



EQUALITY COMMISSION FOR NORTHERN IRELAND

Response to NI Executive's consultation on a draft Childcare Strategy 2015- 2025

November 2015

1 Executive Summary

- 1.1 The Equality Commission welcomes the commencement of the consultation on the Executive's proposals on a *Childcare Strategy 2015-2025*.
- 1.2 The Commission's views and recommendations as regards the draft Strategy are summarised below.

Vision

- 1.3 The Commission:
- supports, in broad terms, the proposed vision;
 - recommends that the vision specifically refers to access to childcare which is sufficiently *flexible* to meet the needs of working parents.

Strategic aims

- 1.4 The Commission recommends:
- the strategic (developmental) aim refers to "instilling lifelong respect for diversity" ;
 - the strategic (employment) aim refers to "supporting learning and development activity which will improve opportunities for employment".

Objectives

1.5

The Commission:

- supports the proposed objectives of affordability, accessibility, sustainability, integrated approach, quality, informed parental choice and diversity;
- recommends the inclusion of an additional objective that refers to the need for childcare settings to be *flexible*;
- recommends that there is specific reference in the proposed interpretation of “diversity” to respecting diversity on the equality grounds of *age* and *sexual orientation* .

Interventions

1.6

The Commission:

- supports a number of proposed interventions aimed at ensuring affordable, accessible, high quality and integrated childcare, *if progressed and implemented*;
- recommends that policy options for proposed interventions are reviewed/ evaluated within a clear timescale, and critically, that the Strategy sets out clear and tangible commitments to introduce effective interventions;
- recommends that OFMDFM ensures that it can clearly demonstrate that it has paid the appropriate level of regard in relation to the proposed interventions and review of the policy options and that it has adhered to its Equality Scheme obligations;
- recommends that there are tangible commitments to address the clear priority childcare needs of disabled children, ensuring access to affordable childcare provision to meet the needs of all children – including disabled children;
- recommends that the proposed interventions include tangible commitments to addressing the childcare needs of Black Minority Ethnic (BME) children and newcomer children; and reiterates its call for a commitment to ensure affordable childcare provision to meet the needs of all children;

- recommends the inclusion of specific interventions designed to tackle gender stereotypes concerning parenting and childcare roles in society;
- recommends that any consideration of interventions aimed at improving childcare provision takes into consideration both current and future welfare reform and/or taxation proposals that may have an adverse impact on the economic participation of those providing childcare (mainly women), or on affordability of childcare, particularly for families with low incomes;
- recommends actions to ensure the sustainability of childcare services, particularly of childcare services in disadvantaged and rural areas; whilst also ensuring that the work of those employed in the area of childcare, predominantly women, are properly valued and remunerated;
- welcomes the proposed review of the options for statutory authority and will give further consideration to any proposed options in the context of that review;
- welcomes the inclusion of proposed interventions designed to improve integration and community relations;
- recommends that there is greater clarity as to how progress in promoting diversity within childcare settings, including improved community relations, is to be monitored or progress evaluated in terms of targets/outcomes;
- recommends that there is greater clarity as to what steps will be taken to promote an understanding and experience of diversity, beyond improving community relations.

Leadership and cross-departmental delivery

1.7 The Commission recommends that:

- the Strategy sets out the specific mechanisms by which it will ensure that it takes account of, and gives full effect to, relevant elements of equality strategies and other initiatives; such as the Disability Strategy; the Children and Young People's Strategy; the Gender Equality Strategy, etc.;

- a single Department be given lead responsibility for the development and implementation of the Strategy;
- and that however delivered, the Strategy should ensure that alongside providing for the child, it should additionally seek to promote equality of opportunity for parents and benefit wider society and the economy.

S75 Considerations

- 1.8 The Commission sets out a range of points relating to its advice to OFMDFM as regards meeting its commitments under its Equality Scheme.

2 Introduction

- 2.1 The Equality Commission for Northern Ireland welcomes the opportunity to respond to the Executive's proposals on a *Childcare Strategy 2015-2025* ("draft Strategy").¹ Further details on the scope of the Commission's remit and duties are contained in Annex 1.
- 2.2 This response builds on the Commission's earlier key policy positions on childcare as set out in its *Policy Position Paper on Childcare*² (2013); and its subsequent response³ to OFMDFM's consultation on '*Towards a Childcare Strategy*' in 2013.
- 2.3 The Commission's policy recommendations have also been informed by the expert research report '*Childcare: Maximising the Economic Participation of Women*' which it commissioned in 2013⁴.

3 General Comments

- 3.1 Firstly, we welcome the commencement of the consultation on the draft Strategy. We had previously welcomed the commitment in the Executive's current Programme for Government 2012-15: Building a Better Future (PfG)⁵ to "*publish and implement a Childcare Strategy with key actions to provide integrated and affordable childcare*".
- 3.2 We also welcome steps already taken under the first phase of the development of a Childcare Strategy; in particular, the Executive's '*Bright Start: The NI Executive's Programme for Affordable and Integrated Childcare (Bright Start)*'⁶.
- 3.3 The development and delivery of an effective Childcare Strategy is essential for a number of reasons. For example, as recognised in the consultation document, there are clear economic and social benefits to be gained from ensuring high quality childcare services that are accessible and affordable.

¹ Draft [Delivering Social Change through Childcare: A 10 Year Strategy for Affordable and Integrated Childcare 2015-2015](#), NI Executive

² ECNI [Policy Position Paper on Childcare](#), 2013

³ ECNI [Response to Towards a Childcare Strategy](#), 2013

⁴ [Childcare: Maximising the Economic Participation of Women](#), Full Report, ERI, Edinburgh Napier University commissioned by ECNI 2013

⁵ Final Programme for Government 2011-15: Building a Better Future (PfG).

<http://www.northernireland.gov.uk/pfg-2011-2015-final-report.pdf>

⁶ [Bright Start : The NI Executive's Programme for Affordable and Integrated Childcare 2013](#)

These include countering the effects of disadvantage and deprivation; improving children’s health and well-being; and facilitating parents, particularly mothers, to enhance their employability skills, return to work and/or maximise their contribution to the economy.

- 3.4 For example, an expert research report published by the Equality Commission in 2013, ‘*Childcare: Maximising the Economic Participation of Women*’⁷ identified the availability of affordable appropriate childcare as a fundamental part of the process of mothers participating in the labour market.
- 3.5 We welcome the fact that this is recognised in the consultation document and particularly, that it is proposed that, as well as facilitating child development, the strategy will also “*enable parents, particularly mothers, to enter or remain in the labour force, progress in their chosen career, to train for work or to study*”. We also welcome the recognition that this “*will contribute to enhanced levels of economic activity, greater gender equality and reduced child poverty*”.
- 3.6 This link was also confirmed in the OFMDFM commissioned research report (2014)⁸ which indicated that there was also “*a significant body of evidence that shows a strong correlation of high quality childcare and high rates of female participation in the labour market, as well as low levels of child poverty*”. The report also highlighted that increased availability of childcare may enhance, not only access to employment, but also access to training by parents.

4 Response to Specific Questions

Vision

- 4.1 The Commission **supports**, in broad terms, the proposed vision. Many of the key elements proposed therein are in line with our previous recommendations.

⁷ [Childcare: Maximising the Economic Participation of Women](#), Full Report, ERI, Edinburgh Napier University commissioned by ECNI 2013

⁸ [OFMDFM Childcare Research Final Report](#) 2014

- 4.2 For example, we welcome the proposed elements that reflect our view that childcare provision should, alongside providing for the child, additionally seek to promote equality of opportunity for parents and benefit wider society and economy. We therefore support the proposed elements that stress that “*making affordable childcare services more widely available, we will enable all parents, but especially mothers, to join the workforce*” and “*will contribute to greater gender equality*”.
- 4.3 In addition, we welcome the reference in the proposed vision to ensuring accessible, quality, integrated and affordable childcare. We also welcome the recognition in the proposed vision that the provision of childcare is “*a stepping stone to lifelong achievement, from formal education into adult life*”.
- 4.4 We also support the proposed elements relating to “*the promotion of equality and social inclusion*” and “*instilling lifelong respect for diversity*”.
- 4.5 We note, however, that there is *no* reference in the proposed vision for childcare to be *flexible*. The Commission has previously highlighted the fact that childcare provision that does exist often does not meet the needs of working parents in that it “*may be insufficiently flexible, not covering the required hours to enable parents to take up employment opportunities*”.⁹
- 4.6 Further, the consultation document recognises that there is an increasing need for childcare services that meet the needs of people who work unconventional hours.¹⁰
- 4.7 We therefore **recommend** that the vision specifically refers to access to childcare which is sufficiently *flexible* to meet the needs of working parents.

Strategic Aims

- 4.8 Subject to its recommendations set out below, in general, the Commission **supports** the proposed high level aims of the draft Strategy.

⁹ See, ECNI [Policy Position Paper on Childcare](#), 2013 p7

¹⁰It also notes that “15% of parents surveyed stated that childcare was not available at the times they required it . See Draft [Delivering Social Change through Childcare: A 10 Year Strategy for Affordable and Integrated Childcare 2015-2015](#) , NI Executive p29

- 4.9 We note, however, that although the draft strategic aim (developmental) refers to the “*lifelong well-being of children*”, unlike the proposed draft vision and draft objectives, there is no explicit reference in this aim to “*instilling lifelong respect for diversity*”.¹¹
- 4.10 Further, we note that there is no specific reference in the draft aim (employment) to supporting learning and development activity which will improve opportunities for employment. This is not consistent with the proposed vision which refers to “*we will use childcare as a stepping stone to lifelong achievement, from formal education into adult life*”.
- 4.11 We have previously affirmed that the Strategy’s aim should “support learning and development activity which will improve opportunities for employment.”¹²
- 4.12 We therefore **recommend** that:
- the strategic (developmental) aim refers to “instilling lifelong respect for diversity” ;
 - the strategic (employment) aim refers to “supporting learning and development activity which will improve opportunities for employment”.

Objectives

- 4.13 Subject to its recommendations set out below, the Commission **supports** the proposed objectives of affordability, accessibility, sustainability, integrated approach, and quality, informed parental choice and diversity.
- 4.14 We note that one proposal is to include an objective relating to “diversity”; in particular, an objective that states that “*childcare settings that foster lifelong respect for diversity, thereby laying the foundations for a more tolerant and inclusive future*”.
- 4.15 In terms of how “diversity” is interpreted, we note that the consultation document indicates that “*childcare services will help children to acknowledge and respect diversity, promoting positive cooperation between children regardless of their*

¹¹ The draft vision refers to “through childcare we will instil lifelong respect for diversity”, and the draft objectives refer to fostering lifelong respect for diversity.

¹² ECNI [Response to Towards a Childcare Strategy, 2013](#)

gender, religious community background, nationality or ethnicity, and regardless of whether they have a disability.”

4.16 We note, however, that there is *no* reference to respecting diversity on the equality grounds of age or sexual orientation in this proposed interpretation of “diversity”.

4.17 Further to our earlier recommendation on the proposed vision, we also note that there is *no* reference in the proposed objectives to the need for childcare settings to be *flexible*.

4.18 We have previously highlighted the fact that childcare provision that does exist often does not meet the needs of working parents in that it “*may be insufficiently flexible, not covering the required hours to enable parents to take up employment opportunities*”.¹³

4.19 We therefore **recommend:**

- the inclusion of an additional objective that refers to the need for childcare settings to be *flexible*.
- that there is specific reference in the proposed interpretation of ‘diversity’, to respecting diversity on the equality grounds of *age and sexual orientation*.

Interventions

4.20 Subject to its recommendations set out below, the Commission **supports** a number of the proposed interventions aimed at ensuring affordable, accessible, high quality and integrated childcare, *if progressed and implemented*.

4.21 In particular, some of the proposed interventions relate to the general areas that the Commission had previously recommended the Strategy focussed on¹⁴. These include, for example, proposed interventions designed to:

- meet the needs of disabled children;
- support childcare for the under 4s¹⁵;

¹³ See ECNI [Policy Position Paper on Childcare](#), 2013 p7

¹⁴ Ibid

¹⁵ The Commission had called for action to address shortfalls in provision for under 2s.

- address shortfalls in the provision of childcare as regards before and after school activities;
- make childcare more accessible and affordable, particularly for those from disadvantaged communities/low income families; and increasing accessibility;
- maximise the sustainability of provision;
- ensure more flexible childcare services;
- meet the needs of rural children, including transport services to support rural childcare provision;
- encourage employers to adopt family friendly working conditions;
- improve information on childcare provision for parents;
- support community–based childcare services;
- improve the quality of childcare.

4.22 The need for interventions in many of these areas has been highlighted in both research commissioned by the Equality Commission¹⁶, as well as by OFMDFM¹⁷.

4.23 For example, both research reports have highlighted the need improved information on childcare provision for parents.¹⁸ Such actions in this area could include, for example, measures designed to proactively encourage employers to provide information to employees on the availability of childcare provision.

Recommendations

4.24 We have, however, a number of key concerns in relation to the proposed interventions that we consider urgently need addressed. We have also set out below our recommendations to aimed at addressing these concerns.

¹⁶ [Childcare: Maximising the Economic Participation of Women](#), Full Report, ERI, Edinburgh Napier University commissioned by ECNI 2013

¹⁷ [OFMDFM Childcare Research Final Report](#) 2014

¹⁸ For example ECNI research has highlighted that parents may simply be unaware of suitable childcare that does exist, and the support that they could get to help access it, such as tax credits and childcare vouchers. OFMDFM research has highlighted the parents felt that they did not have enough information about childcare in their area or, sources of (financial) support for childcare.

Lack of firm commitments

- 4.25 First, we are concerned at the lack of any firm commitments in terms of introducing the proposed interventions. We are also concerned at the lack of any clear indication of timescale in which policy options will be reviewed/ evaluated.
- 4.26 In particular, we note that many of the proposed actions are concerned with “evaluating the need for, and feasibility of” a particular scheme or action; rather than a commitment to introduce the scheme or action. In addition, a number of the proposed “interventions” are “conditional on funding”.
- 4.27 Clearly, there is therefore the possibility, depending on the outcome of the business case for each intervention, that only some or indeed none, of the proposed potential interventions will actually be put in place.
- 4.28 There is also no indication when many of the proposed evaluations and reviews of options will be carried out; in other words there is no commitment to carry out the options appraisal within a specific timescale.
- 4.29 We have previously indicated that, whilst we recognised that budgets would be constrained, there is a need for resources “*to be deployed in a range of areas, including childcare, if economic policy goals are to be attained, and if gender inequalities in employment are to be tackled.*”¹⁹
- 4.30 In addition, we have previously highlighted that “*childcare should receive greater priority because of its crucial role in helping parents to work, but it needs to be funded in a realistic and sustainable way that shares – between the government, parents, childcare providers and employers – the burden of an adequately resourced childcare system that provides good outcomes for children.*”²⁰
- 4.31 We have also raised concerns that the previous draft Strategy did not set out clear policy options for the delivery of childcare in Northern Ireland and recommended that OFMDFM “*collect relevant data/evidence to develop clear policy options and*

¹⁹ See ECNI [Policy Position Paper on Childcare](#), p10

²⁰ Ibid p10

*inform screening and any subsequent equality impact assessment of the policy proposals”.*²¹

- 4.32 Further, in the absence of firm commitments to take forward strategic and effective interventions, as well as the lack of certainty as to how any interventions will be funded, it is not clear how the Executive will meet the Strategy’s proposed vision, aims and objectives, as set out in the consultation document.
- 4.33 In addition, the lack of firm commitments to introduce specific actions, will inhibit the development of performance indicators and targets and outcomes against which the Strategy’s progress is to be assessed.
- 4.34 Further, when developing the proposed interventions and reviewing the policy options, it is also essential that OFMDFM complies with its commitments under its Equality Scheme.
- 4.35 We therefore **recommend** that:
- policy options for proposed interventions are reviewed/ evaluated within a clear timescale, and critically, that the Strategy sets out clear and tangible commitments to introduce effective interventions;
 - OFMDFM ensures that it can clearly demonstrate that it has paid the appropriate level of regard in relation to the proposed interventions and review of the policy options and that it has adhered to its Equality Scheme obligations.

Disabled children

- 4.36 The Commission has already called for appropriate, accessible and affordable childcare provision to meet the needs of all children – including disabled children, children from Black Minority Ethnic (BME) communities and new residents, and those from rural communities.²²

²¹ Ibid p14

²² Ibid

- 4.37 It will be noted that the consultation document refers to the fact that “*economists advising on the development of the present Strategy identified the childcare needs of children with special needs or a disability as an emerging priority area*”.²³
- 4.38 A key finding from the report *Childcare: Maximising the Economic Participation of Women* (2013) commissioned by the Commission also highlighted that childcare provision for disabled children was identified as very deficient, with not enough suitable facilities for them.²⁴
- 4.39 Further, we note that the recent OFMDFM research (2014) indicates there is limited capacity and/or uptake within the formal (registered childcare) sector for provision for children with disabilities²⁵.
- 4.40 Research in Northern Ireland carried out by *Employers For Childcare* in 2011 also found that parents of disabled children find it difficult to identify appropriate childcare facilities for their child that ensures the child’s development, and that as a result many parents rely on informal sources of care or are unable to take up employment²⁶.
- 4.41 We welcome the interventions designed to increase childcare services for disabled children that have already been taken under the first phase of the Childcare Strategy²⁷.
- 4.42 However, the degree to which the childcare needs of children with a disability have to date been met is not clear as an evaluation of the first phase has not yet been completed.
- 4.43 Further, whilst the stated aim “*to ensure that every child with a disability that requires a child care place and access provision appropriate to his/her needs*” is to be welcomed, the proposed intervention for childcare for children with a disability is less concrete.

²³ See p29 of consultation document.

²⁴ [Childcare: Maximising the Economic Participation of Women](#), Full Report, ERI, Edinburgh Napier University commissioned by ECNI 2013

²⁵ Less than half of providers (43% in rural areas and 43% in urban areas) stated that they had the capacity to cater for children with disabilities. [OFMDFM Childcare Research Final Report](#) 2014

²⁶ Employers for Childcare (September 2011): ‘Childcare for All? Consulting Families of Children with Disabilities and/or Special Needs about Childcare and Employment Report

²⁷ Actions include funding awareness raising training, grant aid to enable the purchase of specialist equipment or to adapt premises, an initiative to develop peripatetic childcare and a holiday grant scheme.

- 4.44 In particular, the proposed intervention is only to evaluate progress to date and to look at the feasibility of continuing this assistance to 2025; rather than an actual commitment to ensure affordable childcare provision to meet the needs of all children – including disabled children.
- 4.45 We also bring to the Executive’s attention, the obligations of the UK Government under the UN Convention on the Rights of Persons with Disabilities (UNCPRD) towards disabled children (Article 7); in particular to take all necessary measures to ensure the full enjoyment of disabled children for human rights and fundamental freedoms on an equal basis with other children.
- 4.46 We therefore **recommend** that there are tangible commitments within the Strategy to address the clear priority childcare needs of disabled children, ensuring access to affordable childcare provision to meet the needs of all children – including disabled children.

BME/ Newcomer children

- 4.47 We are concerned at the lack of reference in the strategy to meeting the childcare needs of BME and newcomer children.
- 4.48 We had previously highlighted that “*migrant, minority ethnic and Traveller families have additional requirements from childcare services that are not being fully met at present*”.²⁸
- 4.49 We had also welcomed the commitment in the previous draft of the Strategy to ensure that the specific needs of children from minority ethnic communities are taken into account in the development of the strategy.²⁹ This commitment, however, is *not* reflected in the current draft of the Strategy.
- 4.50 It is important to note that both the research report *Childcare: Maximising the Economic Participation of Women* (2013) commissioned by the Equality Commission, and OFMDFM’s research report (2014), identified the gap in childcare provision for BME children in Northern Ireland.

²⁸ ECNI [Response to Towards a Childcare Strategy, 2013](#)

²⁹ see ECNI [Response to Towards a Childcare Strategy, 2013](#)

- 4.51 Meeting the childcare needs of newcomer children is particularly relevant in light of the significant increase in the number of newcomer children in Northern Ireland.³⁰
- 4.52 Critically we note that there is *no reference* in the proposed interventions to meeting the needs of children from Black Minority Ethnic (BME) communities and those of newcomer children.
- 4.53 We therefore **recommend** that the proposed interventions include tangible commitments to addressing the child care needs of children from Black Minority Ethnic (BME) communities and those of newcomer children.
- 4.54 We reiterate our call for a commitment to ensure affordable childcare provision to meet the needs of *all* children; including through the effective provision of childcare for BME and newcomer children.

Tackling Gender Stereotypes

- 4.55 The Commission has called for continued and increased efforts to tackle gender stereotypes concerning childcare roles- both in employment and in society- to promote greater employment equality.
- 4.56 Whilst we welcome the proposed intervention to encourage greater diversity in the childcare workforce³¹, we note that there is, however, *no specific reference* to interventions designed to tackle gender stereotypes concerning parenting and childcare roles in society.
- 4.57 We have, for example, highlighted the need to examine and challenge cultural attitudes towards working mothers and for acceptance and recognition of a greater emphasis on both women and men taking childcare responsibility.

³⁰ Data provided by DE has shown an exponential growth in newcomer pupils at all stages of education since 2006/07 when 3,911 pupils were registered until 2014 when 10,698 newcomer pupils were attending school in Northern Ireland. See *Feels Like Home: Exploring the experiences of newcomer pupils in schools in NI*, Barnardo's NI, Jan 2015

³¹ There is a proposed intervention to encourage greater diversity in the childcare workforce, with particular reference to males and BME individuals who are underrepresented.

- 4.58 A recent report by the European Institute for Gender Equality (2015), has highlighted that “*women are, throughout all Member States, disproportionately responsible for caring and educating children, grandchildren and other dependents, as well as cooking and housework*”.³²
- 4.59 We therefore **recommend** the inclusion of specific interventions designed to tackle gender stereotypes concerning parenting and childcare roles in society.

Cost of childcare / Welfare Reform

- 4.60 The Commission has stressed the need for affordable childcare. It has, for example, highlighted that cost can be a particular barrier for lone parents and that there are difficulties for single-parent families who struggle to pay high childcare costs on a single income.³³
- 4.61 We note that OFMDFM research (2014) has indicated that affordability/cost was identified as the greatest barrier to using childcare with both parents and providers indicating that they would like more financial support for parents for childcare. It is estimated that households in Northern Ireland spend around 25% of their average incomes on childcare services; more than twice the Organisation for Economic Cooperation and Development (OECD) average.³⁴
- 4.62 Further, whilst there has been an increase in the number of childcare places in Northern Ireland over the last decade, the cost of childcare remains high, and is higher than in other parts of the UK^{35 36}. A recent report, *Northern Ireland Childcare*

³² The report highlighted that “*the gap in women and men workers’ engagement with childcare and education of children amounted to 17 percentage points in 2010 for the EU-28 on average, indicating that the EU as a whole is quite far from reaching equality.*” It will also be noted that “*in the period from 2005 to 2010, the gender gap in time spent educating or caring for children and/or grandchildren has decreased by 1.4 percentage points in the EU-28 (from 18.6 p.p. to 17.2 p.p.).*” See [Gender Equality Index 2015](#), European Institute for Gender Equality, 2015 p48

³³ [OFMDFM Childcare Research Final Report](#) 2014

³⁴ See consultation document p33

³⁵ In 2013, the overall number of day care places in NI was 55,508 – up 13% from the level recorded in 2003 (48,383). The average weekly amount of childcare charges paid in Northern Ireland was £112 and the average weekly increase in Child and Working Tax Credits awards was £75 for families benefiting from the childcare element. [£93 and £61 in the UK respectively.] DETI Women in NI 2014.

Costs Survey 2015, has revealed that the cost of a full-time childcare place in Northern Ireland has risen to £164 per week; which represents an increase of 1.2% since 2014.³⁷ This report concluded “*that not only has the price of an average childcare place risen over the last year, but that families are finding it increasingly difficult to cope with the cost.*”³⁸

- 4.63 We note that it is proposed that the Childcare Strategy will work to reduce the percentage of local household income that goes on childcare.
- 4.64 We also note that the consultation document indicates that in the first years of implementing the strategy, it is expected that there will be an “*increase in the average incomes of low income families and an increase in the average incomes of single parents*” and that these will be “critical indicators” when monitoring and evaluating the strategy.³⁹
- 4.65 We have already made it clear that we were concerned that the economic downturn, any associated rebalancing of the Northern Ireland economy, and the provisions within the Welfare Reform Bill and related policies may have significant impacts on the economic participation of women, and potentially further exacerbate the impacts of care and caring on inequalities.⁴⁰
- 4.66 Further, we note that there is no specific consideration in the consultation document of the likely impact in Northern Ireland of potential changes to eligibility criteria and levels of entitlement to tax credits that may be enacted following the taxation measures announced in the summer budget 2015. These changes, if implemented, will mean that over 120,000 households in Northern Ireland in receipt of tax credits will have a reduced income⁴¹.
- 4.67 It is also of note that a recent report in Great Britain by the Nuffield Foundation and Institute for Fiscal Studies (2015) has

³⁶ Childcare in Northern Ireland costs nearly half (44%) the average income, compared to 33% in GB and 12% across the EU as cited in [Child care: Maximising the economic participation of women](#), commissioned by ECNI 2013

³⁷ See Employers for Childcare *Cost of Childcare Survey 2015*, Nov 2015

³⁸ Ibid See p44

³⁹ See consultation document at p21

⁴⁰ See ECNI [Response to Towards a Childcare Strategy, 2013](#) and [ECNI Shadow Report CEDAW 2013](#)

⁴¹ See DSD [The impact of summer budget 2015](#), September 2015

highlighted the negative impact across the United Kingdom of cuts to benefits and tax credits on families with children.⁴²

- 4.68 It is also vital to consider the impact of current and future welfare and/or taxation, as well as a reduction in public expenditure on the provision of childcare for children with particular needs; including disabled children, black minority ethnic children and newcomer children.
- 4.69 The need to mitigate against the impact of welfare reform in this area was highlighted by the CEDAW Committee in its Concluding Observations⁴³ on the UK (2013). It recommended that the UK Government provided affordable childcare and took action to mitigate the impact of the proposed welfare reforms on the cost of childcare for low income families and the increased burden of care that this places on women.
- 4.70 We therefore **recommend** that any consideration of interventions aimed at improving childcare provision takes into consideration both current and future welfare and/or taxation reform proposals that may have an adverse impact on the economic participation of those providing childcare (mainly women) or on affordability of childcare, particularly for families with low incomes.

Sustainability

- 4.71 We note that one of the proposed objectives of the draft Strategy relates to sustainability. In particular, the draft objective is that *“all childcare settings assisted under the strategy will aim to be sustainable - covering their costs from the fees they charge for their services.”*
- 4.72 The Commission has already recommended the need to explore innovative ways of developing and supporting childcare to maximise the quality and sustainability provision.

⁴² It noted that “households with more children have lost more (both in cash terms and as a percentage of income). The vast majority of the loss comes from cuts to benefits – most notably through freezing child benefit, introducing the high-income child benefit charge, cuts to housing benefit and means-testing child tax credit more aggressively.” See *The Effects of the Coalitions tax and benefit changes on household incomes and work initiatives*, January 2015, Nuffield foundation and Institute for Fiscal Studies.

⁴³ [Concluding Observations on UK, CEDAW Committee](#), 26 July 2013

- 4.73 It is clear that certain childcare providers, particularly those operating in disadvantaged and rural areas, will face difficulties in becoming fully sustainable. For example, recently childcare providers have raised concerns that childcare costs could increase by as much as 40% in Northern Ireland over the next four years with the introduction of the new living wage.⁴⁴
- 4.74 The consultation document recognises that “*some childcare settings, particularly those addressing the needs of our most disadvantaged communities, may find it difficult to become fully sustainable before the grant funding ends.*”⁴⁵
- 4.75 It also indicates that “*where settings have genuinely made progress towards sustainability but cannot yet cover the costs from the fee income they receive, we will aim to continue to support the services they provide, including financially, thereby enabling them to maintain the progress they have made.*”⁴⁶
- 4.76 Further, measures to ensure the sustainability of childcare services should also take into account the need for action to address the undervaluation of paid and unpaid care work, which is predominantly carried out by women.⁴⁷ The Strategy should also recognise the economic and other value of unpaid childcare work that is carried out by mothers as well as other family members, including grandparents.
- 4.77 The Commission has, for example, consistently encouraged employers to adopt good employment practices and procedures that promote gender equality.
- 4.78 We therefore **recommend** actions to ensure the sustainability of childcare services, particularly of childcare services in disadvantaged and rural areas; whilst also ensuring that the work of those employed in the area of childcare, predominantly women, are properly valued and remunerated.

⁴⁴ See BBC report Oct 2015; <http://www.u.tv/News/2015/10/07/Childcare-costs-may-rise-by-40-46513>

⁴⁵ See consultation document at p46

⁴⁶ Ibid

⁴⁷ The Commission has identified the need for action to address the undervaluation of paid and unpaid care work, which is predominantly carried out by women as a recommendation in its draft [Gender Equality Position Paper](#) (2015).

Options for statutory responsibility

- 4.79 We note that one of the proposed interventions is to review the options for statutory responsibility. The consultation document indicates that this will “*include examining the potential empowerment and resourcing of the Childcare Partnerships or local government to address local childcare needs by purchasing the relevant services from public and private providers*”. The consultation document does not, however, set out in detail what these potential options for statutory responsibility are.
- 4.80 The expert research (2013) commissioned by the Commission highlights that one policy option in terms of strategic action to deliver the vision for childcare, is “*a statutory duty upon a nominated governmental body to promote, and seek to ensure that there is, adequate childcare*”.⁴⁸
- 4.81 We therefore **welcome** the proposed review of the options for statutory authority and will **give further consideration** to any proposed options in the context of that review.

Diversity

- 4.82 We note that one of the proposed objectives of the childcare strategy is “diversity”. The consultation document indicates that “*childcare can promote positive cooperation between children regardless of their gender, religious community background, nationality or ethnicity and regardless of whether they have a disability*.”⁴⁹
- 4.83 It also indicates that it is considered that “*childcare services that are shared across all communities will enable us to build and consolidate peace*”.⁵⁰
- 4.84 In terms of proposed actions, it states that “*as a minimum, the Childcare Strategy will require all childcare settings to promote sharing and diversity*” and that, in the longer term, “*we expect all childcare services to reflect our society’s diversity in the*

⁴⁸ Childcare: maximising the economic participation of women, 2013, at page 69

⁴⁹ See p36

⁵⁰ Ibid

*make-up of the children who use their services and the staff that deliver the services”.*⁵¹

- 4.85 We note that a number of proposed interventions expressly refer to improving integration and community relations; for example, those aimed at community-based childcare services, including “*opportunities for cross community sharing of expertise as well as cross community sharing of actual childcare services and settings*”; as well as opportunities for integration and for community relations in the improved provision rural childcare; though we note that actions aimed at supporting new community based childcare centres are “*conditional on funding*”.
- 4.86 The Commission has already made it clear that it considers that societal mixing and social cohesion is limited by separation, including in education provision⁵² The inclusion of proposed interventions designed to improve integration and community relations is consistent with this and is therefore welcome.
- 4.87 However, it is not clear how progress in promoting diversity within childcare settings, including improved community relations, is to be monitored or progress evaluated in terms of targets/outcomes.
- 4.88 Further, apart from the intention to require all childcare settings to promote sharing and diversity, the proposed interventions appear to solely focus on improving community relations. It is not clear what steps will be taken to promote an understanding and experience of diversity, beyond improving community relations.
- 4.89 We therefore :
- **welcome** the inclusion of proposed interventions designed to improve integration and community relation;

⁵¹ Ibid

⁵² In the context of sharing in education, we have stated that we consider that the core focus of sharing in education should be on ensuring meaningful and sustained sharing between learners of different community backgrounds; while also incentivising sharing across all equality grounds, including to address the socio-economic issues which are experienced by a number of equality groups. Clear outcome goals should be established to direct and measure progress towards meaningful and substantive sharing. See [ECNI response to DE consultation on shared education, 2015](#)

- **recommend** that there is greater clarity within the Strategy as to how progress in promoting diversity within childcare settings, including improved community relations, is to be monitored or progress evaluated in terms of targets/outcomes;
- **recommend** that there is greater clarity within the Strategy as to what steps will be taken to promote an understanding and experience of diversity, beyond improving community relations.

Leadership and cross-departmental delivery

- 4.90 The Commission has already made it clear that if childcare is to deliver on a range of policy goals – for children, parents, society and the economy – then a clear strategy with clear leadership, supported by cross-departmental working, is required.
- 4.91 We have previously recommended that a single Department should be given lead responsibility for the development and implementation of comprehensive childcare provision, with cross-departmental planning and delivery of services.⁵³
- 4.92 We note that the consultation document sets out that the Childcare Strategy is “*fundamental to other Executive policy initiatives—the anti-poverty agenda; the Strategy to Improve the Lives of Disabled People, 2012-15; the Child Poverty Strategy; the Children and Young People’s Strategy; and the Gender Equality Strategy.*”⁵⁴
- 4.93 The consultation document also indicates that responsibility for childcare policy and its delivery falls to a number of government departments and that the Childcare Strategy Programme Board, already established, will be retained to manage and monitor the performance of the final Strategy. There is also a

⁵³ Research commissioned by OFMDFM in 2010 indicates that “*Childcare and Children’s Services are currently provided by the following departments: the Department of Education (DE); the Department of Health, Social Services & Public Safety (DHSSPS); the Department for Employment and Learning (DEL); the Department of Social Development (DSD); the Department of Agricultural and Rural Development (DARD), all of which have different agendas in contributing to early years education and childcare i.e. the health, educational and social development of the child; a service to enable parents to work; training and workforce development; neighbourhood renewal; and anti-poverty*”, as cited in OFMDFM commissioned *Policy and Economic Appraisal of the Options for the NI Childcare Strategy Final Report* September 2010

⁵⁴ See p 19.

reference to the Programme Board agreeing a final set of performance indicators, targets and outcomes against which the strategy's progress can be assessed; an annual report on the performance of the Strategy and the formal mid-term evaluation of the Strategy in 2020.

- 4.94 Although not referred to in the consultation document, we understand that the Department of Education will, under the Stormont House Agreement, take over responsibility for the implementation of the Childcare Strategy⁵⁵.
- 4.95 We consider that there is thus a lack of clarity if a single Department will given lead responsibility for the development and implementation of the Strategy.
- 4.96 We therefore **recommend** that:
- the Strategy sets out the specific mechanisms by which it will ensure that it takes account of, and gives full effect to, relevant elements of equality strategies and other initiatives; such as the Disability Strategy; the Children and Young People's Strategy; the Gender Equality Strategy, etc;
 - a single Department be given lead responsibility for the development and implementation of the Strategy;
 - and that however delivered, the Strategy should ensure that, alongside providing for the child, it should additionally seek to promote equality of opportunity for parents and benefit wider society and the economy.

5 Section 75 considerations

Previous advice

- 5.1 The Commission has provided Section 75 advice to OFMDFM during previous consultations relating to the development of a childcare strategy (January 2013 and March 2013) and has also responded to the Department's pre-consultation on '*Bright Start : A draft Strategy for Affordable and Integrated Childcare*' in July 2014.

⁵⁵ see [Stormont House Agreement 2014](#)

5.2 The Commission would refer OFMDFM to this previous advice. We will not reiterate the detail of this advice but will however reinforce some of the points previously made, in relation to the current consultation on the childcare strategy, as set out below.

Section 75 considerations in the current consultation

5.3 The Commission advised OFMDFM previously that, in accordance with its Equality Scheme commitments, it would be required to screen the Childcare Strategy at the earliest opportunity, and consider carrying out an Equality Impact Assessment (EQIA). The Commission further advised that if the screening determined 'major' impact on equality of opportunity and as a result an EQIA of the Strategy was to be conducted, that consultation on the EQIA should occur at the same time as consultation on the policy/strategy proposal.

5.4 The current consultation documents on '*Delivering Social Change Through Childcare: A Ten Year Strategy for Affordable and Integrated Childcare 2015-2025*' (July 2015) do not include or refer to any screening documentation, nor is there consideration of undertaking an EQIA.

5.5 The last question in the *Consultation Questionnaire*, which accompanies the Strategy consultation document requests consultees to *describe any effect the delivery of a childcare strategy may have on the 9 groups contained within Section 75 of the Northern Ireland Act*. As OFMDFM has not set out any potential equality impacts or evidence across the nine Section 75 groups in this consultation, by way of a screening form or EQIA document, the inclusion of this question in the Consultation Questionnaire puts the onus on consultees to identify any potential equality impacts on the nine Section 75 categories.

Screening undertaken to date

5.6 The Commission requested and received the screening assessment from the Department, which indicates that the Strategy has been screened out at this stage, on the premise that the Strategy would be beneficial to most of the Section 75 categories. In such circumstances it is still important to gather and analyse data on the potential impacts of a policy as there may be impacts unknown to the policy maker or there may be

opportunities, through screening, to further promote equality of opportunity or good relations.

- 5.7 The Department also advised that although it has screened the policy out at this stage that it may carry out an EQIA on the Strategy at a later stage, and that the proposed actions contained in the Strategy will be equality impact assessed as they are implemented.
- 5.8 The Commission advised that this form should be published as per scheme commitments on the Department's website. . In addition, the Commission notes that the screening form is not approved by the appropriate person within the Department.

Commission Comments on Screening Form

Likely impact of strategy on equality of opportunity

- 5.9 The Department indicates in this section that the likely impact of the Childcare Strategy on all of the nine Section 75 categories is 'None'. It is unclear how there can be no impacts across all the Section 75 groups of a policy which clearly will have a significant impact on the people of Northern Ireland.

Available evidence section

- 5.10 The Commission advised the Department previously that it should use, as one source, its previous consultation on the draft Childcare Strategy (Dec 2012) to gather evidence/data on the potential equality impacts of the proposed policy. In addition, the Commission provided suggested questions relating to equality and good relations which the Department could ask at the consultation events it was holding in early 2013. The Commission also advised, in February 2012, that research that the Strategic Investment Board (SIB) were undertaking on behalf of OFMDFM regarding childcare was another opportunity to gather equality impacts evidence.
- 5.11 The screening form on the current Childcare Strategy includes a list of the titles of 4 sources of evidence in the screening form, however sets out no relevant evidence nor any analysis of this list of sources. The Department should note that it has an obligation to gather and analyse relevant evidence and data, quantitative and/or qualitative, to inform its screening decision.

Screening decision section

- 5.12 The current screening form determines that the policy should be '*screened out without mitigation*'. It is unclear how, in the absence of any evidence set out in the screening form how this decision was made.

Monitoring arrangements section

- 5.13 The monitoring section does not set out any monitoring arrangements but indicates that there will be a '*full equality impact assessment of the final policy*.' This statement requires clarification, given that the screening decision states that the policy has been '*screened out*' and no EQIA is considered necessary.

Legislative Context

- 5.14 The Commission notes that there is a reference in the Consultation Questionnaire, in relation to the definition of disability, which refers to the Equality Act (2010). This is a reference to legislation which applies in Great Britain and should be changed to refer to the Disability Discrimination Act 1995 (as amended), which is the relevant legislation for Northern Ireland.

Commission Section 75 advice

- 5.15 The Commission advises that the Department reviews the screening form and ensures that the screening decision with regard equality impacts is based on a robust analysis of evidence, qualitative and/or quantitative. Clear monitoring arrangements should also be set out. The decision making process should be transparent to consultees.

Equality Commission

November 2015

6 Annex 1: The Equality Commission for Northern Ireland

1. The Equality Commission for Northern Ireland (the Commission) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation, disability and age.
2. The Commission's remit also includes overseeing the statutory duties on designated public bodies under Section 75 of the Northern Ireland Act 1998 (Section 75) and to promote positive attitudes towards disabled people and encourage participation by disabled people in public life under the Disability Discrimination Act 1995.
3. The Commission's general duties include:
 - working towards the elimination of discrimination;
 - promoting equality of opportunity and encouraging good practice;
 - promoting positive / affirmative action
 - promoting good relations between people of different racial groups;
 - overseeing the implementation and effectiveness of the statutory duty on public bodies;
 - keeping the legislation under review.
4. The Equality Commission, together with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the rights of Persons with Disabilities (UNCRPD) as the independent mechanism tasked with promoting, protecting and monitoring implementation of the Convention in Northern Ireland.