



# **Children's Rights Alliance Submission to the Citizens' Assembly January 2021**

The Children's Rights Alliance unites over 100 members with the goal of making Ireland one of the best places in the world to be a child. The Alliance welcomes the opportunity to present to the Citizens' Assembly on Gender Equality. In our submission, we have focused on one core area that the Citizens' Assembly is considering: recognise the importance of early years parental care and seek to facilitate greater work-life balance.

In recognising the importance of parental care and seeking to facilitate greater work-life balance, the Alliance recommends examining the importance of maternity/parental/paternity leave and benefits to support parents to remain in the home to care for their children. At the same time, access to universal, good quality early learning and care is also critical to facilitate greater work-life balance and to support women to access the labour market and participate on the same basis as men. The following paper outlines the importance of both measures and makes recommendations for reform.

## **1. Maternity/Parental/Paternity Leave**

Research suggests that most children do best when cared for at home during at least the first year of their life. Article 18 of the UN Convention on the Rights of the Child recognises that support for parents in the early years of a child's life is particularly important.<sup>i</sup> In interpreting this provision, the UN Committee requires the State 'to take all appropriate measures to ensure that children of working parents have the right to benefit from childcare services, maternity protection and facilities for which they are eligible'.<sup>ii</sup> The UN Committee also advocates 'an integrated approach' which focuses on health and education supports for new parents and includes 'interventions that impact indirectly on parents' ability to promote the best interests of children (e.g. taxation and benefits, adequate housing, working hours)'.

Parents are entitled to the following types of leave in Ireland.

Table reproduced from the Citizens Information Service

Leave	Who gets it?	How long?	Is it paid?
Maternity leave	Female employees	26 weeks and up to 16 unpaid weeks	Yes, Maternity Benefit is paid for 26 weeks
Adoptive leave	Adoptive mothers, Men adopting alone	24 weeks and up to 16 unpaid weeks	Yes, Adoptive Benefit is paid for 24 weeks
Paternity leave	New parents of children under 6 months of age (but not the mother of the child)	2 weeks	Yes, Paternity Benefit is paid for 2 weeks
Parental leave	Parents and guardians of children under 12	26 weeks	No, it's unpaid
Parent's leave	Parents of children under 1 year of age (or in first year of adoption) - this will increase to 2 years from April 2021	2 weeks (5 weeks from April 2021)	Yes, Parent's Benefit is paid for 2 weeks

*The First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019–2028* commits to introducing an individual entitlement for each parent of seven weeks' paid parental leave by 2021. In meeting this commitment, the Government introduced a gender neutral two weeks Parent's Leave in 2020 which both parents can take under the age of one year. However, even if this commitment were to be met, Ireland would still be at least 10 weeks short of providing income-supported family leave to cover the first year of a child's life in the case of those parenting jointly, and would fall even further short of this in the case of those parenting alone.

When it comes to maternity leave, the amount of time that Ireland provides mothers with is above the OECD average of 18 weeks. However, it falls behind when it comes to the maternity benefit payment. For example, the majority OECD countries provide payments that replace over 50% of previous earnings, with 13 OECD countries offering a mother on average earnings full compensation across maternity leave. Payment rates are lowest in Ireland (€245 per week) and the United Kingdom, where less than one-third of gross average earnings are replaced by the maternity benefit.<sup>iii</sup>

On Paternity Leave, the OECD average is just over eight weeks of paid leave, either through paid paternity leave or paid father-specific parental or home care leave.<sup>iv</sup> Ireland is currently about four weeks short of the OCED average. A lesser entitlement to paternity leave can discourage fathers/second parents from playing a bigger caring role in their child's life. The value of the benefit

is also important because if the father/other parent is a main earner. A low payment can discourage the father/other parent from taking the leave.

Sweden represents the gold standard when it comes to entitlements in this area. Swedish legislation on this issue is more gender neutral than in other EU Member States. Each parent is eligible for up to 240 days paid parental leave (all but 90 days of which may be transferred to the other parent), plus unpaid leave until the child is 18 months old. Maternity leave can be taken before or after birth within 60 days of delivery.<sup>v</sup>

What is notable from the Irish experience, is that Ireland's policies on maternity leave are not gender neutral and they also fail to take account of the specificities of lone parents. For example, the new entitlement to Parents' Leave means that a child with two parents will get to benefit from four weeks with each parent (if taken separately). Whereas a child born to a lone parent will only get two weeks with their parent. In addition, while Ireland has committed to introducing an additional five weeks of Parent's Leave in future years, it still falls short. Children should be entitled to have their parents with them in the first year of life at the very least because it is generally better for their development.

### **Recommendations:**

- Short Term:
  - As a first step increase the income-supported family leave to cover the first year of a child's life and make the necessary legislative amendments to ensure that people who are parenting alone and their children can access the same level of support by making parent's leave transferrable between parents.
  - Review payment statutory payment rates that are available for maternity/parental/paternity leave to ensure that they adequately meet the needs of families.
  
- Long Term:
  - Extend income supported family leave to cover the first 24 months of a child's life.

## **2. Universal Publicly Funded Childcare**

The UN Committee on the Rights of the Child recognises that young children, from birth, throughout infancy and during the pre-school years, are holders of all rights enshrined in the Convention on the Rights of the Child.<sup>vi</sup> The perinatal and infancy period is a formative time for child development and wellbeing. There is clear evidence that experiences during these pre-school years play a unique role in shaping a child's brain, with long-term consequences for health and wellbeing, as well as educational learning.<sup>vii</sup> No other life stage depends more on the external environment for growth and development.<sup>viii</sup>

While parents and caregivers hold primary responsibility, the wider childcare system plays a very important role in supporting children's healthy cognitive and socio-emotional development through interactive play and learning. High-quality childcare can help redress inter-familial inequalities in care and ensure all children receive a baseline level of developmental support irrespective of home circumstances and parenting capacity. This is particularly important because there is robust evidence to show that children who are disadvantaged at age three, are at increased risk of disadvantage across the life cycle.<sup>ix</sup> One of the longest running cohort study in the world has found that children

who were in high risk groups at age 3 account for a disproportionately large economic burden by age 38, through overrepresentation on indicators such as hospital stays, injury insurance claims, welfare receipts and criminal convictions. <sup>x</sup> This robust research highlights the importance of provision of wrap-around support in early childhood not only to safeguard children's rights in the present, but also to mitigate risk trajectories, yielding a significant long-term economic and social return.

In Ireland, the current model of extra-familial childcare relies heavily on parental income affecting the ability of families experiencing socio-economic disadvantage to avail of high-quality support. Early years childcare is defined as non-parental care provided to children before they enter the formal education system and is also known as Early Learning and Care (ELC).<sup>xi</sup> Ireland has the second lowest public spending on early childhood education and care in the OECD, amounting to less than 0.5% of GDP.<sup>xii</sup> The private model means that the State provides subsidies directly to providers of childcare services in an attempt to reduce the financial cost of availing of market care for parents and carers.<sup>xiii</sup> Public funding is only provided for programmes offered through Tusla-registered providers and other forms of childcare such as childcare provided by relatives or unregistered childminders are not covered by publicly funded childcare subsidies or schemes.<sup>xiv</sup> Recent OECD shows that 99% of children attending pre-primary education (aged three to five years) were enrolled in private childcare institutions, compared to the OECD average of 34%.<sup>xv</sup> The OECD is clear that if ECEC is not sufficiently subsidised, the participation of children from disadvantaged backgrounds is reduced.<sup>xvi</sup>

Ireland childcare model is out of synch with comparable systems in other countries<sup>xvii</sup> which are all predominantly public, meaning that providers that receive public funding cannot generate large profits. Other European countries started developing their childcare systems in the 1940s and the 1950s. However, Ireland and the UK did not develop a public system and instead a private childcare model emerged to fill the vacuum.

In Autumn 2019, the Government acknowledged the importance of early learning and care, particularly for the most vulnerable children, and pledged to continue increasing investment in order to try bring Ireland in line with OECD averages.<sup>xviii</sup> As part of an overall reform to the childcare system, including school age childcare, the Government appointed an Expert Group to develop a set of principles on which childcare in Ireland should be based; to review existing policy against these principles and its effectiveness in delivering objectives; and drawing on international evidence, to propose a new funding model in accordance with these principles and objectives.<sup>xix</sup>

Notably, the Terms of Reference for this Expert Group state that it is not asked to propose changes to the current model of delivery (i.e. privately operated provision) rather the Group should seek to further achieve policy objectives of quality, affordability, accessibility and contributing to addressing disadvantage in a privately-operated market through increased public funding and public management. <sup>xx</sup>

In parallel with the establishment of this group, the Government introduced the National Childcare Scheme in November 2019, the first ever statutory entitlement to financial support for childcare in Ireland.<sup>xxi</sup> The National Childcare Scheme represents a first step towards reform of the system through streamlining all existing subsidies in a more accessible and parent-friendly claim process. Under this new scheme which sits alongside the ECCE subsidy for older pre-schoolers, there are now just two types of childcare subsidy for children over 6 months of age:

- A **universal subsidy** for children under 3. Children over 3 who have not yet qualified for the ECCE are also eligible. It is not means-tested.
- An **income assessed subsidy** for children up to 15. It is means-tested.<sup>xxii</sup>

Since introduction, over 45,000 children have benefited from this, with almost 30,000 of these children being supported through the targeted scheme.<sup>xxiii</sup>

The UN Committee on the Rights of the Child is clear that no child should experience discrimination in early childhood and all should be able to access the vital services that contribute to their survival and development, in line with Article 6.<sup>xxiv</sup> However, it is well-documented that the high cost of childcare in Ireland precludes cohorts of children from accessing out of family support: research conducted by the European Commission found that the participation rate of children from low-income families in formal childcare was a quarter of that of their high-income peers.<sup>xxv</sup>

Similarly, for children with disabilities, access to developmentally appropriate and needs-based early childhood education and care, can be challenging. While the award-winning Access and Inclusion Model has helped to support children with disabilities through a child-centred, progressive universal model, it is only available for pre-school children who are aged over 2 years and 8 months.<sup>xxvi</sup> Since eligibility for Government support under AIM is based on the needs of the child in the designated age range and the needs of pre-school setting the child is participating in, children with disabilities who attend formal childcare settings at a younger age may not be receiving sufficient support to enable them to develop in line with their peers.

Tackling socio-economic inequalities and latent ableist bias in childcare access and delivery requires rethinking our approach to early childhood education and care funding, with a commitment to resource and scale-up good practice, such as the AIM model.

In Autumn 2020, the Government progressed reform of the funding model of early childcare through a consultation with key stakeholders and ongoing meetings with the expert group. The group is considering a range of issues, including affordability and data-driven approaches to identifying children and settings in need of additional support.<sup>xxvii</sup> As highlighted above, the scope of this work does not allow for consideration of alternatives to private delivery.<sup>xxviii</sup> However, based on international evidence, the best method for tackling inequalities and raising quality standards is an inclusive public model of childcare that can support children from birth to school-age if required. Under a public model, costs to parents should be based on ability to pay, with a progressive fee structure where fees are capped, parents pay according to income and all parents receive a high subsidisation. Families who are on low incomes and living in poverty should have access to free childcare. In order to identify the families who would qualify consideration should be given to using the medical card as the qualifying criteria.

## **Recommendations**

- Introduce a new national public universal childcare system that provides children with an entitlement to a childcare place and that is available to all children.
- Ensure that costs to parents are based on ability to pay with a progressive affordable fee structure that is capped. Ensure that childcare is free for parents on low incomes.

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- <sup>i</sup> 1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.
- <sup>ii</sup> UNCRRC, 'General Comment No. 7 on Implementing Rights in Early Childhood' (2006) UN Doc CRC/C/GC/7 Rev.1 Para 21.
- <sup>iii</sup> OECD, *Parental Leave Systems*, [www.oecd.org/els/soc/PF2\\_1\\_Parental\\_leave\\_systems.pdf](http://www.oecd.org/els/soc/PF2_1_Parental_leave_systems.pdf)
- <sup>iv</sup> OECD, *Parental Leave Systems*, at 4. [www.oecd.org/els/soc/PF2\\_1\\_Parental\\_leave\\_systems.pdf](http://www.oecd.org/els/soc/PF2_1_Parental_leave_systems.pdf)
- <sup>v</sup> European Commission, *Maternity and Paternity Leave at a Glance*, [www.europarl.europa.eu/RegData/etudes/ATAG/2019/635586/EPRS\\_ATA\(2019\)635586\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/ATAG/2019/635586/EPRS_ATA(2019)635586_EN.pdf)
- <sup>vi</sup> UNCRRC, 'General Comment No.7: Implementing child rights in early childhood' (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 1.
- <sup>vii</sup> Harvard Centre for the Developing Child, What Is Early Childhood Development? A Guide to the Science <https://developingchild.harvard.edu/guide/what-is-early-childhood-development-a-guide-to-the-science/> accessed 10/12/2020
- <sup>viii</sup> Clinton, J., Feller, A., & Williams, R. (2016). The importance of infant mental health. *Paediatrics & Child Health*, 21(5), 239–241.
- <sup>ix</sup> A Caspi, RM Houts, DW Belsky, *et al.* Childhood forecasting of a small segment of the population with large economic burden, *Nature Human Behaviour*, 1 (2016)
- <sup>x</sup> A Caspi, RM Houts, DW Belsky, *et al.* Childhood forecasting of a small segment of the population with large economic burden, *Nature Human Behaviour*, 1 (2016)
- <sup>xi</sup> Parliamentary Budget Office, *Childcare in Ireland: An Analysis of Market Dynamics, Public Programmes and Accessibility*, 2019 PBO Publication 70 [https://data.oireachtas.ie/ie/oireachtas/parliamentaryBudgetOffice/2019/2019-11-14\\_childcare-in-ireland-an-analysis-of-market-dynamics-public-programmes-and-accessibility\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/parliamentaryBudgetOffice/2019/2019-11-14_childcare-in-ireland-an-analysis-of-market-dynamics-public-programmes-and-accessibility_en.pdf)
- <sup>xii</sup> [http://www.oecd.org/els/soc/PF3\\_1\\_Public\\_spending\\_on\\_childcare\\_and\\_early\\_education.pdf](http://www.oecd.org/els/soc/PF3_1_Public_spending_on_childcare_and_early_education.pdf)
- <sup>xiii</sup> See Citizens Information Board, *Universal Childcare Subsidy* [https://www.citizensinformation.ie/en/education/pre\\_school\\_education\\_and\\_childcare/universal\\_childcare\\_subsidy.html](https://www.citizensinformation.ie/en/education/pre_school_education_and_childcare/universal_childcare_subsidy.html); *National Childcare Scheme (NCS)*, [https://www.citizensinformation.ie/en/education/pre\\_school\\_education\\_and\\_childcare/national\\_childcare\\_scheme.html](https://www.citizensinformation.ie/en/education/pre_school_education_and_childcare/national_childcare_scheme.html)
- <sup>xiv</sup> Parliamentary Budget Office, *Childcare in Ireland: An Analysis of Market Dynamics, Public Programmes and Accessibility*, 2019 PBO Publication 70 [https://data.oireachtas.ie/ie/oireachtas/parliamentaryBudgetOffice/2019/2019-11-14\\_childcare-in-ireland-an-analysis-of-market-dynamics-public-programmes-and-accessibility\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/parliamentaryBudgetOffice/2019/2019-11-14_childcare-in-ireland-an-analysis-of-market-dynamics-public-programmes-and-accessibility_en.pdf)
- <sup>xv</sup> Dr Emily Heery, *Public provision of early childhood education: an overview of the international evidence*, Oireachtas Library & Research Service June 2020, p.1
- <sup>xvi</sup> Dr Emily Heery, *Public provision of early childhood education: an overview of the international evidence*, Oireachtas Library & Research Service June 2020, p.3
- <sup>xvii</sup> European Commission, *Key Data on Early Childhood 2019 Edition* [kd\\_ecec\\_2019\\_report\\_en.pdf](http://ec.europa.eu/ecec/2019-report-en.pdf) ([europa.eu](http://ec.europa.eu))
- <sup>xviii</sup> Department of Children, Equality, Disability, Integration and Youth, Minister Zappone announces Expert Group to develop a new Funding Model for Early Learning and Care and School Age Childcare 18 September 2019 <https://www.gov.ie/en/press-release/d5dfdb-minister-zappone-announces-expert-group-to-develop-a-new-funding-mod/> accessed 10/12/2020
- <sup>xix</sup> Department of Children, Equality, Disability, Integration and Youth, Minister Zappone announces Expert Group to develop a new Funding Model for Early Learning and Care and School Age Childcare 18 September 2019 <https://www.gov.ie/en/press-release/d5dfdb-minister-zappone-announces-expert-group-to-develop-a-new-funding-mod/> accessed 10/12/2020

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<sup>xx</sup> Irish Government, Funding Model for Early Learning and Care and School Age Childcare Expert Group: Terms of Reference 17.11.2020 <https://www.gov.ie/en/collection/73a39-funding-model-expert-group/> accessed 17.12.2020

<sup>xxi</sup> <https://www.gov.ie/en/press-release/734aab-national-childcare-scheme-early-learning-and-care/#:~:text=Minister%20Zappone%20launches%20communications%20campaign%20on%20the%20National%20Childcare%20Scheme,-From%20Department%20of&text=The%20Minister%20for%20Children%20and%20Youth%20Affairs%2C%20Dr.&text=The%20National%20Childcare%20Scheme%20is,with%20payments%20flowing%20from%20November.>

<sup>xxii</sup> Citizens Information Board, National Childcare Scheme, [https://www.citizensinformation.ie/en/education/pre\\_school\\_education\\_and\\_childcare/national\\_childcare\\_scheme.html](https://www.citizensinformation.ie/en/education/pre_school_education_and_childcare/national_childcare_scheme.html) accessed 15 December 2020

<sup>xxiii</sup> Communication received by the Children’s Rights Alliance from Department of Children, Disability, Equality, Integration, and Youth 6 Nov 2020

<sup>xxiv</sup> UNCRC, General Comment No.7: Implementing child rights in early childhood’ (2006) UN Doc CRC/C/G/GC/7/Rev.1 para 12

<sup>xxv</sup> 9 European Commission, ‘Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the development of childcare facilities for young children with a view to increase female labour participation, strike a work-life balance for working parents and bring about sustainable and inclusive growth in Europe (the “Barcelona objectives”)’ Brussels, 8.5.2018 COM(2018) 273 final

<sup>xxvi</sup> <https://aim.gov.ie/faqs/>

<sup>xxvii</sup> New Funding Model for ELC and SAC Expert Group Meeting Minutes Tuesday 23 September 2020 <https://www.gov.ie/pdf/?file=https://assets.gov.ie/97079/508795c6-2bad-4a48-a627-cb13606fb461.pdf#page=null> Accessed 22 December 2020

<sup>xxviii</sup> Irish Government, Funding Model for Early Learning and Care and School Age Childcare Expert Group: Terms of Reference 17.11.2020 <https://www.gov.ie/en/collection/73a39-funding-model-expert-group/> accessed 17.12.2020