration to determine the amount. The Labour and Welfare Administration bases its determination of the child maintenance on what it costs to rear a child. The rearing cost is to be divided between the parents according to their incomes and the parent who is best off financially is to pay for a larger share of the costs of having the child.

All fixed maintenance payments to children shall be index-linked unless otherwise determined in the decision or the agreement. Indexation is linked to changes in the consumer price index issued by Statistics Norway.

The duty to pay child maintenance normally lasts until the end of the month when the child has his/her 18th birthday. If the child attends upper secondary school, the parent may also be ordered to pay child maintenance after the child reaches the age of 18 years.

Czech Republic

Czech law does not recognise what is referred to as objectivised maintenance using tables, percentages etc. and neither is it bound by minimum or maximum maintenance. When making its decision the court will take into account the uniqueness of each specific case, such as the possibility of more than one maintenance obligation, increased costs for a handicapped child, etc. The Ministry of Justice only issues a table of recommended amounts. Court decisions on maintenance are issued subject to changes in the situation. They can therefore be modified if the situation of the creditor or the liable party changes significantly.

Maintenance may be granted if the beneficiary is not realistically able to support him/herself. The ability to support oneself is traditionally interpreted exclusively as the ability to satisfactorily meet all one's needs (material, cultural, etc.). If a child is not able to support him/herself and is reliant on support from the maintenance payer, the maintenance obligation will not lapse even when he/she reaches adulthood (e.g. if the child continues with his/her studies), and in exceptional cases the maintenance obligation may continue throughout the life of the child and the parents (e.g. if a child is fully disabled and will never be able to support him/herself). In contrast, the maintenance obligation may lapse even before the child reaches adulthood if the child becomes able to support him/herself earlier. There is no specific age limit.

Sources: European E-Justice portal, https://e-justice.europa.eu/content_maintenance_claims-47-de-en.do?member=1 and <https://www.nav.no/en/home/benefits-and-services/relatert-informasjon/child-support-child-maintenance>

Repercussions for the non-payment of child maintenance by the non-custodial parent can range from enforced payment, salary deductions, seizure of assets and bank accounts, and, in some countries, imprisonment (Miho and Thévenon, 2020^[10]). Child support can be guaranteed in some countries by the state (in Austria, Estonia, Finland, Germany, Hungary, Italy and Sweden); by local authorities (in the Czech Republic and Finland); by special funds (in Latvia, Lithuania, Luxembourg, Poland and Portugal);

or by a special administrative agency (in Denmark, France, the Netherlands and the United Kingdom). Several countries, including Australia, Estonia (see Box 6.3), New Zealand, the United Kingdom and more recently France (see Box 6.4), have strengthened their systems to assist parents pursuing their claims and to help them take the appropriate administrative and/or legal steps. A similar reform is highly needed in Spain, to better support parents and ensure that they receive the monetary support they are entitled to.

Box 6.3. Reform of the child maintenance support system in Estonia

In Estonia, approximately a quarter of single parents did not pay child maintenance as ordered by the court in 2014. In January 2017, a new Family Benefits Act entered into force to extend maintenance support to single parents when the other parent does not fulfil their legal obligation to provide financial support. Under this scheme, maintenance support is guaranteed by the state, which claims back maintenance costs from the debtor parent through various measures. These include rescinding driving licences, restricting entrepreneurial support and publishing the names of debtors. Maintenance support paid by the state covers support paid during court proceedings for 150 days, as well as during enforcement proceedings, which consists of EUR 100 a month until the child turns 18, or 21 if the child goes to university.

Source: European Commission (2019^[11]), Mechanisms supporting single parents across the European Union, <https://op.europa.eu/en/publication-detail/-/publication/3ade5c22-b4d7-11e9-9d01-01aa75ed71a1/language-en>

Box 6.4. A new public service for the financial intermediation of alimony in France

A report on family breakdowns in France (Haut Conseil de la Famille, 2014^[11]) indicated that the non-payment of alimony, which is estimated to be around 35% in France, contributes to the fragility of families in France. In order to peruse missing payments, families had to rely on lengthy court procedures or getting support from their family allowance fund. These limited options proved difficult and resulted in many families experiencing poverty.

In response, a new public service for the financial intermediation of alimony (IFPA) was created in 2020, managed by Agency for the Recovery and Intermediation of Alimony (ARIPA). Since January 2021, the service is open to all separated parents who would like to make use of the service.

The “debtor” parent (the parent who owes support) pays the support each month to ARIPA, which is responsible for paying it immediately to the parent who receives the support (the “creditor” parent). If the debtor parent fails to pay, the agency immediately initiates a procedure to recover the unpaid amount from the debtor parent and pays the eligible creditor parent the family support allowance (EUR 116.57 per month and per child; see Box 6.1). The objective is to secure each month the alimony payment to the creditor parents, by preventing the risk of unpaid alimony. Financial intermediation also aims to ease tensions related to financial issues between separated parents, so that they can focus on the education and development of their child(ren). Any failure by the debtor parent to meet his or her obligations is subject to penalties and leads, from the first unpaid amount, to the triggering of the family support allowance when the parent receiving the support is a single parent and has applied for it.

Source: <https://solidarites-sante.gouv.fr/affaires-sociales/familles-enfance/droits-et-aides/article/le-service-public-des-pensions-alimentaires>

While it is necessary to strengthen the enforcement of child maintenance obligations, helping non-custodial parents be self-sufficient is key to enabling them to fulfil their obligations regarding child support payments in the long-run (Berger, 2017^[12]). Non-custodial parents may lack stable employment, work for low wages, or have a new family to support, which hampers their ability to comply with child support payments (Ha, Cancian and Meyer, 2018^[13]). Providing vulnerable non-custodial parents with the employment and/or social supports they need to be self-sufficient reduces the risk of non-payment (Miho and Thévenon, 2020^[10]). The provision of such self-sufficiency supports should be conditional on the payment of child support. Another option to strengthen support to non-custodial parents is to include non-resident children in the calculation of means-tested benefits and/or to child related tax allowances (Berger, 2017^[12]). Evidence suggests that arrangements to facilitate the payment of child support arrears work as incentives to enter and remain in employment, enhancing the ability to comply with child alimony payment obligations (Heinrich, Burkhardt and Shager, 2011^[14]).

Self-sufficiency can also be enhanced by ensuring that the child-related costs of children born by the non-custodial parents are taken into account when setting up eligibility criteria for welfare benefits and that changes in child support payments do not lead to drastic reductions in social assistance payment (Skinner et al., 2017^[15]). Social protection in some countries has taken a step in this direction. For instance, in France, following a decision by the Conseil d'Etat in 2017, each parent can now receive a housing allowance in cases of shared custody. The amount granted is calculated based on the period during which each parent has the child in his or her own home during the year (Miho and Thévenon, 2020^[10]).

Family mediation

As a result of more disputes being brought to court there are typically longer waiting periods for disputes to be resolved and higher legal costs. Mediation can provide a faster alternative to families and is usually cheaper than ordinary court proceedings. Family mediation has become a common method of assisting separated parents who find it hard to establish mutually acceptable co-parenting arrangements (Morris and Halford, 2014^[16]). Family mediation involves a professional who assists in the process of resolving disputes and drafting a family settlement agreement. There is an assumption that an agreement negotiated by the co-parents will be implemented more effectively than a parenting agreement imposed by the courts (Morris et al., 2018^[17]; Emery, 2011^[18]).

The European Commission for the Efficiency of Justice published a handbook for mediation law-making in Europe in 2019 which includes examples of best practices, recommendations on the drafting of laws on mediation, guidelines and methods of efficiently implementing mediation into practice (European Commission for the Efficiency of Justice, 2019^[19]). For example, in order to ensure the high quality of mediation some EU countries have implemented basic requirements and training in order to introduce a systematic approach towards the profession of mediators. An increasing number of legislators have introduced official lists of mediators to their respective national laws (Austria, Croatia, Lithuania, Turkey) and other countries choose to maintain at least a list limited to the scope of court-related mediations (Czech Republic, Poland and Slovenia). The initiation process of mediation differs in EU countries, participants may join the process voluntarily or be mandated by the court as a condition of the legal proceedings. In addition, the cost of mediation for families differ country to country. In many countries mediation is offered to families free of charge or subsidies through legal aid (Denmark, France, Italy, the Netherlands, Portugal, Poland, Norway, Sweden, Switzerland, England, Wales and Scotland).

In Spain, some regional authorities started providing family mediation services in addition to other related services such as meeting points for highly conflictive divorces, court orders naming a parenting co-ordinator for shared custody and even compulsory family therapy orders. In all regions, with the exception of Asturias and Galicia, mediation services are listed as services used to prevent and resolve family conflicts without recourse to the justice system. For example, the Catalan region has a law on

family mediation dating from 2001, and 12 other Autonomous Communities have approved their family mediation laws since then. However, the uptake of family mediation services remains low in Spain.

To incentivise the use of mediation and increase the uptake, mandatory mediation elements in the judicial system like in Italy (see Box 6.5) might be useful. The country experienced a significant increase in the use of these services when mediation became a condition precedent to trial in certain categories of cases (De Palo et al., 2014^[20]).

Box 6.5. Family mediation in Italy and France

Italy

In Italy, parties are required to attend an introductory mediation session as a condition precedent to judicial proceedings to promote the use of mediation in their national jurisdictions. It has significantly raised the numbers of mediations conducted to approximately 150 000 a year while managing to keep the success rate as high as almost 50% in cases where parties have decided to continue with mediation after the first meeting (European Commission for the Efficiency of Justice, 2019^[48]). The requirement of mediation is fulfilled when the parties participate in the first meeting with a mediator, which can be transformed into a full mediation process if the parties so agree (in other words, an opt-out model). In Italy mediation information sessions are compulsory in disputes related to family agreements. The criteria that determine the mediation fee (*indennità di mediazione*), comprising the fee for initiating the procedure and the fee for mediation proper, are outlined in the Ministerial Order No 180/2010.

France

In France, families may contact the family mediator directly or else the judge may order mediation for the relevant parties within family matters such as exercise of parental authority, provisional measures in divorce matters, determining the place of habitual residence of the child(ren), the right of access and accommodation, the contribution to the education and maintenance of minor children, or a request to modify a decision of the family court. In all cases, mediation can only begin if both people concerned are present and have given their agreement however if violence was committed by a parent on the other parent or on the child mediation will not be required.

For families initiating the mediation the first information interview is free with the cost being covered by Caisse nationale des Allocations familiales, the Ministry of Justice, the ministry in charge of the Family, the MSA and certain local authorities after that the cost is defined on the basis of a participation scale and financial participation will be calculated according to the families income. If the judge orders family mediation with the agreement, parties can benefit from legal aid according to their resources (total or partial coverage of the cost by the State). A specific aid has been created by the Caisse nationale des allocations familiales (CAF) and the Caisse centrale de mutualité agricole in order to alleviate the participation of individuals. The Ministry of Justice, the Departmental Directorates of Social Cohesion (Ddass) and certain local authorities have also committed themselves to supporting the development of family mediation.

In addition to family mediation, alternative dispute resolution can play a crucial role in family disputes, it may reduce psychological harm, help the parties to start talking again and thereby, in particular, help ensure the protection of children (European Parliament, 2011^[21]). Alternative dispute resolution may also include the larger family unit or support systems in the process of creating an agreement.

For those who have been victims of intimate partner violence, the fear and intimidation they feel towards the other co-parent may make it difficult for a meaningful participating in mediation. While there is more need for research on the impacts of intimate partner violence on the mediation process, the Committee of

Ministers of the Council of Europe considers that issues concerning violence among couples or families should not be dealt in the mediation process (like in France, for instance – see Box 6.5), as they could constitute criminal offences and in these circumstances the use of the mediation process would not be the most appropriate way of resolving family disputes (Council of Europe, 2004^[22]). The concept of the mediation requires that there is no power imbalance between the positions of the participants as in for example, in domestic violence cases. The handbook on mediation law-making from the European Commission for the Efficiency of Justice encourages that disputes of a sensitive nature (such as family mediation in cases of domestic violence or victims-offender mediation) are not excluded in their entirety (European Commission for the Efficiency of Justice, 2019^[19]). The handbook suggests to introduce safeguards instead (through the duties of the mediator or criteria based on which the judge can recommend or order parties to try mediation) in order to protect the weaker party.

Overall, it is important to highlight that there is still limited data availability on the use of mediation in EU countries (ChildONEurope Secretariat, 2005^[23]). Most available data come from the judicial system and refers to separating couples which already started court proceedings, either consensual or contended. These data therefore do not cover requests addressed to other institutions, agencies and organisations dealing with divorce such as independent social workers, family mediation bodies, and other legal and consultancy services, which are often contracted extra-court.

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7 Making family life easier for all

This chapter describes a series of policy tools whose objective is to make life easier for all families, and to avoid gaps in the support they may require. Parental leave is among these policy instruments, and has become a key feature of national family support packages across most OECD countries. Support and funding for Early Childhood Education and Care (ECEC) services are also widely spread across OECD governments, but the scale and form of these services presents considerable cross-country variation. On the other hand, out-of-school-hours (OSH) care services remain underdeveloped in most OECD countries. The chapter also reviews promising parenting support policies, which have been shown to have positive impacts both on parents and child well-being and development.

To make life easier for all families, it is vital that policy tools fit together neatly and do not leave families with gaps in support. Policies like parental leave, ECEC, primary education and out-of-school-hours care all need to be framed in a consistent continuum of support for families. Although many OECD countries invest more heavily in kindergarten or primary school years, it is important that policy starts to invest in families with children early in childhood for both equity and efficiency considerations.

Parental leave

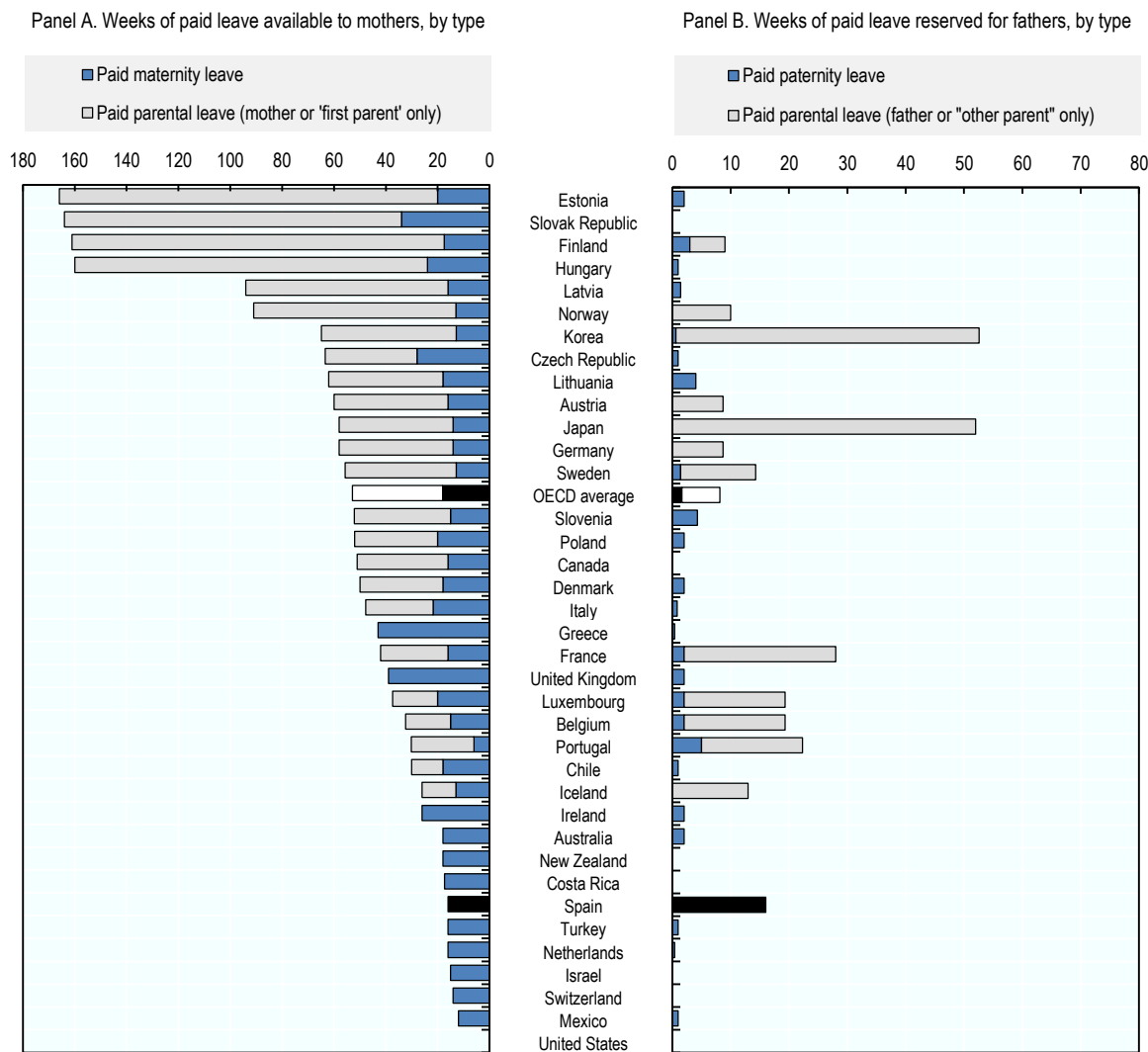
In most OECD countries, paid maternity, paternity, and parental leaves have become major features of national family support packages over the past few decades (OECD, 2019^[1]). These entitlements are designed to be used during the first months/years of a child and can help parents achieve their work and family goals. In addition to protecting the health of working mothers and their new-born child, paid leave helps to keep mothers in paid work and provides parents with the opportunity to spend time at home with children when they are young (Adema, Clarke and Frey, 2015^[2]; Rossin-Slater, 2017^[3]; Thévenon et al., 2018^[4]). All OECD countries except the United States have now national schemes that offer mothers a statutory right to paid maternity leave right around the birth (Figure 7.1, Panel A), usually for somewhere between 15 to 20 weeks.

In more recent years, paid leave policies have increasingly been used as a tool to promote gender equality and encourage the redistribution of unpaid work within the household. A growing number of OECD countries have introduced ‘fathers-only’ leaves, such as paid paternity leave and individual entitlements of fathers to paid parental leave, with the aim of encouraging men to spend more time with their children. Paternity leaves are usually well-paid and often lasts for around one or two weeks, to be used within the first few months of a baby’s arrival (Figure 7.1, Panel B).

Many OECD countries also provide parents additional paid parental and/or prolonged home-care leaves. These entitlements give parents additional flexibility to balance their work and family life. Such leave can be used to prolong the period that the child is cared for at home (e.g. in the case of lack of good-quality child care), but it can also be used when a specific need arises, such as a sick child or a temporary closure of the child care facility. The length of paid parental and home-care leave varies considerably across countries (Figure 7.1). In most OECD countries, parents can access between 6 and 18 months of paid parental and/or home-care leave. However, in countries like Estonia, Finland, Hungary, the Slovak Republic and also France (though only for families with two or more children in the latter), parents can take paid leave until their child’s second or even third birthday.

Figure 7.1. Total paid leave entitlements in Spain are short for mothers compared to most other OECD countries, but long for fathers

Duration of paid maternity leave and paid parental leave available to mothers and duration of paid paternity leave and paid parental leave reserved for fathers, 2018 (2021 for Spain)



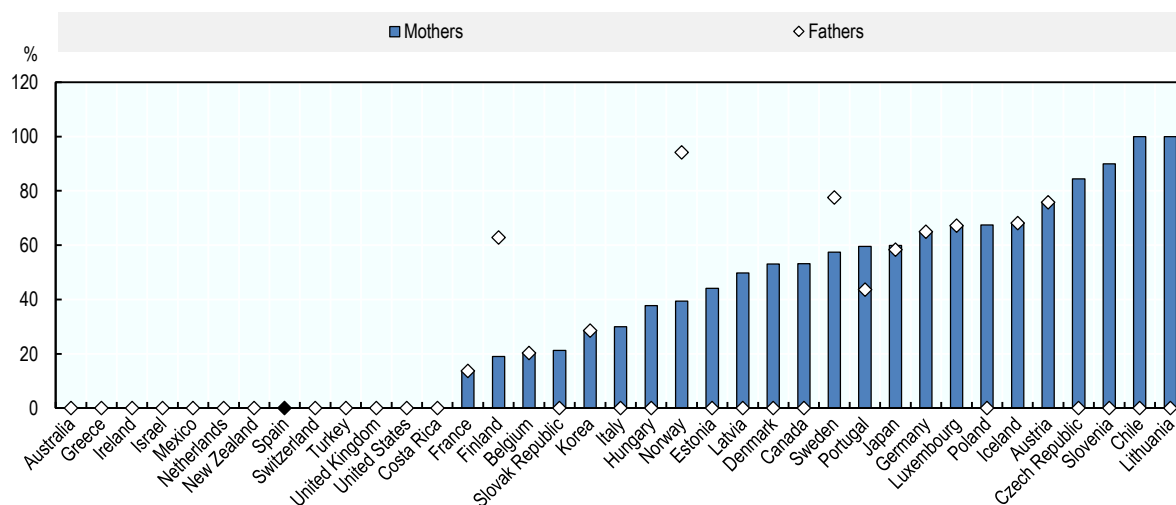
Note: Data refer to paid leave entitlements in place as of April 2018 (January 2021 in the case of Spain to reflect recent changes in paternity leave) and do not reflect entitlements introduced or amended after April 2018. Data reflect statutory entitlements provided at the national or federal level only. They do not include regional variations or additional/alternative entitlements provided by states/provinces or local governments (e.g. Quebec in Canada, or California in the United States), or any employer-provided benefits that are paid beyond the statutory minimum duration. Payment rates during paid leave differ across countries. Data refer to statutory entitlements only and do not reflect the actual use of these entitlements, which may be influenced by cultural and societal norms and the preferences of parents. Periods of paid parental leave labelled “father-only” refer to individual non-transferable entitlements, “daddy quotas” or periods of an overall leave entitlement that can be used only by the father and cannot be transferred to the mother, and any weeks of shareable leave that must be taken by one or both parents in order for the family to qualify for “bonus” weeks of parental leave. In several countries, at least part of the period of paid parental leave available to mothers is sharable and may be taken instead by fathers, if parents wish. Data for France refer to the entitlement for a family with only one child. Families with two or more children can receive paid parental leave for a longer period.

Source: OECD Family Database, Indicator PF2.1: Parental leave systems, www.oecd.org/social/family/database.htm.

Spain has the longest and most generous paid paternity leave entitlement among OECD countries, but as the country does not offer additional paid parental leave, the duration of overall paid leave entitlements (the sum of maternity leave, paternity leave and parental leave) ranks in the bottom third of OECD countries. More specifically, maternity leave in Spain lasts 16 weeks, two weeks shorter than the OECD average of 18.1 weeks. Since January 2021, the same rights are granted to the other parent, making the Spanish paternity leave entitlement the longest in the OECD. Maternity leave and paternity leave periods are individual rights and are no longer transferable to the other parent. However, contrary to many other OECD countries, Spain does not offer additional paid parental leave (Figure 7.2), hereby limiting the impact of these leave entitlements on the work-life balance beyond the initial months of a child's life.

Figure 7.2. Spain does not offer paid parental or home care leave, contrary to many other OECD countries

Average payment rate (%) of paid parental and home care leave available to mothers and fathers, 2018



Notes: The "average payment rate" refers the proportion of previous earnings replaced by the benefit over the length of the paid leave entitlement for a person earning 100% of average national full-time earnings. If this covers more than one period of leave at two different payment rates then a weighted average is calculated based on the length of each period. In most countries benefits are calculated on the basis of gross earnings, with the "payment rates" shown reflecting the proportion of gross earnings replaced by the benefit. In Austria, Chile, Germany, Lithuania and Romania (parental leave only), benefits are calculated based on previous net (post income tax and social security contribution) earnings, while in France benefits are calculated based on post-social-security-contribution earnings. Payment rates for these countries reflect the proportion of the appropriate net earnings replaced by the benefit. Additionally, in some countries maternity and parental benefits may be subject to taxation and may count towards the income base for social security contributions. As a result, the amounts actual amounts received by the individual on leave may differ from those shown in the table. See OECD Family Database Tables PF2.1.C, PF2.1.D, PF2.1.E and PF2.1.F for details on benefit payment rules and conditions.

Source: OECD Family Database, Indicator PF2.1: Parental leave systems, www.oecd.org/social/family/database.htm.

Entitlements to paid parental leave in OECD countries often come in the form of a certain number of weeks of leave payments that parents can divide as they see fit. In theory this approach provides both parents with the opportunity to take paid parental leave. However, in practice it is mostly mothers who take such leave (Moss, 2015^[5]). Fathers often earn more than their partners, so unless leave benefits (almost) fully replace previous earnings, it makes sense from an economic point of view for the mother to take the bulk of the leave. Societal attitudes towards the roles of mothers and fathers in caring for young children, concerns around potential career implications and employer opposition to men taking parental or even paternity leave also contribute to a general reluctance among many fathers towards taking long periods of

leave (Rudman and Mescher, 2013^[6]; Duvander, 2014^[7]). To promote male take-up of parental leave, Sweden experimented with a gender equality tax bonus for couples that more equally shared the leave. But due to high costs and little impact on changing leave taking behaviour, it was abolished again (Duvander and Johansson, 2012^[8]; (n.a.), 2015^[9]).

To stimulate take-up among men, several OECD countries now provide fathers (and mothers) with their own individual paid parental leave entitlements on a “use it or lose it” basis. These parent-specific entitlements can take different forms. Most common are “mummy and daddy quotas”, i.e. specific parts of an overall parental leave period that are reserved exclusively for each parent. For instance, in Iceland and Sweden, the “daddy quota” has led to a doubling in the number of parental leave days taken by men (OECD, 2016^[10]). Other options include “bonus periods” – where a couple may qualify for extra weeks/months of paid leave if both parents use a certain amount of shareable leave, like in Germany – or the provision of paid parental leave as an individual, non-transferable entitlement for each parent.

Individual leave entitlements have been found to increase fathers’ engagement with their children. For example, fathers in Quebec on average increased the time they spent alone with their child(ren) by 2.2 hours per week years after they were eligible for the dedicated paternity leave (Wray, 2020^[11]). Aside from having positive impacts on the relationship between fathers and children and between the parents, such increased responsibility for child care can also benefit mothers’ advancement in the workplace and thus improve gender equality. Experience from different countries also suggest that making sure that fathers have to take at least part of their leave non-concurrently with the mother is important to allow them to take on the same level of responsibility as mothers. The positive effects on later involvement in child care are more durable when fathers take leave rather than when they are unemployed (Meil et al., 2021^[12]).

For parents who may be unable or unwilling to stop working completely, flexible or part-time leave arrangements may provide a solution (OECD, 2016^[10]). These provisions can reduce the financial impact of taking leave and allow employees to combine work and family. Employers may benefit too, as they would not necessarily have to hire a replacement worker. In Germany, for instance, parents can work part-time during their parental leave, as long as they do not exceed an average of 30 hours per week in a month. However, the actual outcomes of flexible parental leave may not always be as positive for the parents as they envisaged. For example, a study of Norwegian fathers who took part-time leave found that many felt pressure to respond to work e-mails and calls even when they were supposed to be on leave time (Brandth and Kvande, 2019^[13]). In several countries, take-up of (part-time) parental leave among men remains low even among men who worked part-time prior to the birth of their child (Périer and Verdu, 2021^[14]; Uzunalioglu et al., 2021^[15]). Flexible parental leave may also include the ability for parents to stay home when their older child is sick. While in Spain, paid leave options are available for parents of severely ill children, other countries offer more generous leaves. For example, Portugal allows 30 days of leave to care for sick children under the age of 12; and Sweden 120 days, or longer if the child is seriously ill.

Access to paid leave tends to be more complicated for families with same-sex parents and reconstituted families, and varies considerably across countries. Same-sex couples’ access to family leave typically depends on other legal rights of same-sex couples, like marriage or registered partnerships, legal recognition as parents, and adoption regulation (European Commission, 2019^[16]). For instance, when EU countries allow same-sex couples to be joint legal parents of a child, they almost always offer these families the same rights to family leave as are offered to other families. However, among EU countries that allow registered partnerships for same-sex couples, only two countries offer the same leave rights to the same-sex non-biological parent as any other parent. Similar requirements exist for reconstituted families, such as registered partnership or long-term cohabitation.

Early childhood education and care

The provision of early childhood education and care (ECEC) is central to a range of policy objectives related to families, children, labour markets and gender equality. Access to affordable ECEC gives parents with young children to opportunity to remain in paid work, which in return reduces poverty risks. ECEC is particularly important for women's labour market opportunities and gender equality objectives since it is mostly mothers rather than fathers who adjust their employment patterns in face of care responsibilities (OECD, 2016^[17]; OECD, 2017^[18]). Evidence also suggests that participation in high-quality ECEC has positive effects on child cognitive and social development (Camilli et al., 2010^[19]; Havnes and Mogstad, 2011^[20]; OECD, 2013^[21]), in particular for children from more disadvantaged backgrounds (Heckman et al., 2010^[22]; Ruhm and Waldfogel, 2012^[23]; Havnes and Mogstad, 2015^[24]; García et al., 2016^[25]).

All OECD governments provide support and funding for ECEC services, but cross-country differences in policy objectives affects the mix of policy measures and the scale of support. Some OECD countries, like the Nordic countries, provide comprehensive publicly-operated ECEC systems, with all children entitled to a heavily-subsidised place in public centre-based care from a young age (often around their first birthday) (OECD, 2019^[1]). Other countries (like Australia, France, the Netherlands and the United Kingdom), make greater use of cash supports and demand-side (fiscal) subsidies directed at parents, with the provision of services themselves left largely to the market, at least for very young children. Overall, despite growing ECEC enrolment and recognition of the value of high-quality ECEC, investments in this sector remain below public spending for later stages of education.

Spain has a relatively high coverage of formalised childcare (Figure 7.3), and while the out-of-pocket costs parents have to come up with to place their children in day-care appear comparatively modest in Spain, they can represent an obstacle for low-income families. A recent law calls for the development of a plan to improve the availability and costs of day-care for younger children, in particular for low-income families. Recent developments in several EU countries could provide interesting insights for Spain that can be considered for the implementation of the law:

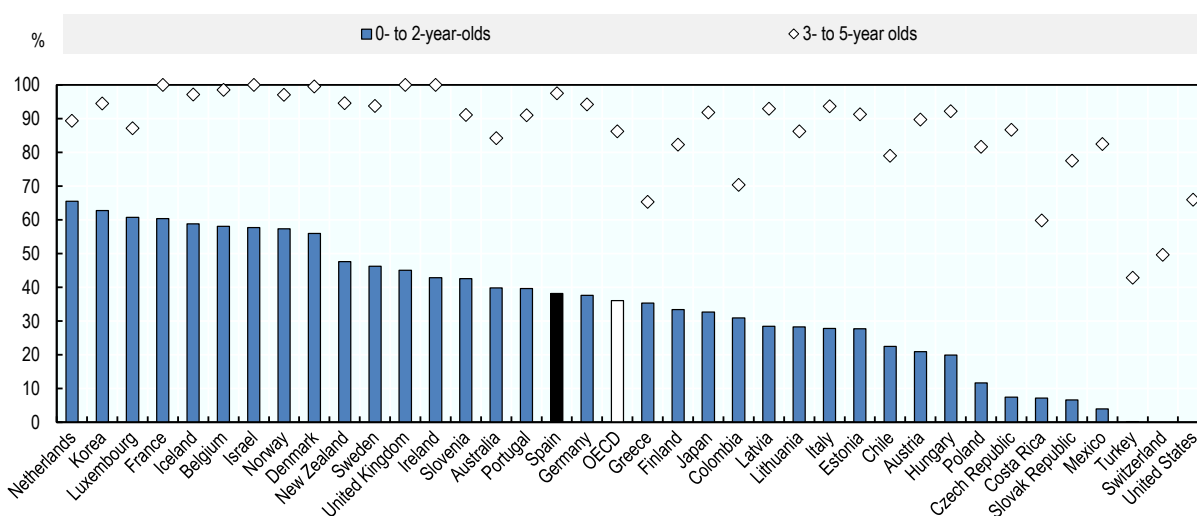
- As discussed in the Study on the Economic Implementing Framework of a Possible EU Child Guarantee Scheme by the European Commission (2021^[26]), providing free childcare may solve the problem of affordability for children from poor families, but it does not necessarily solve the problem of accessibility when demand exceeds supply. To achieve equal enrolment opportunities, childcare would need to be available in diverse neighbourhoods. It is equally important to have clear priorities that balance economic functions (employment) and social functions (parent support, reduction of poverty) when confronted with shortage.
- Germany developed ways to encourage local actors to develop the provision of collective childcare for young children through binding policies and by identifying a lead partner with legal and even financial responsibilities. Municipalities have the legal obligation to provide a childcare place either in centre-based or in home-based care for children from age 1, and in centre-based ECEC for children aged 3 years and older. If a place is not offered to a child, parents can take legal action (Box 7.1).
- A similar approach is used in Sweden, where each child aged 1-5 should be offered a place in a pre-school facility within four months of application to the municipality. Only the place is guaranteed, not the particular facility. The combination of national guidelines (including legal entitlements and maximum fees) and municipal governance ensures reasonable adaptation to local needs (e.g. childcare at odd hours), whereas the national curriculum and the presence of highly qualified professionals ensure basic quality (European Commission, 2021^[26]).
- The cases of Bulgaria and Slovenia illustrate that the most vulnerable children may need additional support, even in cases of universal access and means-tested fees (European Commission, 2021^[26]). In situations of extreme poverty or significant cultural gaps between families and schools,

additional services, such as additional support for teachers and building trust with families, are both needed and feasible.

- While the coverage of ECEC in Poland is still below the EU average, it has been increasing rapidly in recent years through: (1) increases in funding with preferential access for areas with higher risks of unemployment and a weak economy; (2) targeting children from disadvantaged neighbourhoods and children with disabilities through easier access to the facilities and reduced or free-cost ECEC provision; and (3) regular evaluation of the implementation to adjust the legislation when needed (European Commission, 2021^[26]).

Figure 7.3. Participation in ECEC in Spain is around the OECD average

Percent of 0- to 2-year-olds enrolled in early childhood education and care services and percentage of 3- to 5-year-olds enrolled in early childhood education and care or primary education, OECD and key partner countries, 2018 or most recent available



Note: For 0- to 2-year-olds: Data generally include children enrolled in early childhood education services (ISCED 2011 level 0) and other registered ECEC services (ECEC services outside the scope of ISCED 0, because they are not in adherence with all ISCED-2011), but exact definitions differ across countries. Data for Korea are based on information supplied by Korean Educational Development Institute (KEDI) to the OECD, and refer to children in the given age range at the start of the given year who were attending ECEC on 31 March of the given year. The statistic refers to 2019 for Belgium, the Czech Republic, France, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, the Netherlands and Poland; and is not available for a recent year for Switzerland and the United States. For 3- to 5-year-olds: Data include children enrolled in early childhood education and care (ISCED 2011 level 0) and primary education (ISCED 2011 Level 1). The statistic refers to 2017 for Greece, Poland and New Zealand. See OECD Family Database Indicator PF3.2 for more detail.

Source: OECD Family Database, Indicator PF3.2, <http://www.oecd.org/els/family/database.htm>.

Box 7.1. Governance of ECEC services in Germany

German law specifies that municipalities have to provide a childcare place either in centre-based or in home-based care for children from age 1, and in centre-based ECEC for children aged 3 years and older. If a place is not offered to a child, parents can take legal action.

Multi-level governance has led to a decentralised system of early education and childcare system. Responsibility for early childhood education and care (ECEC) services are shared between the federal government (*Bund*), the 16 state-level parliaments and local government bodies who work in partnership with a wide range of non-governmental agencies and service providers. The

Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSJ) is responsible at the central level, however, core competences are in the hands of the regions (*Länder*), which regulate ECEC within the framework set out by national legislation (for instance, the Social Code Book, and the Child and Youth Act). In most regions, the education department is in charge of ECEC and in some regions, the task fall to the social affairs department.

ECEC frameworks include unified and separate settings as well as home-based family day care and out-of-school provision. In Germany, family day care for children under age 3 is considered equal to centre-based ECEC in law (Social Code Book, Child and Youth Act, SGB VIII § 24). For children of 3 years or older, it is mainly used as an additional option if the opening hours of ECEC centres are not sufficient.

There is considerable variance in funding, provision and regulatory procedures at the local level. At the federal level, the BMFSJ is the main public body with responsibility and 'stimulatory competence' for ECEC. At the regional level, the 16 Ministries of Youth Affairs provide a framework for ECEC service provision and financing based on the main principles of the federal-level legislation and regulate certain issues not specified by federal law. At the local level, the municipalities (*Kommunen*) are in charge of organising and securing funding for early education and childcare provision in co-operation with service provider organisations.

While the funding of ECEC provision is first and foremost a responsibility of the regions and the municipalities, parents may also pay fees, usually income dependent. Since funding practices are regulated through regional-level legislation, these differ considerably across the country. For example, Berlin and Hamburg offer free ECEC for all children. In Rhineland-Palatania, ECEC is free from the age of 2. Bremen, Niedersachsen and Hesse waive the fees from age 3. Brandenburg, North Rhine-Westphalia and Thuringia offer free ECEC for all children during the year before starting primary education.

The development and enforcement of standards for ECEC services such as structural requirements (building, space, outdoors, and pedagogical materials), training levels of staff, staff-child ratios, and working conditions also differ between regions. For example, childminders must qualify through a specific course for family day care, the content of which varies between regions, however, several have adopted a curriculum developed by the German Youth Institute on behalf of the BMFSJ corresponding to 300 hours of training. In other regions, trainees are only required to complete a course of 30 hours.

Finally, the responsibility for monitoring and evaluating lies with the local authorities or other bodies operating ECEC settings. ECEC providers are expected to provide a detailed outline of their evaluation mechanisms and quality provision to obtain their operating license. However, the only region that carries out a systematic and centralised evaluation of the ECEC system is Berlin through the Institute for Quality Improvement in Early Childhood Provision.

Out-of-school-hours services

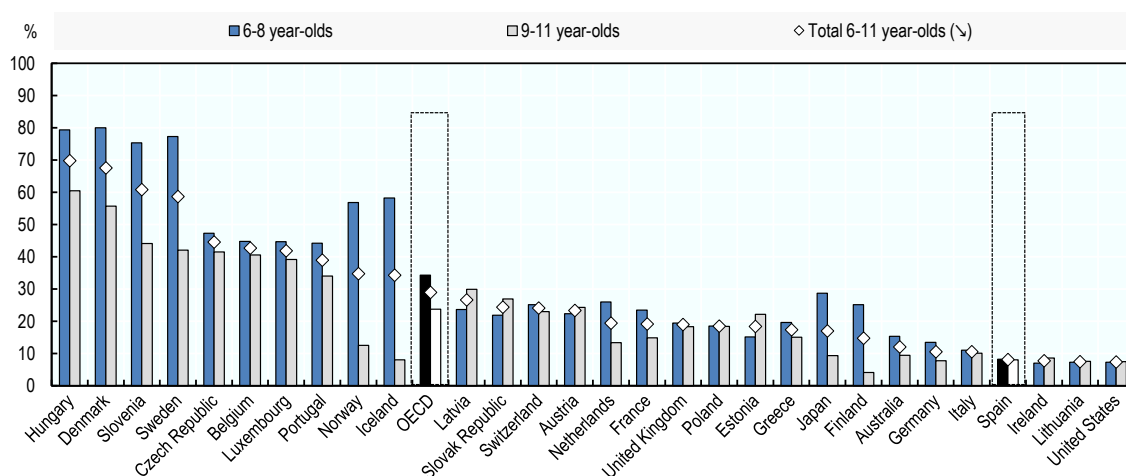
Childcare issues do not disappear once children enter pre-primary or primary school (OECD, 2017^[18]). Children in the educational system do spend a large amount of time at school, but opening hours are frequently incompatible with a full-time working week and school holidays are almost always longer than annual leave entitlements for employees. Informal care services provided by friends or relatives can help, but these are not always available and working families with school-age children often need to find additional formal solutions both before and after school, and also during school holidays. In most OECD countries out-of-school-hours (OSH) care services remain under-developed (European Commission - Directorate-General for Justice, 2013^[27]; Plantenga and Remery, 2017^[28]), which can

present a major obstacle to full-time paid work for parents with school-age children. It may also help explain why many mothers in OECD countries continue to work only part-time even as their children grow up (OECD, 2016^[17]).

Only a few OECD countries have developed extensive OSH care systems for school-age children. However, all too often the provision of OSH services depends on the goodwill of local authorities and/or stakeholder actions. In Denmark, Hungary, Slovenia and Sweden more than 50% of children aged 6 to 11 go to centre-based OSH services during a typical week (Figure 7.4), with these rates reaching around 80% for children at the younger end of the age bracket (aged 6 to 8). In Denmark and Sweden, OSH services are often co-ordinated with school authorities to provide all-day care for children, with services normally provided on school premises or nearby, and opening hours usually stretching until at least 5pm. In some OECD countries, the costs of OSH care are also subsidised. In Denmark, services are often offered free to low-income families, while in Sweden there is a maximum fee of around 2% of gross household income for the first child and lower rates for subsequent children, ensuring that OSH services are generally affordable for most families.

Figure 7.4. Participation in out-of-school-hours care is amongst the lowest in Spain

Participation rates for 6-to-11-year-olds^a in centre-based out-of-school-hours (before and/or after school) care services, by age group, 2014 or latest available^b



Note: Data generally reflect the proportion of children who use centre-based out-of-school-hours care services for at least one hour during a usual week. Data generally cover the use of services offered before and/or after school hours only, and do not cover 'school-going' children who use centre-based care services only during school holidays or only on days when schools are closed. Exact definitions do vary slightly across countries. See OECD Family Database (<http://www.oecd.org/els/family/database.htm>) Indicator PF4.3. for country-specific notes and more detail.

a) Data for Australia refer to the age groups 6 to 8, 9 to 12 and 6 to 12 respectively; for Japan to children aged 7 to 11 and the age groups 7 to 8 and 9 to 11; and for the United States to children aged 5 to 11 and the age groups 5 to 8 and 9 to 11.

b) Data for the United States refer to 2011, and for Hungary and Norway to 2013.

Source: OECD Family Database Indicator PF4.3, <http://www.oecd.org/els/family/database.htm>.

In Spain formal after-school care is still scarce. Autonomous communities can set school hours and terms to assist with the gap in care. However, there is a wide range of options for families with younger school-age children who still require near-constant care depending if services are private or public. Some families in Spain can utilise informal care through relatives while others rely on public after-school centres. According to an indicator based on the EU-SILC in 2017, only 5% of children attended such centre-based care in Spain which is considerably lower than the 28.6% OECD average and is the lowest share among

EU and OECD countries for which data were available. In some parts of the country, the regional authorities offer funding for out-of-school programmes, services and families school associations. These school families associations provide services that compensate for a lack of public services, particularly in well integrated communities and middle class neighbourhoods (Comas et al., 2013^[29]).

Investing in subsidised childcare can lead to a decrease in the cost of children in terms of career and income opportunities thus stimulating (female) labour supply. Providing childcare services may also be part of policy focusing on social inclusion given that higher labour force participation is likely to reduce the risk of poverty. These interventions are particularly important given the impacts of poverty on children's well-being and potential negative long-term effects on educational achievements and future changes. (Thévenon et al., 2018^[4]; OECD, 2011^[30]). Investment in good-quality child care services, including services for school age children, can provide strong foundations for child-development including social, emotional and cognitive capacities (Acquah and Thévenon, 2020^[31]; Plantenga and Remery, 2017^[28]). While the Barcelona objectives (Box 7.2) focuses on childcare for the youngest age groups (0-2 years) and children in the age groups 3 years to compulsory school age, the European Pillar of Social Rights includes an initiative for work-life balance for parents and carers which was adopted by the Council of the European Union in June 2019.

Box 7.2. Barcelona objectives

In 2002, the Barcelona European Council recognised that availability, accessibility and affordability of high quality childcare facilities is crucial for enabling women and men, with caring responsibilities, to participate in the labour market. As a result the *Barcelona objectives* set two main targets with regard to the availability of high quality and affordable childcare facilities for pre-school children:

“Member states should remove disincentives to female labour force participation and strive, taking into account the demand for childcare facilities and in line with national patterns of provision, to provide childcare by 2010 to 90% of children from age 3 until mandatory school age; and to 33% of children under 3 years of age.”

The objectives discern that the availability and use of childcare are influenced by several factors: namely legal entitlement to childcare, accessibility and quality as well as the adaptability of the services to the needs of parents, including distance to the childcare facilities and opening hours adapted to working patterns and needs.

In 2013, the European Commission's report on the 2010 Barcelona objectives stated that, although progress was made since 2002, the provision of childcare was still not in line with the Barcelona targets and that significant improvements were needed to achieve a satisfactory level of availability, especially for children under 3. Since the 2013 report high quality early childhood education and care has also been recognised an important tool to tackle possible social disadvantages of children and is good for the cognitive and social development of children from an early age.

The 2018 report on the Barcelona objectives outlines that the targets were also restated in the European Pact for Gender Equality (2011-20) and referred to in the Europe 2020 Strategy. Influence of the Barcelona objectives can be found in the European Pillar of Social Rights, work-life balance initiative adopted by the Commission in 2017 as well as the 2013 Commission Recommendation on 'Investing in children: breaking the cycle of disadvantage' and the Education and Training 2020 Strategic Framework.

Source: European Commission – Directorate-General for Justice (2018^[32]), Barcelona Objectives, European Union, Luxembourg, https://ec.europa.eu/info/sites/default/files/bcn_objectives-report2018_web_en.pdf?cookies=disabled

In many OECD countries, children are more likely to use centre-based out-of-school-hours services when they come from relatively advantaged socio-economic backgrounds.¹ For example, in several OECD countries, participation rates in OSH services for 6- to 11-year-olds increase with household income. This is particularly the case in France, Germany and the Netherlands, where participation rates for children from high-income backgrounds are around 20 percentage points or higher than those for children from low-income backgrounds. Similarly, in a number of OECD countries, children are also more likely to use OSH services when their mother holds a university-level qualification. Gaps in participation rates between children whose mothers have and have not attained tertiary education are largest in France, Portugal and the Netherlands (18 to 20 percentage points). To stimulate participation of children from disadvantaged socio-economic backgrounds, services in Denmark are often offered free to low-income families. In Sweden, there is a maximum fee of around 2% of gross household income for the first child and lower rates for subsequent children, to ensure that OSH services are generally affordable for most families.

Regulations and guidelines on child-to-staff ratios in out-of-school-hours services differ considerably across countries.² In some countries, such as the Netherlands, New Zealand, and certain Länder in Germany, guideline child-to-staff ratios are as low as 10:1 (i.e. 10 children per member of staff), whereas in others like Greece and Poland guideline ratios are much higher at 25:1. Some countries (e.g. Ireland, Latvia, Norway, Spain) have no official guidelines or regulations. Generally, child-to-staff ratios for OSH services are a little higher than those for services for younger children³ – and especially very young children – which helps make OSH services relatively less expensive.

Regulations and guidelines on child-to-staff ratios in out-of-school-hours services differ considerably across countries.⁴ In some countries, such as the Netherlands, New Zealand, and certain Länder in Germany, guideline child-to-staff ratios are as low as 10:1 (i.e. 10 children per member of staff), whereas in others like Greece and Poland guideline ratios are much higher at 25:1. Some countries (e.g. Ireland, Latvia, Norway, Spain) have no official guidelines or regulations. Generally, child-to-staff ratios for OSH services are a little higher than those for services for younger children⁵ – and especially very young children – which helps make OSH services relatively less expensive.

The *Out-of-school care: Provision and public policy* (Eurofound, 2020^[33]) report provides an outline of the organisation of OSH services, take-up of OSH, activity types, and the main barriers of accessing OSH including affordability, availability and quality of services. The report provide insight about policies to support OSH provisions as seen by the examples below:

- Local authorities in **Denmark** have the possibility of using elementary schools, their amenities and outside areas for play and recreational activities for children outside normal school hours. This option is called school-based leisure time facilities and has proven very popular with municipalities and parents. Municipal councils decide the level of parents' monthly contributions for OSH. There are four types of subsidies available: (i) economic free seat (free place) subsidy for families with low income; (ii) sibling subsidy for families with more than one child; (iii) subsidy in relation to treatment for children with physical or mental disabilities; (iv) subsidy in relation to social work for children who need OSH because of social or pedagogical reasons.
- **Sweden** seems to have one of the most developed OSH schemes. While OSH services initially focused on child supervision, the role of leisure centres has gradually shifted towards complementing compulsory schooling in terms of both education and play. The availability of OSH has increased significantly since then, and take-up reached around 90% for children aged 6 to 9 years in 2017. With the majority of children already enrolled in OSH programmes, the main points of policy discussion now relate more to the quality of OSH than how to increase participation.
- By far the most popular and widespread types of OSH activity are recreational. In **Finland**, the focus is also on play and other indoor and outdoor activities under adult supervision, including sports, music, arts, and crafts. In **France**, cultural activities (such as music, drama and drawing)

dominate the curriculum, followed by outdoor sports initiatives. The activities are usually organised in cycles or in a logical progression so as to respect educational advancement, and they regularly lead to a final goal that depends on the nature of the activity (for example, show, object, game, book, tournament, artistic work).

- An Australian guide to outside school hours care provisions has been developed for regional government schools to support school councils, principals and staff in Outside School Hours Care (OSHC) services. The guide provides an overview of legal requirements and regulations under the National Quality Framework and key information to support quality service delivery. The guide provide information relevant to decisions related to establishing an OSHC service and providers managed by either school councils or managed by a third party.

Positive parenting programmes

Reviews show that parenting programmes affect both parents and children positively (Taguma, Litjens and Makowiecki, 2012^[34]) (OECD, 2012^[35]). The Harvard Family Research Project found that about one-third to one-half of the variation in school outcomes between poor and not poor children can be accounted for by differences in parenting (Brooks-Gunn and Markman, 2005^[36]). For instance, children whose parents often read to them show markedly higher scores in PISA 2009 than students whose parents read with them infrequently or not at all, regardless of their family's socio-economic background (OECD, 2011^[37]). Parents strongly influence child outcomes and children's cognitive and linguistic development, their understanding or knowledge of child development also plays an important role (Yoshikawa, 1995^[38]). Parenting programmes can lay the basis for improved parenting.

Unicef (2020^[39]) broadly defines parenting programmes as a set of activities or services aimed at improving how parents approach and execute their role as parents, specifically their parenting knowledge, attitudes, skills, behaviours, and practices. Parenting programmes reinforce parents' child rearing skills and promote the family's social integration. Within various parenting support interventions, positive parenting strategies have shown to have lifelong impacts on child well-being and development. Positive parenting focuses on parental behaviour based on the best interest of the child that is nurturing, empowering, non-violent and provides recognition and guidance which involves setting of boundaries to enable the full development of the child.

Overall findings from parenting programmes indicate that:

- parents feel more secure in interactions with their children, boost their sense of well-being and benefit their children;
- parents increase self-confidence in good parenting, particularly for poor families;
- parents better understand appropriate educational practices and improve children's educational outcomes, especially in literacy;
- parents are more likely to talk directly with the practitioner and be better able to help their children at home with learning and homework;
- participants reduce their reliance on public assistance, find employment, earn college credit or degrees, and own homes after their experience with the programme; and
- access points provided at ECEC centres or through home visits have been reported as key in empowering parents to engage in their children's learning.

Gains in parenting skills and knowledge of child development and learning were found through participation in education courses and engagement in the ECEC service (Ministry of Education, 2008^[40]). Furthermore, training parents of pre-schoolers to help their children's learning at home has been found to have positive results on later school achievements, regardless of family background or income (Graue et al., 2004^[41]).

Early Head Start parents participating in programmes offering child development services with parenting education through home visits were found to be more supportive of their children during play, more likely to read to their children every day, and less likely to smack their children than parents who did not participate (Love et al., 2005^[42]).

Parenting support policies can take alternative forms. On the one extreme, universal support available to all parents is offered as a preventative action to combat social inequalities; though some families can still receive more intensive support than others. At the other end of the spectrum, these policies involve more targeted support, with an explicit aim to correct dysfunctional practices and ensure child protection, emphasising parental responsibility, through for example, mandatory parental actions or parental support coupled with threats of sanctions.

In Spain, autonomous communities develop family support plans and laws with the help of advisory bodies comprising of relevant stakeholders and representatives. Autonomous Communities are setting up positive parenting programmes focused on supporting disadvantaged families to raise children in contexts of pervasive poverty and structural sociocultural exclusion. Through their work of representing and working with families and children, active participants in the local welfare system such as local entities, social partners and family-specific NGOs have the potential to contribute in other areas of family support such as the development and implementation of positive parenting programmes. Parenting programmes outlined in the social services catalogue of different Spanish regions include examples such as Family Classrooms (*Aulas de Familia*) in Castilla – La Mancha; The Family Competence Programme in the Balearic Islands; Programme for the Development of Emotional, Educational and Parental Competences in Asturias.

However, insufficient funding and personnel and an unclear focus on which goals are being pursued places the autonomous communities in need of co-ordination to ensure minimum availability, standards of quality and efficiency. The co-ordination could also be used to share good practices and lessons learned, from both internal and international initiatives. For instance, the European Platform for Investing in Children (EPIC) provides information on a range of positive parenting interventions and their effectiveness. The platform differentiates programmes by best practices, promising practices and emerging practices.

Best practices

1. *The Home-Start programme*, which is implemented in many EU countries, is a home visiting intervention in which volunteers with childcare experience (usually parents) give support to struggling families with children at least one of who is of preschool age. Home-Start targets families and mothers that are under stress or have little parental experience or lack a social support network. Home-Start offers friendship and emotional and practical support helping to prevent family crisis and breakdown and emphasising the pleasures of family life.
2. *Incredible years* developed in the United States is a preschool basic parent programme consists of eight to 12 weeks of 2-2.5 hour parenting sessions designed to teach parents how to recognise and treat their child's emotional and behavioural problems through positive parenting. This programme can be used for parents of preschool children who already have or are at-risk to develop conduct problems (including antisocial behaviour, frequent anger, and a propensity towards violence). This programme has also been successful in Sweden and the United Kingdom (Axberg, Hansson and Broberg, 2007^[43]; World Health Organization, 2013^[44]).
3. *Triple P Positive Parenting Program* is a multilevel parenting programme set originally in Australia to prevent and offer treatment for severe behavioural, emotional, and developmental problems in children. The transferability of the programme has proven a success in a number of OECD countries including Switzerland (Cina et al., 2011^[45]), the Netherlands (Graaf et al., 2009^[46]), Japan (Fujiwara, Kato and Sanders, 2011^[47]), Germany (Hartung and Hahlweg, 2010^[48]), Australia (Morawska et al., 2011^[49]), the United Kingdom (Tsivos et al., 2015^[50]) and New Zealand (Chu et al., 2015^[51]). In Australia, the *Triple P* intervention for parents of children with early-onset

disruptive behaviour problems, has been adapted into an internet-delivered self-help version. The intervention provides interactive instruction on the use of core positive parenting skills which are presented in sequenced modules and in a linear format (i.e. module completion opens access to the next module), which allows users to review previously completed modules. This online version has demonstrated effectiveness in a number of RCTs, demonstrating improvements in parental confidence, positive parenting behaviours and improvements in the child's social functioning and reductions in aggression (Sanders, Baker and Turner, 2012^[52]) (Sanders et al., 2014^[53]) (Acquah and Thévenon, 2020^[31]).

Promising practices

4. *Community Mothers' Programme* targets first-time parents living in disadvantaged areas and is aimed at providing support and encouragement to first-time parents through home visits from volunteer "community mothers". The programme focuses on promoting parent capacity and parent empowerment, specifically by developing of **positive parenting** skills and enhancing parents' self-esteem. Some of the methods used include the promotion of parents' potential through a behavioural approach in which parents are encouraged to stimulate, breast-feed, and praise their children, as well as ensure their safety.
5. *The Parents Plus Early Years Programme* (PPEY) is a 12-week **positive parenting** course for parents of 1 to 6-year-old children, especially designed for parents to learn to manage their child's behavioural problems or mild developmental disabilities. The course consists of seven, two-hour group meetings with 8-12 parents and 1-2 facilitators, and five individual sessions with parents, child and a therapist.

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Notes

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² OECD Family Database, Table PF4.3.A. Guidelines on child-to-staff ratios in centre-based out-of-school-hours services for school-age children, <https://www.oecd.org/els/family/PF4-3-Out-of-school-hours-care.pdf>.

³ OECD Family Database, Table PF4.2. Quality of childcare and early education services, <https://www.oecd.org/els/family/PF4-3-Out-of-school-hours-care.pdf>.

⁴ OECD Family Database, Table PF4.3.A. Guidelines on child-to-staff ratios in centre-based out-of-school-hours services for school-age children, <https://www.oecd.org/els/family/PF4-3-Out-of-school-hours-care.pdf>.

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8

Improving policy coherence and efficiency

Improving policy coherence and efficiency has become an important goal across OECD governments in recent decades. This chapter analyses two separate mechanisms that have been used by OECD countries to address this challenge: policy co-ordination and the implementation of Monitoring and Evaluation systems. First, both vertical and horizontal forms of policy co-ordination are particularly relevant for cross-cutting, multidimensional policy challenges and fragmented administrative structures within national governments. Furthermore, several OECD countries have established dedicated teams to monitor and evaluate public sector delivery, which is a major step towards an agile and responsive government that is well equipped to address complex policy challenges in a more effective and efficient manner.

Facilitating co-operation across different policy areas and government levels

In recent decades policy co-ordination to achieve greater policy coherence has become particularly relevant for many OECD countries, mainly due to the emergence of cross-cutting, multidimensional policy challenges and the subsequent automatised of administrative structures illustrated by the exponential growth of agencies and other autonomous bodies (Alessandro, Lafuente and Santiso, 2013^[1]). Vertical co-ordination across different levels of government within the same policy sector and horizontal co-ordination across different sectoral unities (ministries, agencies) are both relevant.

Vertical co-operation in policy making could be facilitated by the creation of “super-ministries”, which are expected to provide vertical co-ordination among the large number of administrative units existent within a policy sector. An example of this sort of mechanism is the Conference for childhood and youth policy in Switzerland (*Conférence pour la politique de l'enfance et de la jeunesse*, CPEJ). In Switzerland, cantons, cities and municipalities have the lead competence over all matters related to childhood, while the federal government (or Confederation) oversees certain aspects of child policy. The CPEJ is made up of the cantonal contact services for childhood and youth policy and is responsible for co-ordinating childhood and youth policy at the inter-cantonal level. The CPEJ is a technical conference for the Conference of cantonal directors for social affairs (*Conférence des directrices et directeurs cantonaux des affaires sociales*, CDAS) and manages the implementation of children rights as well as the development of childhood and youth policy in the country. The CPEJ co-ordinates actively with the federal government, and advises and informs all organs of the CDAS on matters related to childhood and youth. Indeed, the federal law on the promotion of childhood and youth mandates for the increasing collaboration and exchange of information between the Confederation and the cantons on these issues (Federal Social Insurance Office, 2019^[2]).

A similar approach could be followed to encourage horizontal co-ordination, by establishing inter-ministerial committees that focus on broad policy areas (social, economic, environmental), or on specific topics or issues. For example, in Mexico, the 2013 launch of the National Crusade against Hunger required the co-ordination among 19 national-level agencies, 31 states and 400 municipalities. To succeed in this endeavour, the central government equipped an inter-ministerial commission with the authority to select programmes and modify their budgets; while commissions at the state and local level were supposed to share relevant information. The overall programme also had a technical secretariat housed in the Ministry of Social Development, and was evaluated by Mexico's National Council for the Evaluation of Social Development Policy. The evaluation showed that the federal-level commission was the most successful at achieving true co-ordination, while success at lower levels varied from state to state (Cejudo and Michel, 2017^[3]).

In the case of Spain, the state government reference authority for family policies, the General Directorate for Family Diversity and Social Services of the Ministry of Social Rights and Agenda 2030, already works with an inter-territorial commission, which includes family support representatives from the Autonomous Community administrations, and with an inter-ministerial commission, which includes representatives from relevant ministries in the family policy making arena.

Setting up a Monitoring and Evaluation (M&E) system

Evidence-informed policy making can be defined as the process of consulting different sources of information (including statistics and the best available research evidence and evaluations) are consulted before making a decision to design, implement, and (where relevant) change public policies and programmes (OECD, 2020^[4]). Encouraging an evidence-informed approach to policy making is a critical step towards a government that is well equipped to address complex policy challenges in a more effective and efficient manner.

As a result, a number of OECD countries have established dedicated teams to monitor and evaluate public sector delivery, whilst ensuring that the government makes use of the evidence that is generated throughout that process. For example, in the United Kingdom, a dedicated team within the Cabinet Office supports the government's 'What Works Initiative', which is aimed to improve the way government and other institutions generate, share, and use high quality evidence for decision making. In the United States, a dedicated Evidence Team within the Office of Management and Budget (OMB) acts a central hub of expertise across the federal government, working with other OMB offices in order to set research priorities and ensure the use of appropriate evaluation methodologies in federal evaluations. In Italy, the Office for the Programme of Government of the Prime Minister's Office monitors and assesses progress on the implementation of the government programme, while in Korea, the government Performance Evaluation Committee is responsible for evaluating the policies of central government agencies on an annual basis. Mexico has a decentralised public body called the National Council for the Evaluation for Social Development Policy (CONEVAL), with the autonomy and technical capacity to generate objective information and evaluations of social policy, while Colombia created a National Monitoring and Evaluation system within the Ministry of Planning.

In the case of Spain, evaluations at the central government level are carried out by individual ministries as well as by the Institute for the Evaluation of Public Policies, a sub-directorate within the Ministry for Territorial Policy and Public Function. The Institute for the Evaluation of Public Policies was created in 2017 and is responsible for the drafting of guides on good practices in evaluation, which are expected to serve as support for different agencies in charge of designing and implementing evaluations. In addition, this body promotes M&E training for public employees, advises on evaluability of the plans and programmes during the planning stage, and it is in charge of several strategic plans to carry out *ex-post* evaluations.

Promote regular monitoring and evaluation involving different actors

Despite the advances made in developing an M&E culture in OECD countries, the latest progress report from the Global Partnership for Effective Development Co-operation (OECD/UNDP, 2014^[5]) concludes that further efforts are needed as important challenges remain, such as limited technical capacity, lack of resources, poor data availability and quality, and underuse of results information by policy makers.

A potential approach to tackle the latter challenge is to encourage the design and implementation of regular M&E activities (as opposed to one final independent deliverable) in order to provide insights that can shape programmes even while they are being implemented. A regular monitoring system can be established to track progress towards the expected changes, while the evaluation work stream can serve to provide explanations on the advances and reasons behind such progress. The results information produced from both systems can be consolidated and then used for internal management and/or external reporting.

As an example, Poland designed and established a regular evaluation system of the implementation of the Act of 4 February 2011 on Childcare Services for Children, which triggered several adjustments of the legislation, including the extension of the catalogue of entities that may create care institutions and the adaptation of requirements for the establishment of ECEC facilities. This evaluation system is considered to have been one of the main factors contributing to the rapid increase in ECEC coverage that Poland has experienced in the past few years (European Commission, 2021^[6]).

Strengthen data infrastructure

The quality and availability of data (big data, open data, statistical data, programme monitoring data, etc.) is a key factor in how easily a policy can be evaluated (OECD, 2019^[7]; OECD, 2020^[8]). Similarly, the quality of data has an important influence on the rigorousness of the resulting evaluation. In order for data to meet the quality criteria to be used for evaluation, it needs to be accurate, verifiable and documented.

Consequently, evidence-informed policy making can be hindered by the lack of available adequate data and the capacity gaps among government departments and agencies to generate it in a format that can be used. Such challenges include understanding what data and datasets currently exist across institutions and how they can be used for policy analysis. Evaluators and analysts are not necessarily aware of all the data that exists nor do they necessarily have access data across agencies, which may be especially true of external evaluators.

Evidence from the OECD OURData Index suggests that the countries achieving better results in evidence-based policy making are those that clearly assign the responsibility to co-ordinate open data policies. For example, in the United States, the federal government sought to increase the use of evidence in policy making across all federal agencies, acknowledging that some agencies were already excellent at using evidence while others lacked the skills or capacity necessary. In 2019, the Foundations for Evidence-Based Policy-Making Act was approved. The law pushes agencies to adopt stronger evaluation practices in order to generate more evidence about what works and what needs improvement, and establishes that any data collected should be made accessible across agencies and to external groups for research purposes.

Disseminate evaluation results

Finally, a key step to promote the use of evidence in policy making is that the results of M&E activities are made available to their intended users – simply put, that evaluation results are communicated and disseminated to stakeholders (OECD, 2020^[9]). Making evaluation results public is an important element to ensure impact and thus increase the use of evaluations.

Evaluation results are increasingly made public by OECD countries, through increased openness and transparency. In Poland, for example, all evaluations commissioned, including those concerning the implementation of EU funds, must be made accessible to the public. To facilitate this task, and with respect to the evaluations related to Cohesion Policy, a national database has been created and all evaluations are published on a dedicated website.¹ This platform shares the results of more than a thousand studies conducted since 2004, as well as methodological tools aimed at evaluators.

Norway's evaluation portal is also a publicly accessible web service that gathers all the findings of evaluations carried out by the central government.² This database is operated by the Directorate for Financial Management and the National Library of Norway. It contains evaluations carried out on behalf of government agencies from 2005 until today, as well as a selection of central evaluations from 1994 to 2004. Evaluation reports are registered in the database as soon as they are made available to the public. Moreover, the portal provides evaluation guidelines, a calendar of the key activities in the evaluation area, news and professional papers.

Similarly, the European Platform for Investing in Children (EPIC) is an evidence-based online platform which consolidates information on policies for children and their families in Europe. The platform serves as a tool for monitor activities implemented across member states triggered by the Recommendation for Investing in Children. It also helps as a repository for sharing the best of policy making for children and families and to foster co-operation and mutual learning in the field.

It is important to highlight that the way evidence is presented and disseminated should be strategic and driven by the evaluation's purpose and the information needs of intended users (Patton, 1978^[10]). Tailored communication and dissemination strategies that increase access to clearly presented research findings are very important. These strategies include the use of infographics, online seminars, and the dissemination of 'information nuggets' and parts of storytelling through social media and other entertainment platforms. A good example of tailoring evidence results to reach a large audience is the Australian series *Life at*, which was filmed in conjunction with the long-term scientific study, *Growing Up*. *Life At* is an observational documentary series that chronicles the lives of a select number of children as

they grow from infancy to adolescence, aiming to show what it takes to give a child the best chance in life. As the lives of the sampled children unfold, the series rigorously examines the complex question: what it is that makes us all thriving, independent, and creative human beings?

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Part III Directions for reform

9 Improving family policy in Spain

This chapter provides a series of recommendations that are intended to highlight potential directions for reform of Spanish family policy. The first set of recommendations describes how a new legal framework for family policy could incorporate the increasing diversity of family forms and family life in Spain. The second part covers policy measures to improve family well-being through reducing child poverty and making family life easier for all. The third section discusses measures that could improve coherence and efficiency of family policy, including co-operation mechanisms across policy areas and government levels and monitoring and evaluation instruments.

Introduction

Family support in Spain is comprehensive but insufficient and fragmented. Its insufficiencies relate to comparatively low benefit amounts that leave even families that receive them at a high risk of poverty. Its fragmentations relate to a piecemeal adaption of the legal framework for family policy to changes in the profile of the ‘typical’ Spanish family and to increased needs of certain families, but with different conditions for receiving certain allowances or tax advantages across different types of benefits and across the national territory.

There is currently a political will to introduce national-level reforms of the Spanish family support system. The General Directorate of Family Diversity and Social Services of the Ministry of Social Rights and Agenda 2030 requested the support of the Directorate General for Structural Reform Support (DG REFORM) of the European Commission and the Directorate for Employment, Labour and Social Affairs of the OECD for the design of a White Paper for a new national framework on family support and protection. The present report is the final output of this project.

The below recommendations build upon Part I of this report on the current situation of family support and protection in Spain and upon Part II on good practices in other EU countries, as well as numerous interactions with Spanish stakeholders and international experts. The recommendations are intended to highlight directions for reform based on elements of policies and programmes from other countries which, properly adapted and integrated into the overall Spanish policy landscape, could point towards ways of addressing certain weaknesses of current Spanish family policy.

The structure of the recommendations is as follows: The first part focuses on selected features a new legal framework for family policy could incorporate. The second part covers policy measures to improve family well-being through reducing child poverty and making family life easier for all. The third and final section discusses monitoring and evaluation instruments that can be incorporated in future policies and programmes. These different elements can reinforce each other: A legal framework that introduces harmonised definitions for family units and common criteria to assess economic resources can broaden the number of families who are eligible for different benefits and make access conditions more transparent, and thereby lower child poverty and improve family well-being. Creating a monitoring and evaluation system that provides feedback on the impact of policies can provide useful information for further policy design and implementation.

Incorporating the diversity of families into a new legal framework for family policy

Over the past few decades, the profile of Spanish families and views on gender roles and family diversity have shifted quite dramatically. Families have on average become smaller, and the share of children living with two married parents has declined. Over the same period, women entered the labour market in much greater numbers, and many fewer individuals believe that a mother’s place is only in the domestic sphere. Fathers on average still spend less time caring for their children and doing household chores than mothers do, but the amount of time they spend on these unpaid work tasks has nonetheless increased.

While family law has evolved quite strongly alongside these societal changes, family policy – the combination of benefits, services, tax breaks and leave arrangements that support family members in raising and providing care to minor children and other dependent persons – has undergone some alterations but few major reforms. With regards to family law, it has become possible for same-sex couples to get married, for all married partners to get divorced, and for separating and divorcing parents to share physical custody for their children. With regards to family policy, the only national legal framework currently in place is the 2003 Law regarding the Protection of Large Families, which builds on prior versions of the

law. The law grants large-family status to families with three or more children, as well as to smaller families facing certain challenges such as the death of a parent or the disability of a family member. Non-widowed and non-disabled single parent families with fewer than three children currently do not receive benefits under the large family law, but different other laws and regulations and some Autonomous Communities do make specific reference to their status.

Moving from a ‘large family’ to a ‘families with larger needs’ law

The ‘Law of large families’ has already recognised other situations of particular needs and could be the basis for an expanded legal framework. Current special situations concern families with disability or a parent death, but for example leave out single-parent families or families that have higher needs for other reasons.

- **Consider options for the replacement or extension of the ‘Law on the protection of large families’.** The goal of an extension or replacement of the large family law would be to recognise more situations of additional need than the current law does. Advantages of extending the current large family law are that, first, this extension would likely leave existing entitlements in place and thus easier to move forward politically and, second, the framework is well established in Spanish administrative practice and well-known by the public. One advantage of completely replacing the existing with a new law would be that it could allow more targeting towards families that are truly in need of support. Another advantage is that it could be structured as a true ‘framework law’ that includes harmonised definitions of different types of families or family situations and of family resources that other laws could refer to.

Harmonising definitions of the family unit and the basic features of different types of families

Different benefit and tax laws currently use different definitions of the family unit and of specific types of families despite pursuing similar goals. Whether or not parents are married can also influence eligibility to benefits and thus affect what resources children receive. For example, there may be certain tax savings related to joint children of married or single parents not available for joint children of unmarried parents.

- **Include definitions on the family unit and specific types of family situations in a general and basic state framework.** It would avoid current inconsistencies and gaps, clarify eligibilities for families and would be the fastest way to unify the requirements for rights and services guaranteed by basic state law. A definition that aligns more closely to the ‘economic or functional unit’ (individuals living together who share resources) rather than to ‘family bond’ (individuals living together related by blood, marriage, or adoption) may make sense. To ensure equal treatment, it is important to use easily enforceable and common criteria that accurately reflect the household’s budget constraints and expense sharing. For instance, in Denmark, resource sharing is assumed if cohabiters are 25 years or older, have a shared residence and have either a child or some other indicator that they are a couple, such as a joint bank account or a shared mortgage. In France, a bundle of concordant evidence such as joint property, water and electricity consumption, the existence of a single home insurance contract or the presence of a child for whom one parent assumes financial responsibility and the other receives family benefits can be used. If individuals wish to be treated as independent units, they may for example be asked to show evidence that they separately pay for rent and food.
- **Create a consistent single-parent definition.** Any regulation dealing with defining single parenthood as a protected situation faces the dilemma of whether to expand the concept from the status of single-parent family as a specific family structure to the situation of single parenthood that focuses on social risks similar to those typically linked to single-parent families, despite there being another parent responsible for the children. Such regulation also has to deal with the difficulty of

identifying single parent families in situations where parents may have new partners or live with extended family or with roommates, while at the same time not creating too important disincentives for individuals to enter stable cohabitating partnerships or new marriages. In France, parents are considered as single parents when they are single, divorced, separated, or widowed with dependent children who are already born or who are due to be born, do not live in a couple, and do not share their income and costs with a partner, cohabitee or civil partner. Living with roommates, parents or other relatives does not invalidate the single-parent status, while a temporary geographic separation of a couple does not constitute a situation of single parenthood. In case of shared physical custody, both parents can claim the single parent status on their tax form, but will split any benefits or tax advantages. To avoid that cohabitating partners fraudulently claim single parent status, different administrations may combine their data to detect individuals who claim to live apart but in reality do not. But in general, the gains in welfare of granting benefits to single-parent families that require them likely far outweigh the risk of fraud.

- **Establish a clear rule in case of separations.** Currently, when families separate, some benefits are granted to mothers only, others to the first parent who applies or who lives with the children, and yet others to both parents in proportion to their custodial time. Replacing these separate by a single rule in this area would be helpful. The most suitable rule in the context of Spanish law remains to be determined, though granting it to the first applicant could be ruled out as the best-sense rule. In some countries, benefits flow to the family unit in which the child spends 60% or more of his or her time. In some instances, when parents split custody, the benefit is either split between both parents or allocated to the lower-income parent if both parents agree.
- **Clarify the treatment of de-facto couples.** If the granting of benefits is tied to a functional rather than family-bond definition, it would stand to reason that the tax treatment of de-facto couples should be harmonised accordingly. The precise way in which this could be accomplished needs to be studied in more detail.

Creating common criteria to assess economic resources of family units

Even once there is a common definition of the family unit to determine eligibility for different means-tested benefits and tax breaks, eligibility may still vary because different programmes may have different ways of assessing total family income. Different regulations refer to different economic units, such as families based on kinship bonds, households, *unidades de convivencia* etc., and allocate the total income of the economic unit to family members in different ways. Different regulations include and exclude particular income sources and assets in different ways and deal differently with temporary situations of formal employment. This is particularly apparent when it comes to child maintenance payments, which are disregarded in some cases but in other cases are not. Then, when a payment does not actually arrive, the insolvency of the other parent or the impossibility of enforcing a support order have to be proven in order to receive benefits such as the unemployment subsidy or some regional minimum income benefits. Finally, different regulations peg thresholds to different indices such as the minimum wage and the IPREM.

- **Define a common way to assess the economic resources of family units.** The feasibility of general criteria for implementing the means test in these programmes, including detailed substantive and procedural criteria to assess the economic capacity of the members of the unit and the relevance of legal maintenance obligations towards or from third parties, could be a step forward improving objectivity and efficiency. The total income of all individuals belonging to the same family unit may be taken into account, as is the case for many benefits for example in England and France. This would also include the resources of married or cohabitating partners even if they do not have joint children. The implicit support obligation towards step-children that this implies would only exist while the couple in question is in fact living together and would end in the case of a split. Rules on which assets should and should not be considered when determining need could also be harmonised.

- **Consider the establishment of a centralised agency to assess economic resources.** The role of a centralised agency, such as the family allowance fund in France, or of the tax agency, to assess the economic resources of families and determine the benefits and costs of child services for parents could be considered for Spain.
- **Include child support payments and obligations in economic resource assessments.** For family units receiving child support payments, these should naturally be counted among income sources. However, only payments that are actually received (rather than those that *should* be received) should be taken into account; with an obligation for a benefit-receiving family to report unanticipated swings in child support or other private transfers they received periodically (such as every six months). In contrast, for individuals who have child support obligations, the outgoing payments should be deducted from the total income of their family unit or single household for the purposes of economic resource assessments for benefit receipt.
- **Peg thresholds to the same index.** In order to reduce administrative costs and create more transparency for families, it would make sense to link eligibility thresholds to a common rather than different indices. The choice of a common index would not preclude varying the eligibility threshold itself through setting lower and higher multiplication factors of the index in order to for example have one benefit that only targets families at risk of poverty while another is open to families with slightly higher income levels as well.

Guarantee minimum protection throughout the Spanish territory with room for regional enhancements

Certain benefits and tax treatments can vary from one Autonomous Community to another. Some have enacted strategic family plans and others have introduced new benefits for families or adjusted family tax deductions. In line with regional autonomy, families in similar situations can receive different benefits and may potentially lose or gain financially when moving from one part of the country to another.

- **Define a minimum protection for families at the national level in co-ordination with the Autonomous Communities.** The Constitutional Court has pointed out that basic state law must ensure “the minimum common standard in each matter”, but “leaving enough margin to the Autonomous Communities for the exercise of their powers”. Therefore, a basic national legal framework on family policy is constitutionally feasible and should be able to determine priorities, avoid territorial inconsistencies, and guarantee minimum levels of protection. The Autonomous Communities should be involved in the process of creating this national framework as they will have to align their own regulations with it so that it can lead to a more consistent use of fiscal measures to promote family well-being. An example of a national-level law that created such a national minimum is the Swiss federal law on family allowances that went into effect in 2009. Through the law, the Confederation prescribes minimum amounts for the child and education allowances, but the cantons are allowed to be more generous than these federal regulations if they choose to do so. When the law was introduced, a number of cantons already offered allowances at or above the minimum amounts, but others had to raise theirs. The cantons may also pay birth and adoption allowance, but if they do they also have to meet federally-set minimum levels. The cantons are fully responsible for their own family allowance fund.

Strengthening family well-being

Different families struggle with different challenges that may negatively affect their well-being. Children living with parents who have a low income or irregular or no employment may be at risk of poverty. Indeed, nearly one in five children in Spain lived in relative income poverty in 2018. And families of any income level may find it difficult to reconcile their work and family life or encounter parenting difficulties. This section

therefore first focuses on recommendations for reducing child poverty and then on measures that could serve to make family life easier for all.

The comprehensiveness and, in some cases, costliness, of these recommendations may be at odds with budgetary pressures on family policies and support, which have always existed but may become even more persistent as a result of the COVID-19 health and economic crisis. If trade-offs have to be made between implementing policies, evidence suggests that the policies should be favoured that maintain and, where possible, increase spending on the youngest and most vulnerable children. Starting to spend early on children is efficient, as children's behaviours and achievements are still more malleable, and contributes to equity. Investments in universal services may also be extremely worthwhile, as for example lunch services in secondary schools would benefit low- and higher-income families alike and could be provided in a cost-effective way.

Measures to reduce child poverty

Existing policies need to be strengthened in various ways in order to reduce the persistent share of about one in five children in Spain being at risk of poverty. Understanding the risk factors that are related to poverty, such as family structure and the economic environment, is a first important step to address and lower childhood poverty. One set of policies aims at decreasing poverty through increasing pre-transfer income, for example through reducing barriers that can make it difficult for parents to be fully engaged in the labour market, and generally through addressing market failures that make life more difficult for low-income families. Another set of policies relates to increases of post-transfer income through adjustments of taxes and benefits, such as child benefits, child support allowances and orphan's allowances. A good balance between the two sets of policies, and between the goals of protecting families from (uninsurable) risks and of promoting independence is essential but difficult to achieve.

Rethinking family policy from a children's right perspective

Rethinking family policy from a children's right perspective to a minimum living standard and connecting family policy with a comprehensive strategy against childhood poverty could offer a way forward.

- **Prioritising preventative measures and treating children equally through ensuring equal access to opportunities and protections for all children.** It makes sense to consider models of social support more focused on the children than on the type of family in which he or she is living in a given moment. In particular, children's right to support should be independent of their parents' status. A mix of universal services and benefits, such as a universal child allowance and broadened access to earliest childcare and after-school programmes, in combination with means-tested benefits and targeted family services could achieve this goal.

Promoting parents' engagement in the labour market

Since parental unemployment, underemployment and inactivity in particular of single parents is an important risk factor for childhood poverty, policies to support parents' engagement in the labour market would contribute to reducing childhood poverty. However, while bringing all non-working parents into work could nearly halve the rate of families with children living in poverty, the quality of employment is also decisive as an important share of working families continues to have an income below the poverty threshold.

- **Promote policies that help parents take up paid employment.** Short parental leaves, difficulties in finding a day care spot or after-school care and inflexible work hours can all prevent parents in general and single parents in particular from finding employment or extending their working hours. Strengthening policies in these areas, as discussed in the relevant recommendations of the 'making family life easier for all' section, may be particularly impactful for low-income families who currently have a lower participation in early childhood care and education and in formal after-school

care, and who often work in jobs in which flexibility is inherently more difficult to attain. Going beyond family policy, helping remove barriers to labour market participation, such as unaddressed health issues and social problems, for the most disadvantaged through intensive social and employment services would be important. Low-skilled individuals should have access to training opportunities that suit their competences and the local labour market conditions; and in the longer term, the education system should aim to equip all young people with the necessary skills to succeed.

- **Ensure that working parents have adequate income.** The Spanish tax and benefit systems does not discourage the employment of the second earner in a two-parent family or that of a single parent as much as elsewhere. However, a detailed assessment of whether work ‘pays for itself’ in all regions and cities even after the costs of childcare have been deducted could still be worthwhile. Considering the relatively low salaries many Spanish employees have to deal with and a comparatively high prevalence of informal employment, specific targeted in-work benefits could be considered as well.

Adjusting the child support scheme

Child support in the case of divorce or separation often present an important source of income for families that receive it, but non-payment is frequent (though comparable data are difficult to access). In light of these facts, Spain introduced an advance child support payment for families in which child support is not paid, but the conditions are strict, the duration limited and the amount low. Further strengthening the enforcement of child maintenance obligations is a particularly important policy tool for improving the situation of single-parent households.

- **Guarantee child support payments to a larger degree.** Child support can be guaranteed in by the state (in Austria, Estonia, Finland, Germany, Hungary, Italy and Sweden); by local authorities (in the Czech Republic and Finland); by special funds (in Latvia, Lithuania, Luxembourg, Poland and Portugal); or by a special administrative agency (in Denmark, France, the Netherlands and the United Kingdom). For example, in Germany, the maximum duration of the advance payment was recently extended from 72 months (compared to 18 months in Spain) to an unlimited duration as long as the child in question is a minor. The advance payment should not be contingent on a court order establishing that the other parent is incapable of paying.
- **Make it easier to enforce child support obligations.** In OECD countries, repercussions for the non-payment of child maintenance by the non-custodial parent can range from enforced payment, salary deductions, seizure of assets and bank accounts, and, in some countries, imprisonment. Several countries, including Australia, New Zealand, the United Kingdom and more recently France, have strengthened their systems to assist parents pursuing their claims and to help them take the appropriate administrative and/or legal steps. Previously in France, enforcement was difficult; but the 2020 creation of a new public service for the financial intermediation of alimony has made the process much easier. The parent who owes support pays it each month to the agency, which transfers it to the receiving family. If the debtor parent fails to pay, the agency immediately initiates a procedure to recover the unpaid amount from the debtor parent and pays the eligible creditor parent the family support allowance (EUR 116.57 per month and per child). This financial intermediation can also allow to ease tensions between separated parents, so that they can focus on the education and development of their child(ren).
- **Adapt payment obligations to changing circumstances and help non-custodial parents be self-sufficient.** Parents with a child support obligation whose circumstances change considerably can already request a change to the payment amounts, but this has to be established through a petition to the court if the parent receiving the child support does not agree to the change. This can leave many parents with the obligation to pay in difficulties when trying to adjust the amount they have to pay. Improvements are also needed as regards the criteria and procedures for assessing

child-related costs borne by non-custodial parents when setting up eligibility criteria for welfare benefits or tax breaks. For instance, in France, each parent can now receive a housing allowance in cases of shared custody, prorated by the amount of time the child spends time with each. Moreover, helping non-custodial parents be self-sufficient is also key to enabling them to fulfil their obligations in the long-run. Exploring the feasibility of “self-sufficiency” supports conditional on fulfilling one’s maintenance duties could reduce the current systemic infringement of child support orders.

Investigating the implications of a universal child benefit

The persistently high child poverty rate despite the existence of minimum income benefits suggests that the targeting and the amounts of the latter are not sufficient to significantly reduce the number of children at risk of poverty. Moreover, even families whose incomes put them above the poverty line may struggle with certain child-related expenses such as needed more square metres of housing or childcare. In light of this situation, the introduction of a universal child benefit, which exist in many OECD countries, could be considered.

- **Explore the potential impact on child poverty.** Microsimulation models could be used to project the poverty-reducing impact of a universal benefit in comparison to a targeted benefit under different assumptions about targeting efficiency. The results could be used in conjunction with estimates about administrative and financial costs in a cost-benefit analysis prior to the introduction of any new benefit. Within this exercise, the impacts of shifting financing from tax deductions to universal or targeted benefits could also be assessed.
- **Protect families from poverty in the child’s first years.** Before the age of three, and more often immediately following birth, poverty risks for families with young children are at their highest. At the same time, these years are extremely important for child development and the construction of positive family bonds. In light of budget pressures and the importance of the earliest years for child development, benefits could be particularly concentrated on the first three years of life. For example, France offers means-tested birth/adoption grants and a basic monthly allowance up to the third birthday of the child. Cash payments could also be combined with special financial supports for vulnerable families. Following the example of certain countries, the value of cash benefits and tax deductions could be equalised, and parents could be allowed to choose whether they would receive child support as a benefit or as a tax deduction.
- **Prevent the erosion of benefit amounts through scheduled updates or pegs to a wage index.** Social benefit payment rates are often either set at a given rate or linked to a price or minimum wage index rather than to wages. This means that over time, their poverty-reducing power diminishes. Ensuring that social benefits grow at the same rate as median wages can help address this issue.

Creating a broader anti-poverty strategy

Spanish social spending is in line with that in many other countries, but with a comparatively large share going to unemployment benefits and a comparatively low share going to family benefits. As a result, the reduction in childhood poverty rates due to social benefits is lower in Spain than in any other EU country that is a member of the OECD. The amounts dispersed by a universal child benefit and an adjusted child support scheme are unlikely to be sufficiently large to lift a substantial share of affected children and adolescents out of poverty, implying that a more comprehensive strategy is needed.

- **Increase social spending.** Estimations suggest that across OECD countries from the mid-1990s to the mid-2010s, a 1% increase in per capita social expenditure is associated with a 1% reduction in the relative child poverty rate; and that if important shares are directed to lower-income households, the impact is larger. If unemployment benefits, which fulfil an important insurance

function, are to be maintained at current levels, then increases in overall social spending are an important lever to decrease child poverty. For example, to reach the OECD average spending on cash benefits for families as a share of GDP, Spain would have to more than double its expenditures. The specific benefits that are best suited to reach low-income households should be studied carefully, but may for example include increased levels of the Ingreso Mínimo Vital potentially in combination with certain activation requirements.

- **Study the efficiency and equity impacts of the tax-benefit system.** Given that tax deductions do not benefit low-income households, poor households are not necessarily the largest beneficiaries of the tax-benefit system. A careful analysis of the benefit and tax profiles of different types of households in terms of composition and income could allow an assessment of the degree of progressivity of the current and any proposed future tax-benefit system; and could point towards reallocations of benefits or tax deductions that could benefit poor, lower- and middle-income households. In addition, the extent of implicit tax rates on activity under the current and any proposed future system also need to be considered. The insights of these different analyses can then be used to assess to what extent tax rules are in harmony or in opposition to the goals of family and other policy areas.
- **Explore barriers experienced by poor households.** Income below the poverty threshold may be a transitory phenomenon for many families that for example have to re-calibrate after a job loss or a divorce; but for others, it can be a situation that lasts for many years or even decades. These families may experience severe material or social deprivation and find it difficult to change their situation, and even generous transfers and services may only alleviate rather than solve the situation. In order to be able to design a comprehensive anti-poverty strategy, a thorough understanding of the barriers chronically poor families face and of possible levers to reduce them is needed. Existing academic studies and analyses of large-scale household surveys and possibly administrative data can certainly provide important insights; but these need to be complemented by allowing families to speak for themselves and explain their struggles and needs.
- **Provide integrated services with low barriers.** Vulnerable families with the highest service needs are often those least likely to access services, making it vital to make the access to services as low-barrier as possible. Since school attendance is mandatory and teachers are in close contact with their students, schools are in an ideal situation to be able to identify children who may be experiencing difficulties or need extra support and to reach out to them and their parents without visibly singling them out; and to deliver services that all parents need. For example, in many countries, certain basic health checks or vaccinations are carried out in kindergartens or school, sparing parents the additional effort of having to make an appointment and taking their child to the doctor. School counsellors may be in a position to offer psychological assistance to adolescence, as is for example the case in Copenhagen. Once children or families are in contact with a social service provider, the more services can be provided in one location or the less bureaucratic transfers from one part of the system to another are, the more likely it is that families with multiple assistance needs can actually see them addressed. For example, the YMCA in Halifax (Canada) provides services include housing, anti-human trafficking support, emergency employment programmes, childcare and early learning, microloans, financial literacy, income tax clinics, and peer leadership training through multidisciplinary teams.

Protecting families in the case of the death of an unmarried parent

Parents' marital status influences the protection and income that children and other family members receive in case of parental death. Widow(er)'s pensions are usually restricted to married couples or, in some cases, registered partners, though a few such as Hungary, Iceland, the Netherlands, Norway, Portugal, Sweden, Slovenia, and the United Kingdom also extend the possibility to cohabiters under certain

eligibility requirements, such as a minimum length of time spent together and/or having had a child together, or if the deceased explicitly named the partner in their will.

- **Consider an adjustment of the orphan's benefits in case of unmarried parents.** Widow(er)'s pension can amount to up to 70% of the calculation basis if their income is below a certain level and they have dependents, while the orphan's pension for half-orphans only amounts to 20%, and the respective minimum levels are also very different. This means that the income of the remaining family varies after the death of a parent, depending on whether the partners were married or not. This situation should be addressed in the context of a comprehensive social security reform.

Measures to make family life easier for all

Introducing paid parental leave

While Spanish maternity and in particular paternity leave entitlements are comparatively generous, the absence of a paid parental leave can force parents to return to work while they have not yet secured formal childcare for their baby. The provision of a paid parental leave, as well as leave for taking care of sick children whose illness does not meet the current severity threshold, could facilitate life for an important share of families.

- **Explore the gender equality implications of a paid parental leave.** Aside from the fiscal costs, the introduction of paid parental leave can have further consequences for the division of paid and unpaid work between men and women and on maternal employment rates. Leave design matters: the timing of leaves, scope for employer's flexibility and the benefits levels are very relevant variables that determine leave uses and effects. For example, a limited expansion of paid parental leave may improve maternal employment rates since women will no longer need to expand maternity leave with unemployment benefits, as is the case in particular for some low-skilled workers. But a too expansive lengthening of the leave may put women in general at a disadvantage on the labour market if most of the leave is taken by mothers rather than fathers. The uptake of the recently increased paternity leave and the potential gender equality effects of the length of paid parental leave should be assessed before introducing paid parental leave. The assessment should also consider to which extent requests for leave by mothers and fathers are explicitly or implicitly blocked by employers.
- **Introduce paid parental leave.** Although Spain offers parents the possibility to take leave during the first three years after birth or adoption or to reduce their working hours while their children are younger than 12, the fact that such leave is not paid implies that few people use their parental leave entitlements. Introducing a new parental leave, offering a benefit associated with taking the current unpaid leave, or creating a unique leave scheme upon childbirth that combines paternity, maternity and parental leave could address this issue. Rather than making entitlements to paid parental leave shareable as in many OECD countries, international experience suggests that it might be better to follow the current Spanish model of maternity and paternity leave to provide fathers (and mothers) with their own individual paid parental leave entitlements on a "use it or lose it" basis. For instance, Iceland and Sweden use "mummy and daddy quotas", whereas Germany offers a "bonus period" where a couple may qualify for extra weeks/months of paid leave if both parents use a certain amount of shareable leave. Keeping the paid parental leave relatively short when it is initially introduced could furthermore provide the time for an evaluation of whether a disproportionate take-up by mothers puts women at a disadvantage in the workplace.
- **Make the parental leave flexible.** In many OECD countries, paid parental leave can be used to prolong the period that the child is cared for at home, but it can also be used when a specific need arises, such as a sick child or a temporary closure of the childcare facility. For parents who may be unwilling or unable to stop work completely, flexible or part-time leave arrangements may provide a solution. Spanish law already offers many options for example to reduce working hours,

but a flexible parental leave could for example provide some compensation for the associated reduction in labour income if a parent has to reduce their working hours to take care of a school-age child with a chronic but not life-threatening illness. Such arrangements can help minimise the financial impact of taking leave, while allowing employees to remain connected to their jobs and to care for children. They can also help partners to “shift-share” part-time leave and work commitments. Employers may benefit too: In many cases, they may not have to go to the expense of finding and hiring a replacement worker if the employee is on leave only part-time. However, as with the expansion of the paid parental leave in general, the gender implications of flexibility should be taken into account. Requiring at least part of the paternity and potentially also potential parental leave to be taken in one sufficiently long block and as a sole carer can be beneficial for strengthening the carer responsibility of fathers over the long term. Employers should moreover be encouraged to allow mothers and fathers alike to take the type of leave that works best for their families, and to not pressure their employees to work during the time they are supposed to be on (part-time or full-time) leave.

- **Consider leave top-ups for single parents.** Maternity and paternity leave are currently non-transferable. While the non-transferability should in most cases be maintained in order to allow both parents to spend time caring exclusively for their child and establishing more equal care patterns going forward, an exception could be considered when parents are separated and do not have joint physical custody of the child. For example Germany allows the two ‘top-up’ months that extend the combined leave from 12 to 14 months if the second parent takes at least two months of leave be taken by a single parent. Other situations, such as health problems of one parents, could also give rise to a limited amount of transferability of leave entitlements from one parent to the other.

Further expanding early childhood education and care options formal care options

Parents find it easier to return to and stay in the labour market if they have access to high-quality and affordable early childhood care and education (ECEC); and children can benefit from such offers in a durable way. In Spain, ECEC is already near-universal for children from age three onwards, but parents of younger children may still struggle in finding affordable options for formal care of their children.

- **Evaluate whether recent laws are sufficient to increase the availability of ECEC for under-three-year-olds.** These laws are encouraging the Autonomous Communities to increase the offer of daycare spots for under three-year-olds, and may transform informal into formal carers for pre-school and school children. The experience of Poland illustrates the importance of undertaking regular evaluation of the legal framework and its implementation, and adjust the legislation in line with evolving circumstances, to stimulate a rapid expansion of ECEC coverage. In assessing the progress in coverage, a specific emphasis should be placed on ensuring that lower-income families or families in which the parents do not securely speak Spanish have equally good or even better access to ECEC services than others do.
- **Monitor the expansion and potentially make an ECEC spot a subjective right.** The expansion of public or publicly funded early childhood education and care spots should be carefully monitored; and if necessary, further incentives should be set. As an example, Germany introduced a requirement that municipalities have to provide a childcare place either in centre-based or in home-based care for children from age 1, and in centre-based ECEC for children aged 3 years and older. If a place is not offered to a child, parents can take legal action. A similar approach is used in Sweden, where each child aged 1-5 should be offered a place in a pre-school facility within four months of application to the municipality.

Offering quality after-school programmes

After-school programmes do not only allow parents to know that their children are well taken care of while they work, but can also foster equal opportunities for children who may otherwise not have access to the same enriching cultural and sports activities and help with homework as other children do.

- **Study the care gap for school-age children.** Currently in Spain as in many other OECD countries, the provision of out-of-school-hours care depends on the goodwill of local authorities or stakeholder actions, such as parent organisations, leading to unequal provisions across different areas and public and private schools and uncertain quality. Understanding exactly how big the gap is across the territory and for different socio-economic groups is a first pre-requisite to address any existing care gaps.
- **Ensure the quality and affordability of after-school programmes.** The offered activities should be a meaningful mix between cultural, educational and sport offers, and should be affordable to all parents. In Denmark and Sweden, OSH services are often co-ordinated with school authorities to provide all-day care for children, with services normally provided on school premises or nearby, and opening hours usually stretching until at least 5pm. In Denmark, services are often offered free to low-income families, while in Sweden there is a maximum fee of around 2% of gross household income for the first child and lower rates for subsequent children, ensuring that OSH services are generally affordable for most families. School meals may be part of the services offered, with fees that reflect family income and the number of children. For instance, the Irish School Meals Programme aims to ensure food security for school-aged children and is financed by local authorities in partnership with NGOs and other voluntary organisations.

Improving workplaces and working conditions in family friendly ways

Flexible working hours may make it easier to combine work and care responsibilities for young children. However, the legal right to ask for an adaptation of working time to reconcile family and work tasks and the need for larger enterprises to develop gender equity plans alone are not sufficient to create a meaningful change as long as most employees work for small and medium size enterprises and as long as there are no financial incentives and publicly funded programmes to help firms create an environment where these adjustments are routine.

- **Assess the applicability of regional programmes.** There are a few regional programmes funding gender action plans and adaptation of working times and modes. Assessment of these experiences could provide ground for a more ambitious policy at the state level, and for creating programmes that are funded by the state and developed by the Autonomous Communities following a common plan. Such a plan could incentivise firms to introduce increased flexibility but also offer relevant support or services to employees that would make it easier for them to combine work and family life. Where applicable, collective bargaining can also take up the topic of flexible working times and modes. Together with the Spanish Social and Economic Council, the social partners could also assess the impact of gender equality plans in larger medium-size and large companies on family friendliness and co-responsibility.
- **Allow family-friendly employers to stand out.** The Ministry of Equality's Women's Institute awards a badge of excellence, the "Distintivo de Igualdad en la Empresa", to companies that stand out in the development of gender equality policies in the workplace; and the Fundación Más Familia, with the institutional support of the Ministry of Social Rights and Agenda 2030, awards a certificate for family-responsible enterprises, the "Certificado de empresas familiarmente responsable". Both the award and the certificate could provide specific mentions for employers that achieve a more equitable take up of child-related leaves by their male and female employees, especially if a paid parental leave is introduced.

Studying the impact of positive parenting programmes on the quality of life of families

Family support is not limited to financial benefits but includes special in-kind services that are gaining importance in dealing with family well-being. Since all types of families could potentially benefit from family services at one stage or another, offering universal and co-ordinated programmes can be very helpful. Aside from education and health services, support to families includes information, education, advice and counselling on parent-child relations and interactions.

- **Learn from positive Spanish and international examples of parenting programmes.** Parenting programmes are a potential lever to improve family relations and children's educational outcomes and reduce the likelihood that they will engage in risky behaviour. They may target parents of new-borns and young children to help them transition to their new phase of life. Good international examples that have been shown to promote positive parent-child interactions and secure attachment include the Triple P's Positive Parenting course (e.g. in Australia) or Circle of Security (e.g. in the United States). Programmes such as Mother Goose and Sing and Grow (Australia) engage parents and children simultaneously through group activities have been found to increase parenting efficacy and improve children's language abilities. Other programmes may be addressed to parents facing particular challenges in raising their children. The Autonomous Communities have been offering parental education programmes for a while. However, insufficient funding and personnel and an unclear focus on which goals are being pursued, places them in need of co-ordination to ensure minimum availability, standards of quality and efficiency. The co-ordination could also be used to share good practices and lessons learned.
- **Improve outreach to families.** Universal services can be "cascaded" to better identify and target families who are most in need of multiple services. However, the effectiveness of universal and targeted services depends first on parents being aware of and actually using the services. Co-location of family services at sites like schools, clinics or formal childcare centres can contribute to this outreach and also lead to economies of scale. Outreach around birth can be quite effective, and has the added advantage the earliest years are the ones with the highest 'return on investment'. For example, in Helsinki (Finland), first-time fathers and mothers are offered family coaching and physiotherapy groups at maternity clinics prior to childbirth, and organised family activities at playgrounds upon childbirth; and relevant experiences may also exist in different Spanish regions. Along with Finland, other countries such as Australia, France and New Zealand also aim to co-ordinate policies using the "first 1 000 days" approach. Under this approach, families can receive continuous preventative and tailored assistance throughout pregnancy and in the first years. Common programme features include support for good physical and mental health of children and their parents, enhancing parents' awareness of good nutrition practices, improving the quality of parent-child interactions and reducing family stress. These are combined with whole-of-government approach to institute measures to fight childhood poverty, boost the quality of childcare and make it easier to reconcile work and family life.

Strengthening family mediation programmes

The Spanish Autonomous Communities already offer family mediation, which involve a professional who helps a separating family resolve disputes and draft a settlement agreement. Yet their use even in contentious divorce proceedings is still relatively limited, owing to a mix of factors including a lack of enthusiasm of some legal professionals or divorcing couples and a lack of knowledge about the existence of the mechanism.

- **Make the use of family mediation more widespread.** Partners can often access mediation either on their own accord or by a court order. Increasing information about the uses and availability of mediation – and making sure that families can actually access the service within a timely manner – could increase the recourse to mediation that separating couples seek out themselves. Offering

the service at no or subsidised cost, as many countries including Denmark, France, Italy, the Netherlands, Portugal, Poland, Norway, Sweden, Switzerland, England, Wales and Scotland do, would also be helpful. In order to increase the recourse to mediation via the route of the judicial system, a requirement that families attend an introductory mediation session as a condition for starting a contentious divorce proceeding could be considered. This requirement, which extends beyond family judicial proceedings, has significantly increased the use of mediation in Italy. However, in line with relevant Council of Europe recommendations and for example the practice in France, mediation should not be undertaken and certainly not required in cases where intra-family violence has occurred.

Improving policy coherence and efficiency

Since different ministries and government levels are responsible for policies that affect families, family policy can be more impactful if different relevant actors, including the state, regional and local governments, service providers and advocacy organisations align their policy instruments. And through monitoring and evaluation of reform implementation and impact, future policies can be improved and family policy may become more objective and evidence-based. Currently in Spain, there are various co-ordination and co-operation bodies, but they do not always function effectively; and while laws and policy programmes sometimes enumerate monitoring and evaluation requirements, these are not always carried out as planned nor entirely independent.

Facilitating co-operation across different policy areas and government levels

Most family policy planning instruments already establish advisory boards and councils to make co-operation across policy areas and government levels easier. The state government reference authority for family policies, the General Directorate for Family Diversity and Social Services of the Ministry of Social Rights and Agenda 2030, works with an interterritorial commission, which includes family support representatives from the Autonomous Community administrations, and with an interministerial commission, which includes representatives from relevant ministries. The Family State Council and Observatory used to provide a stable framework for the participation and collaboration of family associations with the general state administration, but their mandate expired in 2011.

- **Revive the Family State Council and Observatory.** Reactivating the Family State Council and Observatory could leverage non-governmental actors' expertise for family policy making and evaluation. It could be worth first analysing the reasons for their discontinuity after 2011. Further lessons could be drawn from other State Councils, such as potentially the Economic and Social Council and the State School Council, and the Family Councils and Observatories of the Autonomous Communities. Guaranteeing automatic renewal and reviewing the composition of the Council and Observatory could also be considered. NGOs can provide the perspective of public information and public audience. As is already the practice in some regional councils and observatories, council members who are academics can support the development of an annual public report including policy performance and social impact indicators. Representatives from government statistical bodies can also strengthen the link between the policy making and evaluation processes. Locating the observatory at a university institute, as is the case of the Portuguese Observatory on Families and Family Policies, could strengthen its methodological capabilities and its perception as an institution dedicated to non-partisan, evidence-based analysis. However, a prerequisite would have to be that the institute in question is perceived as politically neutral.
- **Clearly define the responsibilities of existing co-operation bodies.** Having the three working levels of the interministerial commission, interterritorial commission and state council, as well as

the observatory would make sense provided their respective functions are clearly defined. The work of the commissions could be linked to relevant parts of the development and follow up of family policy plans. For instance, consultative reports before approving new measures or regulations, and annual monitoring reports could be made mandatory. An example of addressing a complex co-ordination challenge was the 2013 launch of the Mexican National Crusade against Hunger, which required co-ordination among 19 national-level agencies, 31 states and 400 municipalities. The central government equipped an inter-ministerial commission with the authority to select programmes and modify their budgets; while commissions at the state and local level were supposed to share relevant information and a technical secretariat and evaluation agency accompanied the project. Another example of defined responsibilities is the Swiss federal law on the promotion of childhood and youth, which mandates collaboration and information exchange between the Confederation and the cantons.

- **Give the Councils room to incorporate transversal topics.** Specific sessions or working groups involving representatives of ministries or agencies that are not usual members of the interministerial commission could be used to address policy areas that are not part of the 'core' of family policy. Policy questions that could be explored include the relationship between rural development and family well-being and family adaptations to the ecological transition.

Setting up a monitoring and evaluation system

In Spain, as elsewhere, policy design may not fully reflect the existing evidence base nor incorporate a framework against which to judge the benefits and costs of planned policies. Whenever possible, measures should be accompanied by quantifiable and regularly reviewed objectives. Spain's evaluation culture and institutions are relatively less developed than is the case in some other OECD countries, like Finland, the Netherlands, the United Kingdom, the United States and Australia. At the central government level in Spain, evaluations are carried out by individual ministries as well as by the Institute for the Evaluation of Public Policies, a sub-directorate within the Ministry for Territorial Policy and Public Function. Prior experience of family policy or other plans demonstrate some of the possibilities and difficulties in monitoring and evaluation. For example, the final evaluation reports of the 2015-2017 Comprehensive Family Support Plan were never approved, and progress towards reaching the broadly formulated objectives was difficult to measure.

- **Anticipate obstacles that can appear in the creation of a monitoring and evaluation system.** There are multiple challenges in the creation of a monitoring and evaluation system, including to create adequate communication channels between researchers and decision makers and ensuring continuity for the evaluation system, beyond political changes and shifts. The monitoring and evaluation experience in other policy fields can provide inspiration. For example, evaluations of employment policies in the framework of the European Employment Strategy included annual monitoring of selected social impact indicators and the possibility for comparative evaluations. There is no one model for establishing a lead evaluation organisation. For example, Colombia created a National Monitoring and Evaluation system within the Ministry of Planning, while Mexico has a decentralised public body called the National Council for the Evaluation for Social Development Policy (CONEVAL). Whether or not the evaluation body is an independent agency or part of a Ministry, as in Spain, it requires both the technical capacity as well as a certain level of autonomy in order to be able to carry out or supervise objective evaluations.
- **Promote regular monitoring involving different actors.** Quantified indicators can allow regular monitoring, and regular evaluations rather than one final one can provide insights that can shape programmes even while they are being implemented. A positive example is the establishment of a regular evaluation system of a Childcare Services Act in Poland. The evaluations triggered several adjustments of the legislation, including adaptations of ECEC facility requirements, and is considered to have been a main factor in the rapid increase in ECEC coverage. It could be worth

considering whether ex-ante evaluation from an independent evaluation institution, for example connected to the parliament, could be added to the corresponding ministry's assessment.

- **Strengthen data infrastructure and create more relevant indicators.** Social security register data could be improved to make it possible to extract relevant indicators and facilitate policy evaluation. Some current gaps include information on how birth and childcare leave benefits are used in terms of gender, duration and flexibility and the use and beneficiaries of the advance child support payments fund. Making it possible to link more survey and administrative data to be able to assess how different benefits and services relate to employment, education and well-being outcomes over time. Moreover, in order to be able to assess the availability and impact of services that are provided decentrally, such as out-of-school care, there could be further efforts to harmonise data collection and create comparable indicators. Finally, subjective well-being indicators could also be incorporated in the monitoring of family policies and services. The combination of different indicators can provide complementary insights: Evaluations of the Scottish Child Poverty Delivery Plan 2018-2022 focus on the impact of a few key measures, but also include a qualitative assessment of the inter-play of different components of the plan. A commission of technical staff from different ministries and the National Statistical Office and academic researchers could elaborate a proposal on which indicators are needed and how information can be harmonised. A long-standing example of such a body is the US Federal Interagency Forum on Child and Family Statistics that was founded in 1997 and continues to bring together representatives from different federal agencies in order to decide priorities for data collection, discuss methodological issues and disseminate information about the status of children to policy makers and the general public.
- **Build demand for evidence by policy makers and practitioners.** Evidence from a variety of OECD and non-OECD countries suggest that senior policy makers and civil servants often do not rely on evidence in policy making, including research that was commissioned by the ministry itself. Making sure that policy makers know where to find information and how to interpret it are important components of increasing the demand for evidence and its use in policy and programme design. Knowledge brokers as well as tools to assess one's knowledge about accessing research can strengthen the availability and demand for information. For example, Australia and Canada offer self-assessment tools that help agencies or individuals, respectively, in gauging their capacity of using research; and the Research and Evaluation unit of the Irish Department of Children and Youth Affairs provides evidence to other government departments. Training programmes can increase policy makers' level of comfort with interpreting evidence. Examples include the Evidence Masterclass of the UK's Alliance for Useful Evidence and the Finnish Innovation Fund's training module on putting lessons learned from experiments into practice.
- **Disseminate evaluation results to the public.** Sharing monitoring and evaluation results could enhance public information, strengthen the debate on positive parenting, and create an environment that is favourable to evidence-based family measures and programmes. A first step is to publish evaluation results by default rather than on a case-by-case basis, as close to half of OECD countries (including Austria, the Czech Republic, Estonia and Poland) do. Several countries also have dedicated evaluation portals or databases, such as the Polish *ewaluacja* and the Norwegian *evalueringsportalen* websites. Finally, the results of studies or evaluations could be disseminated in a way that is likely to appeal to a broader audience than policy reports do. For example, findings from the longitudinal *Growing up in Australia* study contributed to a documentary series showing the life of a number of different children at the same years of age.

Overview of the recommendations

1. Incorporating the diversity of families into a new legal framework for family policy

Moving from a 'large family' to a 'family with larger needs' law

- Consider options for the replacement or extension of the 'Law on the protection of large families'
- Harmonising definitions of the family unit and the basic features of different types of families
- Include definitions on the family unit and specific family types in a general and basic state framework
- Create a consistent single-parent definition
- Establish a clear rule in case of separations
- Clarify the treatment of de-facto couples

Creating common criteria to assess economic resources of family units

- Define a common way to assess the economic resources of family units
- Consider the establishment of a centralised agency to assess economic resources
- Include child support payments and obligations in economic resource assessments
- Peg thresholds to the same index

Guarantee minimum protection throughout the Spanish territory with room for regional enhancements

- Define a minimum protection for families at the national level in co-ordination with the Autonomous Communities
- Strengthening family well-being

2. Strengthening family well-being

Measures to reduce childhood poverty

- Rethinking family policy from a children's right perspective
- Prioritising preventative measures and treating children equally through ensuring equal access to opportunities and protections for all children

Promoting parents' engagement in the labour market

- Promote policies that help parents take up paid employment
- Ensure that working parents have adequate income

Adjusting the child support scheme

- Guarantee child support payments to a larger degree
- Make it easier to enforce child support obligations
- Adapt payment obligations to changing circumstances and help non-custodial parents be self-sufficient

Investigating the implications of introducing a universal child benefit

- Explore the potential impact on child poverty
- Protect families from poverty in the child's first years
- Prevent the erosion of benefit amounts through scheduled updates or pegs to a wage index

Embed integrated services into a broader anti-poverty strategy

- Increase social spending

- Study the efficiency and equity impacts of the tax-benefit system
- Explore barriers experienced by poor households
- Provide integrated services with low barriers

Protecting families in the case of the death of an unmarried parent

- Boost orphan's benefits in case of unmarried parents

Making family life easier for all

Introducing paid parental leave

- Introduce paid parental leave
- Explore the gender equality implications
- Make the parental leave flexible
- Consider leave top-ups for single parents

Further expanding early childhood education and care options

- Evaluate whether recent laws are sufficient to increase the availability of ECEC for under-three-year-olds
- Monitor the expansion and potentially make an ECEC spot an subjective right

Offering quality after-school programmes

- Study the care gap for school-age children
- Ensure the quality and affordability of after-school programmes

Improving workplaces and working conditions in family friendly ways

- Assess the applicability of regional programmes

Studying the impact of positive parenting programmes on the quality of life of families

- Learn from positive Spanish and international examples of parenting programmes
- Improve outreach to families.

Strengthening family mediation programmes

- Make the use of family mediation more widespread

3. Improving policy coherence and efficiency

Facilitating co-operation across different policy areas and government levels

- Clearly define the responsibilities of existing co-operation bodies
- Revive the Family State Council and Observatory
- Give the Councils room to incorporate transversal topics

Setting up a monitoring and evaluation system

- Anticipate obstacles that can appear in the creation of a monitoring and evaluation system
- Promote regular monitoring involving different actors
- Strengthen data infrastructure and create more relevant indicators
- Build demand for evidence by policy makers and practitioners
- Disseminate evaluation results to the public

Evolving Family Models in Spain

A NEW NATIONAL FRAMEWORK FOR IMPROVED SUPPORT AND PROTECTION FOR FAMILIES

Spanish society values families and family life highly, but the way that families look and live has been changing drastically over the past decades. From being one of the countries with the highest fertility rates in Europe, Spain now has the lowest rate in the region and the legalisation of divorce and social acceptance of co-habitation has led to a decline in the traditional nuclear family model. At the same time, the share of mothers who are employed increased by more than 50% over the past two decades, though it remains below the OECD average. While family law has evolved quite strongly alongside these societal changes, family policy – i.e. the combination of benefits, services, tax breaks and leave arrangements that support family members in raising and providing care to minor children and other dependent persons – has undergone some changes but few major reforms. This report suggests ways to adapt Spain’s family policy to incorporate family diversity into the national policy framework, improve family well-being, reduce child poverty and make family life easier for all.



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