

Bébhinn Ni Bhriain
Office of the First Minister and Deputy First Minister
Childcare Strategy Team
Room E3.18 Castle Buildings
Stormont Estate
Belfast
BT4 3SR

13 November 2015

Dear Ms Ni Bhriain

The Office of the Commissioner for Children and Young People (NICCY) was created in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland. Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. My remit includes children and young people from birth up to 18 years, or 21 years, if the young person is disabled or in the care of social services. In carrying out my functions, my paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings. In exercising my functions, I have regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

The Vision of the Childcare Strategy

While I welcome the comprehensive nature of the Vision for the Strategy, it is important that this is amended to include reference to the UNCRC. As Article 2 of the UNCRC states, all rights apply to all children without discrimination, but the following articles are perhaps most relevant:

Article 6: Children have a right to life, survival and development.

Article 12: Children have a right to have a say in decisions affecting them, and to have their opinions taken into account in accordance with their age and maturity.

Article 18: Parents or legal guardians have primary responsibility for the upbringing of children, and the child's best interests will be their basic concern. The state is required to provide them with assistance in their child-rearing responsibilities, through institutions, facilities and services.

'States parties shall take all appropriate measures to ensure that the children of working parents have the right to benefit from child-care services and facilities for which they are eligible.'

Article 27: Children have a right to an adequate standard of living. While it is primarily the responsibility of parents to provide this, states must assist parents and, where in need, provide material and support programmes.

Article 31: Children have a right to rest and leisure, to play and leisure activities appropriate to their age.

The strategy addresses childcare for children up to age 14. It is important therefore, to consider the UN Committee on the Rights of the Child's General Comment No 7: 'Implementing child rights in early childhood.' This provides guidance on the human rights of young children, and outlines the obligations of the state towards them. It also encourages recognition of young children as social actors, and rights holders, from the beginning of life.

I am pleased to note, on p12: 'Children must be central to the Childcare Strategy. That is what stakeholders, parents and children themselves advised us during the development of the first phase of the Childcare Strategy. Our Strategy is therefore first and foremost about children.'

This is quite correct, but unfortunately the vision focuses particularly on the benefits of childcare to enable parents to work, and on the creation of new childcare jobs. While these are important outcomes, the Childcare Strategy must take a child-centred approach to the development of childcare services in Northern Ireland. This means making children, and childhood, the primary focus. The benefits to children are not primarily in enabling their parents to work, or preparing them to be economically active in adulthood, although both of these are important, the primary focus of childcare must be to ensure that they flourish as children, enjoying opportunities to play and to learn as an end in itself, rather than simply a means to an end. It may be that this is implied in the term 'quality childcare', but I am of the opinion that this is so important that it should be clearly articulated in the Vision.

The Aims of the Childcare Strategy

It is appropriate that there are two high-level aims, one focussing on the developmental benefits for the child, and the second to support employment. However, NICCY does not agree entirely with how they have been articulated.

Again, I believe that these aims should be child-centred. The first aim should focus on the care and safety of the child, and the provision of opportunities to play. It is not primarily about educating children – either for pre-school children who are too young for formal education, or for school age children who are receiving their education elsewhere.

It is also appropriate that the planning of childcare focuses on the potential developmental benefits to children, and only then the benefits for the future. It is not appropriate to be entirely future focussed, as a key role of childcare is to ensure that children enjoy all their rights in childhood, and childhood should not be valued solely as a time of preparation for adulthood.

The second aim should also include a focus on the benefits of childcare in enabling parents to access more, or better, paid employment. This is important in supporting parents to meet the needs of their children, and is a key action in tackling poverty.

It is noted that the strategy, on pp12-13 makes reference to how childcare is crucial in assisting families to move out of poverty, and on p18 states that the Childcare Strategy is a significant element of the Northern Ireland Executive's Delivering Social Change framework, which sets out to reduce poverty.

However, there is no indication (in the aims) that the Strategy will be targeted at families in poverty. I am deeply concerned at the conditionality that has been placed on the receipt of benefits, where the benefits sanctions may be applied if parents fail to meet targets in relation to seeking employment, or indeed taking on employment. While NICCY understands that this only applies to the benefits intended for the adult in question, nevertheless this of course will have a devastating impact on all in the household, including the children.

Many families struggle with accessing affordable childcare, however, it is a particular problem for families on low incomes or benefits, and can condemn children to a childhood of poverty. It is critical that the Strategy particularly focuses on the provision of childcare for families in poverty.

Emerging Objectives

The Emerging Objectives are all appropriate. In relation to the 'Informed choice' and 'Quality' objectives, I note that inspection reports of childcare facilities are not proactively available to parents. Consideration should be given to publishing all childcare inspection reports online to help inform parents' choices.

As explained earlier, the following should be reflected in the objectives:

- Child focussed;
- Targeted at disadvantaged / poor families; and
- Play orientated.

NICCY strongly agrees with Intervention xi: Childcare for Children with a Disability. Parents of children with disabilities often report a difficulty in finding appropriate childcare for their children, and this often impacts on the ability of parents to work. Children living in households where a child or adult is disabled have an above-average risk of experiencing poverty.

NICCY strongly agrees with Intervention xii: Flexible Childcare (1,000 places). The proposal to explore options for ensuring flexible childcare is very welcome, as many low income jobs, which may be available to parents living in poverty, require staff to work flexible hours.

NICCY strongly agrees with Intervention xiv: Childcare places for low income families (3,000 places). NICCY agrees that the Strategy should provide more childcare places for low income families, but would query the number that is required. I would expect that data from the Social Security Agency should be used to determine where, and in what numbers, childcare places are needed to facilitate parents who are out of work to return to employment. As the number of children living in poverty is projected to rise by around 30,000 in the next 5 years, it would appear that the number of childcare places targeted at families on low incomes in the Strategy is too low.

Given the evidence from the evaluation of programmes such as Surestart that often provision intended for families on low incomes is accessed by families that are not on low incomes, these places must be provided in a way that ensures that poor families benefit. I note that there is no information provided on how these childcare places will be targeted.

NICCY strongly agrees with Intervention xv: Improvements to Information (5,000 places). I note that inspection reports of childcare facilities are not proactively available to parents.

Consideration should be given to publishing all childcare inspection reports online to help inform parents' choices.

NICCY strongly agrees with Intervention xvi: The Childcare Strategy will support a training programme to improve and enhance skills across the workforce. Ensuring properly trained staff is vital. The training provided should include a focus on children's rights, as outlined in the UN Committee on the Rights of the Child's General Comment 7.

NICCY agrees with Intervention xvii: The Strategy will work with other programmes to ensure good quality training of unemployed people as a pathway to work in childcare. Creating new childcare places in the scale outlined in the Strategy could provide the opportunities for employment for hundreds or thousands of people. It is important that unemployed people are supported to access the training they require to secure employment in this area. However, according to the Family Resources Survey, the majority of children experiencing poverty are living in households where at least one parent is working. So employment does not necessarily lift families out of poverty, particularly where parents are working part time and in low waged sectors. As childcare workers are often employed part time, and on – or close to – the minimum wage, it will be important for the Strategy to have a focus on ensuring that the posts created through its interventions are sufficiently compensated to provide a route for parents to provide a decent standard of living for their children. In doing so the Strategy may truly help to stem the rise in child poverty predicted by 2020/1.

With regard to Intervention xix: Childcare Stakeholders' Panel, the draft Strategy has clearly benefitted from the input of a wide range of stakeholders in the childcare sector. However, I believe that the Strategy would also have greatly benefitted if there had been ongoing engagement with children throughout the co-design process. As General Comment 7 outlines, Article 12 of the UNCRC, which provides children with the right to have their views heard on matters affecting them, and requires government to take into account their views, applies to children of all ages.

'The Committee encourages States parties to take all appropriate measures to ensure that the concept of the child as rights holder with freedom to express views and the right to be consulted in matters that affect him or her is implemented from the earliest stage in ways appropriate to the child's capacities, best interests, and rights to protection from harmful experiences.'

NICCY strongly agrees with Intervention xxii: Review options for statutory responsibility. I would draw attention to the recent passage of the Children's Services Co-operation Act 2015

and the statutory duty this places on agencies and departments to work together to deliver on the six Children's Strategy outcomes. Childcare clearly falls under these outcomes, in particular 'Enjoying, learning and achieving', 'Living in safety and stability', 'Experiencing economic and environmental well-being' and 'Living in a society which respects their rights'. The Act, therefore, requires departments and agencies to work together to in the planning and delivery of childcare services. However, it may be beneficial to consider whether additional specific duties relating to childcare should be placed on a statutory basis.

Many of the questions asked above are about operational matters, and therefore it has not been appropriate for NICCY to make comment on these matters. The focus of NICCY's advice is on children's rights and best interests, as can be seen from the comments above.

I have outlined, in response to Intervention xix, the duty placed on government by Article 12 of the UNCRC to consult with children and young people in the development of this Strategy. Indeed meaningful engagement with children and young people as part of the co-design process would, without doubt, lead to the development of a better Strategy, one which reflected the lived experience and needs of the children themselves.

However, Article 12 also has implications for those who are delivering childcare services, as they have a duty to support children to express their views and preferences and to take them into account. General Comment 7 states that:

'Young children are acutely sensitive to their surroundings and very rapidly acquire understanding of the people, places and routines in their lives, along with awareness of their own unique identity. They make choices and communicate their feelings, ideas and wishes in numerous ways, long before they are able to communicate through the conventions of spoken or written language.(...)

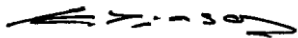
The right to express views and feelings should be anchored in the child's daily life at home (including when applicable, the extended family) and in his or her community; within the full range of early childhood health, care and education facilities, as well as in legal proceedings; and in the development of policies and services, including through research and consultations.

States parties should take all appropriate measures to promote the active involvement of parents, professionals and responsible authorities in the creation of opportunities for young children to progressively exercise their rights within their everyday activities in all relevant settings, including by providing training in the necessary skills. To achieve the right of participation requires adults to adopt a child-centred attitude, listening to young children and

respecting their dignity and their individual points of view. It also requires adults to show patience and creativity by adapting their expectations to a young child's interests, levels of understanding and preferred ways of communicating.' (Para 14)

I hope that these points are helpful in considering the way forward in relation to the development of the Childcare Strategy. Please do not hesitate to contact my office if you would like any further information.

Yours sincerely



Koulla Yiasouma
Commissioner for Children and Young People