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Submission to OFMDFM on *Towards a Childcare Strategy*

March 2013

1. Introduction

The Northern Ireland Council for Ethnic Minorities (NICEM) is an independent non-governmental organisation. As an umbrella organisation¹ we represent the views and interests of black and minority ethnic (BME) communities.² Our mission is to work to bring about social change through partnership and alliance building, and to achieve equality of outcome and full participation in society.

Our vision is of a society in which equality and diversity are respected, valued and embraced, that is free from all forms of racism, sectarianism, discrimination and social exclusion, and where human rights are guaranteed.

Throughout its work over a number of years NICEM has repeatedly identified access to affordable childcare as a barrier to the economic participation of BME communities (including training and study opportunities), particularly BME women. In response to this, NICEM hopes to undertake a piece of research into childcare needs of BME communities in mid-Ulster and Down area because this has been identified as a key issue by grassroots organisations. This submission will be informed in part by the issues identified by those groups.

2. Equality and Human Rights Context

Mainstreaming equality and human rights into all policies must remain a key priority for all public authorities. In this section, some of the key provisions in relation to equality and human rights, in terms of advancing race equality and respecting the rights of BME communities, will be set out.

According to the Equality Commission's Revised Guidance (2005):

“the main aim of section 75 is to ensure that equality opportunity is ‘mainstreamed’ by public authorities in their policy making, policy implementation and policy review.”³

The Commission's 2012 Outline Guide highlights that:

“the Section 75 statutory duties aim to encourage public authorities to address inequalities and demonstrate measureable positive impacts on the lives of people experiencing inequalities. Its effective implementation should improve the quality of life for all of the people of Northern Ireland.”⁴

¹ Currently we have 27 affiliated BME groups as full members. This composition is representative of the majority of BME communities in Northern Ireland. Many of these organisations operate on an entirely voluntary basis.

² In this document “Black and Minority Ethnic Communities” or “Minority Ethnic Groups” or “Ethnic Minority” has an inclusive meaning to unite all minority communities. It refers to settled ethnic minorities (including Travellers, Roma and Gypsy), settled religious minorities, migrants (EU and non-EU), asylum seekers and refugees and people of other immigration status.

³ See Chapter 1 of the Revised Guidance for discussion on mainstreaming equality, at page 1.

⁴ Section 75 of the Northern Ireland Act 1998: A Guide for Public Authorities - An Outline Guide, 2002, Equality Commission for Northern Ireland, available at: http://www.equalityni.org/archive/pdf/S75_Public_Authorities_Outline_Guide.pdf

The Outline Guide goes on to consider the meaning of 'due regard' in the section 75 duty. According to the Guide, having 'due regard' and 'regard' means that the weight given to the need to promote equality of opportunity and good relations is proportionate to the relevance of a particular duty, to any function of a public authority. Therefore, having 'due regard' and 'regard' entails taking a proportionate approach in determining the relevance of equality opportunity and/or good relations to a particular function or policy."⁵

In addition, to the statutory equality duties non-discrimination and equality are core elements of the international human rights normative framework⁶ as well as the EU legal order. Therefore, it is worthwhile to also sketch out the relevant equality requirements under international human rights and EU law in relation to the provision of childcare.

Article 8 of the European Convention on Human Rights (ECHR) recognises the right to family life (which has been incorporated into domestic law by the Human Rights Act 1998). In addition, the concept of non-discrimination is enshrined in Article 14 of the Convention in terms of the enjoyment of other Convention rights.

Article 24 of the EU Charter of Fundamental Rights recognises the rights of the child, which specifically provides that "in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration". The general principle of non-discrimination is enshrined in Article 21. While the Charter only has legal effect when implementing EU law, it is highly relevant for EU migrant workers living and working in Northern Ireland because they are exercising their EU Treaty right to free movement and therefore the Charter comes into effect.

Lastly, the UN Convention of the Rights of the Child (CRC), which enjoys near universal ratification globally, recognises in Article 18 that:

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* (*emphasis added*).

In addition, Article 2 of the CRC enshrines the concept of non-discrimination and this has been designated by the Committee on the Rights of the Child as one of four of the overarching guiding principles of the Convention. The provision reads:

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the

⁵ *Ibid.*

⁶ See Article 2 Universal Declaration of Human Rights (UDHR); Article 2 International Covenant of Economic, Social and Cultural Rights (ICESCR); Articles 2 and 26 of the International Covenant on Civil and Political Rights (ICCPR); Article 1 of the International Convention on the Elimination of Racial Discrimination (ICERD); Article 2 of the Convention on the Elimination of All Forms of Violence against Women (CEDAW); Article 2 of the Convention on the Rights of the Child (CRC) and Article 5 of the Convention on the Rights of Persons with Disabilities (CRPD).

status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Therefore, there is a clear obligation to provide assistance to parents in accessing childcare without discrimination and this should be an underpinning key principle of the strategy.

3. Specific Needs of BME communities

NICEM welcomes the statement in the strategy that OFMDFM recognises that “minority ethnic communities are an important part of our society” and in particular the commitment to take into account the specific needs of BME communities in the development of this strategy. Before highlighting some of the specific concerns identified by community members, it should be borne in mind that BME communities are not a homogenous group and that immigration status can have a significant bearing on access to certain schemes such as tax breaks and vouchers. For example, so-called ‘third country nationals’, i.e. persons, whose country of origin is outside the European Union, will not be eligible for many schemes due to the no recourse to public funds policy. Therefore, it is essential that OFMDFM adopts a strategy which provides for the needs of different groupings within the BME communities living in Northern Ireland.

The consultation document sets out a number of areas for discussion in relation to childcare provision. This section will specifically address the concerns of BME communities seeking to access childcare in relation to the following discussion points; equality, choice, accessibility, cost, better information as well as the rural dimension.

3.1. Equality

Do you agree that lack of affordable childcare is a barrier to gaining employment, studying or seeking training?

Some childcare providers noted that the main barrier they felt mothers had in relation to trying to access training courses. In addition, an overwhelming number of those mothers have partners who work in factories and do shift work, which means that they have irregular working hours. Therefore, they are unable to guarantee that they can attend a course regularly irrespective of whether they commit to either a morning or evening course.

3.2. Choice

What factors limit choice?

Immigration status can be a limiting factor for BME families in terms of having choices about childcare. For example, so-called ‘third-country nationals’, i.e. persons whose country of origin is outside the EU, will not be able to access State assistance because of the rule against recourse to public funds. As a result, third country nationals will not be able to afford a lot of the childcare options available.

The opening hours of childcare facilities often do not cater for persons working shifts and therefore this can have a huge limitation on choice. Moreover, some households only have

one car and if one parent leaves early to go to work, there may not be any transport available to get to the crèche. Therefore, travel expenses can also limit choices.

Choice can also be limited for migrant families because they do not have local knowledge about amount of childcare available in area and this can be compounded by language barriers.

Some parents expressed concerns about the lack of cultural awareness, e.g. culturally appropriate food, in childcare provision and therefore, this can also be a limiting factor.

Do you think there is sufficient choice in childcare available? If not, what choice would you like to see available?

Most groups responded that there was not sufficient choice available. Some felt that there needed to be more options for childcare available to those parents not needing full-time childcare and therefore there needs to be more flexibility. Other groups stated that choice depends on the area and finances in order to support the cost of crèche.

How important is quality in making decisions about childcare?

Community groups said quality was very important in making decisions about childcare combined with other factors such as opening hours, proximity to school/home, price and reputation of the provider and whether or not others had recommended the provider.

Others responded by stating “everybody wants the best childcare, because we want to make sure that our children are safe and happy”. From NICEM’s perspective this is very important as the best interests of the child as well as the right to development are key overarching principles of the UN Convention on the Rights of the Child.

3.3. Accessibility

What hours are most important to ensure your child is looked after in a childcare or other non-home environment?

Many community groups felt that it is important to ensure childcare is available during standard working hours whereas others felt more flexibility was necessary, particularly in order to cater for shift workers as they may have to work “all hours”. Early morning provision was also noted as important, and some specifically asked for provision between the hours of 7am – 6pm.

Do you agree with an objective of trying to achieve region wide core provision between 8am-6pm Monday to Friday for all who need it?

While some community groups felt this was appropriate, the majority felt that that provision needs to be available earlier in the morning, such as 7am and others expressed the need for provision to extend beyond 6pm, particularly to accommodate shift workers.

What additional challenges do shift workers have in finding suitable childcare?

Since the majority of migrant workers are working as shift workers this is the biggest

challenge faced by BME communities. The vast majority of BME families have a limited family network in this country so are unable to rely on relatives to provide childcare. Those that do have families, are usually all working and this is predominantly shift work.

Case Study – Ozanam Centre

The cost of childcare is expensive especially when only one member of the family is working and on a limited wage. For example, the childcare costs for someone being able to access ESOL in the Ozanam Centre (2hr class) and using the crèche would be in the region of £600 for one child (30 weeks at £20). The difficulty is then in accessing child minders who would not commit to using one of their places for only a couple of hours per week. I know that some do have reciprocal arrangements with their friends and look after each other's children when possible, but this is usually for short term or emergency situations.

Case Study - Splash Surestart

Splash Surestart are very limited in what crèche places are available for courses we provide but when we do this is always a high uptake from BME families. For example, our next Food Hygiene Certificate Course has a 50 per cent uptake from Polish families. I have a large number who wish to enrol on ESOL courses but they are unable to do so.

Do you have a view on how the schools estate could potentially be used to support “wrap around” provision?

Some community groups suggested that a breakfast club in primary school and after school clubs until 5pm would have great potential and felt after school clubs should be more readily available because, for example one mother explained she doesn't have a car and pickups are difficult because they are usually at 1.30pm, 2 or 3pm. Others felt that school gives more protection and would be a better option for families.

In your view, what types of childcare requirements are needed during holiday periods?

Most community groups expressed concern that the cost of childcare during holidays is more expensive. Therefore, this means dividing time between parents which can also have an impact on family life.

Some community groups suggested more summer schemes should be made available, especially for older children aged 7-12years.

In addition to the increased cost of childcare during the holiday periods, community members told us that if a child doesn't use childcare in school time there are more hours needed during holidays and more difficult to get a place in childcare as there may not be any spaces left.

3.4. Affordability

What is your experience of the cost of childcare?

The Ozanam case study has already been mentioned above and it provides a clear example of how the issue of affordability is strongly linked to accessibility. Other providers and community groups also expressed the following views in relation to cost.

Case Study - Registered childminder

In 2009/10 there were two Polish children, whose parents were employed for 3 months and 6 months respectively. Both parents self-funded the places and stopped using the service once they were unemployed. The woman on the 6-month contract then became pregnant.

Case Study – Filipino nurses/carers

Since most of the Filipinos in NI are working either as nurses or senior care workers (private or under the Trust). It is not uncommon for Filipino communities to collectively arrange care of their children and young people through their own roster system as they all work in shift duty. Given their low income, existing childcare infrastructure is too expensive and not flexible enough around shift work. Also no recourse to public funds meant that these persons were outside scope of current programmes.

Another community member said that childcare is simply too expensive for them when compared with wages they are earning, for example the standard cost of £125 per child when the parent only earns £75. Others felt the cost of childcare was particularly difficult to manage in larger families, i.e. when a family has two or more children.

What are your views on the possible setting of tariffs for childcare provision?

Many community groups felt that childcare should be standardised and “made cheaper”.

Should there be a limit on how much you should pay for childcare?

All community groups NICEM spoke to felt there should be a limit and should only “a low percentage of your pay”. Concrete examples of pay from groups included:

- Shouldn't be over £80/week based on 8 hour day
- Shouldn't be over £100/week

Should there be a limit on how much providers can charge you for childcare?

All community groups NICEM spoke to felt there should be a limit on how much providers can charge you for childcare.

Should this limit or cap (maximum you would pay) be based on your income?

All community groups NICEM spoke to felt there should be a cap and it should be a certain percentage, some suggested a low percentage, of one's income to be paid on childcare.

Will the reduction in the maximum contribution available under tax credits from 80% to 70% be a significant impact upon childcare provision?

All community groups NICEM spoke to felt this would have an impact as the “the less help from tax credits – it is not worth working”.

At this point it is worth reiterating the concerns about those families who do not have recourse to public funds and would therefore sometimes be excluded from government incentives, so it is essential that those families are also provided for when a new strategy

comes into being.

3.5. Better Information

Do you feel that parents have access to all the information necessary to make informed decisions about the childcare provisions that best suits their circumstances? If not, what information could help parents' decision-making process? What sources of information have been/ would be useful?

Many parents felt it was essential to have trust in childcare providers and a certain level of knowledge about "who is looking after my children". Others felt while information may be sent out to parents of children of different ages through the health trust about what services are available, not enough information was provided on each individual childcare provider and what they will provide. One community member suggested the following action: "all crèches, after school clubs, youth clubs should all be detailed on one page on the internet for example so that they are easily accessible". Lastly, it is important to bear language needs in mind in the provision of information to parents.

Case Study – Daycare Manager in mid-Ulster region

One Daycare Manager stated that language barriers are the primary barrier to inclusion: causing feelings of intimidation, difficulty in sharing information about transitions and times with parents, and causing the staff problems in assessing if there is a developmental gap being masked by a language barrier.

The Manager identified a desire for cultural awareness training and expressed a desire to see the Health Trusts fund a worker to act as a central service to translate policies and other documents. The issue of difficulties in written communication was also raised by another provider in the region.

3.6. Issues for Special Consideration

What are the key issues in relation to the provision of School Age Childcare?

Some of our member groups found it to be an issue that there was no transport available to take children from school to a crèche and this then created a further barrier. Other groups found school holidays to be a key issue because there were either no child-minders available and/or all forms of provision was fully booked because their children didn't regularly attend childcare during the school term.

Would you support higher quality childcare even if this meant a higher cost to parents?

The groups NICEM spoke to they would support higher quality childcare in principle. However, there was a concern, that since childcare is not affordable for most BME parents at the moment, if the cost were to rise serious concerns were expressed that "no-one could afford higher cost childcare provision".

What are your views on the provision of, and access to, childcare in rural areas?

NICEM now has offices in the North West and mid-Ulster and Down regions and therefore, we engage with communities living in rural areas. Some of the community groups NICEM works with felt that provision was “very poor” in rural areas. The below case study illustrates the added dimension that living in a rural part of Northern Ireland can have on a low-paid migrant worker’s ability to access childcare.

Case Study – North West Region

A Polish woman had been living and working in meat processing factory in a rural part of Northern Ireland for less than minimum wage which was topped up by "bonus payments" which brought amount earned to just above minimum wage (this is a lawful practice but arguably leads to exploitation of migrant workers). Her working hours included long shifts starting at 6am each morning. After working for some years she became pregnant and found it difficult to find childcare services, which started before 6am in this rural area. As a lone parent without a wider family structure in Northern Ireland, she could not afford to employ a private child-minder given the low wage she was being paid. She was forced to quit her job in order to look after her child and as a she lost her right to reside in Northern Ireland and will probably now be deported back to Poland along with her small baby.

4. Conclusion

As already mentioned, NICEM welcomes OFMDFM’s commitment to ensuring the needs of BME families are met in the Childcare Strategy and we hope that the issues raised in this consultation response, i.e. the particular barriers BME families face in terms of childcare provision may mean that BME women are excluded from participating in training and employment, will also be reflected in the Racial Equality Strategy. It is particularly important to recognise that these multiple barriers could lead to multiple discrimination which is crucial given the fact that the UK will be examined by the UN Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) this summer.

5. Further Information

For further information in relation to this consultation response please contact:

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