

Agenda – Equality and Social Justice Committee

Meeting Venue:

For further information contact:

Video Conference via Zoom

Claire Fiddes

Meeting date: 29 November 2021

Committee Clerk

Meeting time: 12.30

0300 200 6565

SeneddEquality@senedd.wales

Private pre-meeting

(12.30 – 12.45)

1 Introductions, apologies, substitutions and declarations of interest

(12.45)

2 Childcare and parental employment – evidence session

(12.45 – 13.45)

(Pages 1 – 86)

Rachel Thomas, Head of Policy and Public Affairs, Children’s Commissioner for Wales

Ruth Coombs, Head of Wales Equality and Human Rights Commission

Martyn Jones, Interim Chair of the Equality and Human Rights Commission Wales Committee

Individual consultation responses can be viewed on the Committee’s website ([public](#) / [restricted](#)).

3 Motion under SO17.42(ix) to exclude the public from items 4, 7 and 8 of today’s meeting

(13.45)

4 Childcare and parental employment – consideration of evidence

(13.45 – 14.00)

5 Childcare and parental employment – scrutiny session

(14.00 – 15.00)

(Pages 87 – 99)



Julie Morgan MS, Deputy Minister for Social Services

Nicola Edwards, Deputy Director, Childcare, Play and Early Years Division

Claire Bennett, Director, Communities & Tackling Poverty

6 Papers to note

(15.00)

6.1 Correspondence from Jill Youds, Chair of the Pension Board to the Llywydd regarding Public Service Pensions and Judicial Offices Bill – 9 November 2021

(Pages 100 – 108)

6.2 Additional information from the Covid and Childcare study – 12 November 2021

(Pages 109 – 118)

6.3 Correspondence from the Chair of the Economy, Trade and Rural Affairs Committee regarding the childcare and parental employment inquiry – 22 November 2021

(Pages 119 – 122)

7 Childcare and parental employment – consideration of evidence

(15.00 – 15.15)

8 Forward work programme

(15.15 – 15.30)

Document is Restricted

Senedd Cymru
Y Pwyllgor Cydraddoldeb a
Chyfiawnder Cymdeithasol
Gofal plant a chyflogaeth rhieni: y
pandemig a thu hwnt
CPE(09)
Ymateb gan Comisiynydd Plant Cymru

Welsh Parliament
Equality and Social Justice Committee

Childcare and parental employment:
the pandemic and beyond
CPE(09)
Evidence from Children's
Commissioner for Wales

Background information about the Children's Commissioner for Wales

The Children's Commissioner for Wales' principal aim is to safeguard and promote the rights and welfare of children. In exercising their functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner's remit covers all areas of the devolved powers of the Senedd that affect children's rights and welfare.

The UNCRC is an international human rights treaty that applies to all children and young people up to the age of 18. The Welsh Government has adopted the UNCRC as the basis of all policy making for children and young people and the Rights of Children and Young Persons (Wales) Measure 2011 places a duty on Welsh Ministers, in exercising their functions, to have 'due regard' to the UNCRC. This response is not confidential.

Whilst I note that the terms of this inquiry relate primarily to parental employment, due to my statutory role as independent champion for children's rights I have covered in my response the child development considerations and children's rights arguments in relation to the Childcare Offer. Others will be better placed to comment directly on employment access and retention, or workplace productivity.

I have used the published terms of reference for the inquiry to structure my response.

My response covers:

- The need for a child-centred childcare policy;
- The need to review the terms of the existing Childcare Offer; and
- A recommendation to undertake a full Children's Rights Impact Assessment (CRIA) whilst reviewing the policy.

The extent to which current childcare provision in Wales sufficiently supports parents, particularly mothers, to enter, remain and progress in employment, and what changes might be needed to improve the effectiveness of childcare provision in doing this.

The criteria for the Childcare offer in Wales¹ at present are very specific; this was something that I raised concern about during the passage of the Childcare (Funding) Bill which brought the Offer into force. In my written evidence² and my Annual report for 2016-17³ I expressed concern at the exclusion of children from non-working households from the Offer, as it was likely to increase the school readiness gap between this group and those with working parents. While childcare provision offered in Flying Start areas meets some of this need, not all children of non-working parents live in Flying Start areas. Research commissioned by Save the Children suggests that on average 44% of children living in income deprivation in Wales are not eligible for Flying Start⁴.

In my oral evidence session on the Bill with the CYPE Committee,⁵ I was challenged on this, on the basis that it was a specific Labour party manifesto call and was being implemented in the terms promised. However, the Government has a legal duty to have due regard to children's rights when exercising any of their functions, and I did not believe that they had done so sufficiently, by bringing forward such an adult-centred policy.

The requirement to work a minimum of 16 hours per week and for both parents in a couple to be working mean that low income households may be excluded from accessing the Offer.

There are some schemes that provide childcare for those seeking employment, but these do not apply if you are in part time work (less than 16 hours) or if you are in education or training. Education or training might be key ways for parents to upskill or diversify their qualifications in order to re-enter the labour market but the lack of childcare availability is a real barrier for many in pursuing this option. This was pushed hard by members of the CYPE Committee during stage 1 scrutiny of the Bill but this was not amended in the final version that was enacted.

The Government's 2019 evaluation report⁵ of the Childcare Offer pilot phase noted that 92% of parent respondents to the survey continued to use the same childcare provider as they had done prior to the Offer being implemented. The majority of families taking this up had heard about the Offer through their existing provider. In addition, one of the main benefits noted was an increase in disposable income

¹ <https://gov.wales/childcare-3-and-4-year-olds>

² https://business.senedd.wales/documents/s75785/CCF%2002%20Childrens%20Commissioner%20for%20Wale_s.pdf

³ <https://www.childcomwales.org.uk/wp-content/uploads/2017/10/A-Year-of-Change-CCFW-AnnualReport.pdf>

⁴ Little pieces, big picture, Save the Children, 2018, page ix. ⁵

<https://record.assembly.wales/Committee/4798>

⁵ https://gov.wales/sites/default/files/statistics-and-research/2020-02/evaluation-of-the-earlyimplementation-of-the-childcare-offer-for-wales-year-two_0.pdf

(84% of participants reported this) rather than an increase in childcare take up or in the ability to sustain or take on new employment. Additional disposable income is of course an important positive contribution to families in potentially tackling child poverty, but the high income thresholds for the childcare offer would suggest that this would not be the most efficient way of achieving this goal.

Any state funded childcare provision should be of good quality and help children to realise a range of rights including having extra support where they have a disability (Article 23) and being protected from harm (Article 39).

Article 2 of the UNCRC explicitly states that state parties have a duty to ensure the rights of all children without discrimination of any kind including the status of their parents. The current policy is drawn primarily on the status of parents and is therefore arguably not compliant with children's rights.

What impact the Childcare Offer in particular has had in achieving the Welsh Government's objective of "helping parents, particularly mothers, to return to work or increase the hours

My Office does not monitor or collect data on the impact of policies on parents, but I note in the 2019 evaluation report that only 14% of parents responding to the survey had been able to increase their working hours. Of these, there were more women than men that were able to increase their hours, but overall the increase indicated is at the low end.

The impact of limited childcare availability on Wales' productivity levels

I would not have the relevant data or information available to answer this question.

How childcare arrangements have affected parental employment during the coronavirus pandemic, particularly in relation to mothers. What lessons might be applied to provide better support during any future lockdowns or increased restrictions

During the pandemic my Office was contacted by parents concerned about having to continue to pay for childcare places that they were prevented from accessing during the lockdown periods.

In the first lockdown period particularly, both parents had to be employed in specific sectors in order to qualify for 'key worker' school hubs or childcare provision. This had an impact on parents' ability to care for their children and continue to meet their full employment hours consistently and reliably. Anecdotally we heard of parents having to change or reduce their working patterns in order to manage this, particularly with the inability to access informal family childcare options either at this point.

A particular issue during this period was access to provision for children with additional learning needs. Settings were concerned at their ability to meet

children's needs but it is these children that especially benefit from regular and specialist support and provision.

It is welcome that the key worker criteria were 'flexed' during subsequent lockdown periods although this may not have been the experience for every family. We found through our independent case work service that it was often necessary for our office to intervene and speak to settings or local authorities in order to access provision that families were entitled to. There were pressures on childcare hubs with high demand for places which led to some of the access difficulties that families brought to our office during this period.

In addition, the suspension of new applications for the Offer caused uncertainty for parents as there is usually a requirement for at least 6 weeks' lead in time for applications to be processed. Parents had planned their working arrangements expecting to take up the Offer and therefore were concerned as to how they could make and fund alternative arrangements if this was not going to be available to them. When we raised this with the Welsh Government, we were however pleased to see that the Deputy Minister published a statement⁶ clarifying some of the arrangements, in response to parents' concerns.

Whether Welsh Government-funded childcare provision is flexible enough to support employment of parents, particularly mothers, in different demographic groups and experiencing different circumstances

am aware of difficulties for some parents in navigating the crossover between the Childcare Offer and other provisions such as the foundation phase 10 hours nursery provision. Ensuring that the funded Childcare Offer coincides with other childcare options will be an important aspect to encourage take up of this important provision for children and ensure that wrap around provision is in place for every child that requires it.

Continuity of childcare provision for children is important for the child's experience, with as few changes in settings as possible in any one day being desirable, and no changes being ideal. Currently many parents have to arrange more than one setting for their child to attend in one day.

The impact of high-quality formal childcare provision on reducing the attainment gap, and the potential benefits of extending childcare provision to tackle inequalities

We know from the Millennium Cohort Study that children from the poorest families are already around 10 months behind those from better-off backgrounds in terms of development by the age of 3.

⁶ <https://gov.wales/written-statement-childcare-offer-and-coronavirus-childcare-assistance-scheme>

A 2021 Estyn Thematic report on the teaching of English language and literacy skills in English medium schools⁷⁸ found that “poverty and disadvantage remain barriers to learners developing secure language and literacy skills.” Whilst the cohort currently in schools will not have all been through the Childcare Offer pilot prior to starting school, my concern would be that this situation will be further exacerbated by a continued offer targeted at working parents rather than children’s developmental needs.

wrote in my 2016/17 Annual Report that “I am aware of concerns amongst the current childcare workforce in Wales in relation to capacity and sustainability, including Welsh Language provision.” Government data and plans for the future of the Offer must consider Welsh language provision and provision for children with additional needs, and work with providers in the sector to ensure that there is sufficient capacity to deliver the required provision in every area.

What Wales can learn from other models of childcare provision operating in the rest of the UK and internationally and emerging practice in terms of supporting parental employment, and the extent to which these models might be transferrable to the Welsh context

The offer in Scotland is being extended on a phased basis, to eligible two year olds as well as all 3 and 4 year olds⁹. The focus is on children who would most benefit from the offer, including all looked after children and children whose family receive a qualifying benefit, including those eligible for free school meals. This child-centred policy is well focused and ensures that the primary benefit of the funding is children’s learning and development. Given concerns at the levels of child poverty in Wales including ‘in-work’ poverty, and the impact of benefits cuts and caps, framing a childcare offer in these terms is far more consistent with children’s rights and my related calls in this area.

It should be noted that the Children’s Rights Impact Assessment (CRIA) for the 2019 Childcare Funding Bill only highlighted the positives for those children within the offer and did not consider the rights of all children. It was therefore a flawed assessment and should be revisited now that the policy is in place. The policy was also intended as a pilot so it is timely to consider lesson learned from this in order to better target the support and benefits of the funding to support children’s rights.

In addition, it is notable that the Scottish Parliament unanimously passed a Bill to incorporate the UNCRC fully in to Scots law. This would make children’s rights enforceable and require public bodies including the Government to act compatibly with children’s rights. Such a move in Wales would also further enhance the ability to hold decision makers to account on children’s rights. I

⁷ <https://www.estyn.gov.wales/system/files/2021->

⁸ [/Estyn%20English%20language%20and%20literacy%20E%289%29.pdf](https://www.estyn.gov.wales/system/files/2021-08/Estyn%20English%20language%20and%20literacy%20E%289%29.pdf)

⁹ <https://www.gov.scot/policies/early-education-and-care/early-learning-and-childcare/>

strongly criticised the limited CRIA that was undertaken by the Government for the Childcare (Funding) Bill, because the analysis only considered the positive impact for those children who fell within the Offer and not how the policy was excluding other children who might benefit more from receipt of such provision.

Because the Government had published a CRIA document, they had complied with their legal duties and as such I was unable to directly challenge them on their due regard for children's rights. Full incorporation of the UNCRC in Wales would allow for policies enacted by Government to be directly challenged on the basis of children's rights. Government would have to demonstrate that their actions were compatible with all children's human rights, and not just that they'd done some thinking about some of the potential impacts under the due regard model. Families may also have been able to take forward a legal challenge to the Bill on the basis that it had been introduced without full attention to their children's rights and the Government could then have been ordered to make adjustments to their policy and guidance to be compliant with the UNCRC.

I continue to call for the Government to take the necessary steps to fully incorporate the UNCRC into Welsh law as the current Rights of Children and Young Persons (Wales) Measure 2011 only amounts to partial incorporation.

How financial and practical implications such as availability of childcare would need to be considered by the Welsh Government in any future policy developments to extend childcare provision

The Committee may find it beneficial to ask the Welsh Government for the latest data on take up of the offer across different communities, focusing particularly on equalities considerations like households in poverty and access to Welsh language provision or support for children with additional needs. This could look at both the families eligible and the hours they are choosing to take up. This should be used to inform the future direction of the policy, along with a revised Children's Rights Impact Assessment which takes account of this data and sets out the intended approach which would mitigate any negative impacts identified or groups that are currently missing out.

Currently the childcare offer would be available to families where two parents could have a joint income of up to £199,000. Children of higher earning parents were likely to have been already accessing high quality childcare. If the childcare offer is not to be a universal one, then I believe it should be offered to the children of lower income families (working and non-working). Again this was something that I strongly raised during the passage of the Bill.

Such a large-scale investment by the state in early years' provision should not exclude the children of non-working parents completely from the benefits. This is likely to reinforce inequalities in outcomes for different social groups and therefore requires rigorous analysis to mitigate any adverse consequences.

I would recommend that the Offer should be redrawn, following reference to any data from Government on current take up levels. Should a simple extension to a

more universal offer be deemed unaffordable, options to reframe the Offer could include:

- Provision for younger children;
- Support being targeted at the child and not the parents. This can still help get parents in to work but ensure that all children who would benefit from early childhood education and care;
- Lowering the earning threshold, in terms of minimum hours worked to access the offer as well as the upper earnings threshold, to bring the Offer down to target lower and middle income families;
- Flexing the number of hours made available, either in terms of the total weekly hours or the number of weeks available each year, to enable to offer to be drawn more broadly;
- A means tested additional provision for working parents on lower incomes, beyond a more universal offer.



Evidence to Committee

Equality and Social Justice Committee: Childcare and Parental Employment

Evidence details

Nature of Enquiry: Inquiry on childcare and parental employment, focussing on the barriers that childcare provision can present for parents, particularly women, entering and progressing in the labour market.

Source of Evidence: Senedd Cymru

Date: 15 November 2021

For more information please contact

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About the Commission

1. The Equality and Human Rights Commission ('the Commission') is Great Britain's national equality body and has been awarded an 'A' status as a National Human Rights Institution (NHRI) by the United Nations.
2. Our job is to help make Wales and Britain fairer. We do this by safeguarding and enforcing the laws that protect people's rights to fairness, dignity and respect. We use our unique powers to challenge discrimination, promote equality of opportunity and protect human rights. We work with other organisations and individuals to achieve our aims, but are ready to take tough action against those who abuse the rights of others.
3. The Commission has been given powers to advise Governments and Parliaments across England, Scotland and Wales on the equality and human rights implications of legislation and policy. We can also publish information or provide advice, on any matter related to equality, diversity and human rights. We are here to offer our expert advice to support the work of the Equality and Social Justice Committee to ensure equality and human rights considerations are at the heart of the Sixth Senedd.

How we have approached this inquiry

4. Our response is informed by emerging Wales evidence, and data and information from elsewhere where we consider that to be relevant.
5. We have submitted our response on 15 November - 2021. We acknowledge that some of the detail and many of the statistics cited will be out of date almost immediately, although the issues raised are likely to remain relevant.

6. Although the response is wide-ranging, we anticipate that – given the fluidity and rapidly-changing nature of the current context – we may need to raise additional issues, as well as provide updates on the issues raised here, to the Committee in due course.
7. Not all evidence headings were applicable to the work of the Commission, and therefore we have included evidence under alternative headings for clarity and to support the work of the Committee.
8. We thank the Committee for the opportunity to provide evidence and look forward to exploring this further on 29 November.

Evidence

Pregnancy and Maternity Discrimination Research Findings

9. Our findings in relation to pregnancy and maternity discrimination (May 2018). The Department for Business, Innovation and Skills (BIS) and the Equality and Human Rights Commission commissioned a programme of research to investigate the prevalence and nature of pregnancy discrimination and disadvantage in the workplace. The Equality Act 2010 legislation prohibits pregnancy and maternity discrimination. The results in this report are based on interviews with 3,034 employers and 3,254 mothers.

10. The two surveys cover the views and experiences of employers and mothers on a range of issues related to managing pregnancy, maternity leave and mothers returning to work. The report explored:
 - The type and incidence of potential pregnancy and maternity-related discrimination.
 - The characteristics of women who experience possible discrimination.
 - Availability and effectiveness of advice and support.
 - Experiences of women who raise complaints or attempt to enforce their legal rights.
 - Employer awareness of and attitudes to their legal rights and responsibilities.

- Employer attitudes towards recruiting and managing women of childbearing age, pregnant women, those on maternity leave and women with children.
- Availability of advice and support for employers (particularly small and medium-sized enterprises).
- Why some employers may possibly discriminate and others are successful in promoting good practice.
- The demand among mothers to breastfeed or express milk in the workplace and employer attitudes, policies and practices in relation to breastfeeding in the workplace.

11. The majority of employers reported that it was in their interests to support pregnant women and those on maternity leave and they agreed that statutory rights relating to pregnancy and maternity are reasonable and easy to implement.

12. However, around one in nine mothers (11%) reported that they were either dismissed; made compulsorily redundant, where others in their workplace were not; or treated so poorly they felt they had to leave their job; if scaled up to the general population this could mean as many as 54,000 mothers a year.

13. One in five mothers said they had experienced harassment or negative comments related to pregnancy or flexible working from their employer and /or colleagues; if scaled up to the general population this could mean as many as 100,000 mothers a year.

14. 10% of mothers said their employer discouraged them from attending antenatal appointments; if scaled up to the general population this could mean up to 53,000 mothers a year.

15. Our research and findings reports

[Read the employers full research report \(PDF\)](#)

[Read the mothers full research report \(PDF\)](#)

[Read the summary of the key findings \(PDF\)](#)

[Read the interim report: summer 2015 \(PDF\)](#)

16. This report follows the 2005 Equal Opportunities Commission's (EOC) report [Greater Expectations](#) examining the extent of pregnancy discrimination in Britain. The EOC reported that almost half of the 440,000 pregnant women in Britain at that time, experience some form of disadvantage at work, simply for being pregnancy or taking maternity leave. It was also reported that 30,000 women are forced out of their jobs. This figure included women who opted for voluntary redundancy.

New research looking at employer views towards pregnant women and new mothers

17. The Equality and Human Rights Commission asked YouGov to conduct a survey to understand managers' attitudes around pregnancy and maternity discrimination. We found that:

- A third (36%) of private sector employers agree that it is reasonable to ask women about their plans to have children in the future during recruitment.
- Six in 10 employers (59%) agree that a woman should have to disclose whether she is pregnant during the recruitment process.
- Almost half (46%) of employers agree it is reasonable to ask women if they have young children during the recruitment process.
- 44% of employers agree that women should work for an organisation for at least a year before deciding to have children.
- 40% of employers claim to have seen at least one pregnant woman in their workplace 'take advantage' of their pregnancy.

- A third believe that women who become pregnant and new mothers in work are 'generally less interested in career progression' when compared to other employees in their company.
- Four in 10 (41%) employers agreed that pregnancy in the workplace puts 'an unnecessary cost burden' on the workplace.
- Half (51%) of employers agree that there is sometimes resentment amongst employees towards women who are pregnant or on maternity leave.
- Around a third (36%) of employers disagree that it is easy to protect expectant or new mothers from discrimination in the workplace.

Protected Characteristics and Socioeconomic Duty

18. The characteristics that are protected by the Equality Act 2010¹, which are most relevant for this evidence, include:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex

¹ <https://www.equalityhumanrights.com/en/advice-and-guidance/your-rights-under-equality-act-2010>

- sexual orientation

19. Pregnancy and maternity, in addition to sex, is a protected characteristic and is central to our evidence.

20. In addition, the Equality Act 2010 provides a framework for reducing the inequalities of outcome resulting from socio-economic disadvantage through the socioeconomic duty.

21. Pregnant women and new mothers already face disadvantage in the workplace, which will likely worsen as a result of the pandemic and any subsequent recession. Our analysis² of the previous recession showed that women with childcare responsibilities were at a greater disadvantage than either men or other women in continuous employment, due to restricted internal labour markets and employer perceptions of unreliability and inflexibility.

22. Our 2015 pregnancy and maternity research³ found that around one in 20 mothers were made redundant at some point during pregnancy, maternity leave, or on return from maternity leave.

² T. Hogarth et al, EHRC (2009), [The Equality Impacts of the Current Recession](#)

³ EHRC (2015), [Pregnancy and maternity-related discrimination and disadvantage: Experiences of Employers](#)

23. More recently, the TUC surveyed over 3,400 workers, with one in four pregnant women and new mums reporting unfair treatment or discrimination at work including being singled out for redundancy or furlough⁴. As employers face increased financial difficulty and uncertainty throughout the coronavirus response, pregnant women and those on maternity leave are at an even greater risk of discrimination, and of being forced into redundancy.

24. Many pregnant women reported that they had been forced to take unpaid leave, start maternity leave early or were placed on sick leave, rather than being furloughed, or were refused furlough because they had childcare responsibilities and were deemed not to be working. Many also raised, and continue to raise⁵, concerns about being forced to work without proper health and safety risk assessments, in breach of health and safety law.

25. The Commission is clear that pregnant women and new mothers should not be disadvantaged financially, or in their careers, by following advice to protect the health of themselves and their families.

26. The Welsh Government should include in all its guidance for employers links to the Equality and Human Rights Commission's Coronavirus employer guidance:

- [Coronavirus guidance for employers;](#)
- [Reasonable Adjustments for Employees;](#)
- [Your Duties on Pregnancy and Maternity.](#)

⁴ TUC (2020), [Pregnant and precarious](#): new and expectant mums' experiences of work during Covid-19. Note the TUC's sample is self-selected, so may not be fully representative of the population.

⁵ Pregnant Then Screwed (June 2020) [The impact of Covid-19](#)

Coronavirus, Childcare and Parental Employment

27. While all workplaces and employees have been affected by coronavirus, the crisis is affecting different groups in different ways. While noting that men comprise the majority of critical care cases, the Women's Budget Group has highlighted how women are disproportionately affected in work.

28. For example, women comprise the majority of health and care workers and of low paid workers,⁶ where a lack of basic employment rights such as sick pay mean that many have been forced to continue working while having to bear the brunt of their own childcare needs.⁷

29. This places significant challenges in terms of individual health and well-being, but also in terms of women's ability to participate in the labour market after restrictions are ended, or if childcare provision is eroded further.

⁶ Women's Budget Group (April 2020), [Crises Collide: Women and Covid-19](#)

⁷ Almost 3 in 10 mothers report reducing their working hours for childcare reasons, compared with 1 in 20 fathers ONS (2019), [Families and the labour market](#) The Resolution Foundation notes that 39% of working mothers were key workers before the crisis began, compared to just 27% of the working population as a whole. Resolution Foundation (April 2020), [Economic impacts of the coronavirus crisis on different groups of workers](#)

30. Recent estimates at a European level is that the economic benefits of gender equality could lead to a 10 percent increase in GDP yearly.⁸ There are clear business benefits to increasing workforce diversity too: diverse workplaces are more competitive, profitable and secure, financially out-performing their peers.⁹
31. As such, the Commission strongly believes economic recovery plans and employer responses need to consider and address the specific economic constraints facing women. If the Government is genuinely committed to achieving the best possible recovery it can, it needs to address labour market inequality, remove the barriers facing women in employment and create conditions for better economic participation for women.
32. This includes making a commitment to ensuring the provision of affordable, flexible childcare, stepping away from insecure employment and encouraging the creation of good work at real living wage levels, so that women are able to contribute their skills and experience to securing Wales's economic recovery.
33. The introduction of social distancing measures, shutdown of certain sectors and subsequent closure of schools and childcare settings has had a particular impact on women. Pre-existing labour market gender inequalities such as concentration in part-time, low paid employment, and

⁸ European Institute for Gender Equality (2017) [Economic benefits of gender equality in the European Union](#). Calculations state that gender equality could increase growth by 10 percent across the EU. Because of the UK's relative position as one of the EU's best performers in terms of gender equality means the benefits would likely not be as high as this but could still be as high as 4% or the equivalent of £88bn based on 2019 UK GDP.

⁹ CIPD (June 2018) [Diversity and inclusion at work: facing up to the business case](#)

over-representation in health and social care,¹⁰ childcare and education sectors, as well as shut-down sectors such as hospitality and retail, and the ongoing unequal burden of caring for children and family members,¹¹ places huge challenges on women's labour market participation and financial stability.

34. The sectoral impact of the social distancing restrictions, and the disproportionate impact it has had on low-paid women. The Resolution Foundation reported in June 2020 that women in employment were more likely to be in shutdown sectors than men in employment¹², and that women were more likely to be in low pay, with 19 per cent of women paid below two-thirds of the median compared to 12 per cent of men.¹³ IFS analysis also shows that workers in shutdown sectors such as hospitality were already almost twice as likely to be in poverty before the pandemic.¹⁴

35. Our analysis of the previous recession showed that women with childcare responsibilities were at a greater disadvantage than either men or other

¹⁰ According to the Women's Budget Group, 77% of healthcare staff are women. 83% of those working in social care are women, and around 21% are ethnic minorities. See Women's Budget Group (April 2020), [Crises Collide: Women and Covid-19](#)

¹¹ Almost 3 in 10 mothers report reducing their working hours for childcare reasons, compared with 1 in 20 fathers ONS (2019), [Families and the labour market](#) The Resolution Foundation notes that 39% of working mothers were key workers before the crisis began, compared to just 27% of the working population as a whole. Resolution Foundation (April 2020), [Economic impacts of the coronavirus crisis on different groups of workers](#)

¹² Resolution Foundation (2020), [The Full Monty](#). Facing up to the challenge of the coronavirus labour market crisis.

¹³ Resolution Foundation (2020), [A new settlement for the low paid: Beyond the minimum wage to dignity and respect](#)

¹⁴ IFS (2020), [Living standards, poverty and inequality in the UK: 2020](#)

women in continuous employment.¹⁵ The Commission's research into pregnancy and maternity discrimination also found that 1 in 20 pregnant workers or those on, or recently returning from, maternity leave experienced redundancy.¹⁶

36. In addition, low-skill, low paid work is particularly vulnerable to any economic downturn¹⁷ and there is evidence already that certain sectors, including hospitality and retail where many women are employed, are beginning to implement major redundancies,¹⁸ and permanent closures as a result of the pandemic.¹⁹ This will have a profound impact on the financial security of many women and the gender pay gap in the longer term.

Equality and Human Rights Implications

37. The equality and human rights implications of the coronavirus pandemic stretch far and wide. It has precipitated a global public health and economic crisis that is significantly impacting all areas of life for everyone throughout Wales.

¹⁵ T. Hogarth et al, EHRC (2009) [The Equality Impacts of the Current Recession](#)

¹⁶ EHRC and the Department for Business, Innovation and Skills (2016) [Pregnancy and maternity related discrimination: experiences of mothers](#)

¹⁷ T. Hogarth et al, EHRC (2009) [The Equality Impacts of the Current Recession](#)

¹⁸ UK Hospitality (June 2020) [One million hospitality staff members expected to return to work in July](#) this survey indicates that the hospitality industry is expecting to see around 320,000 redundancies as a result of the pandemic.

¹⁹ Centre for Retail Research (June 2020) [The crisis in retailing](#). The CRR estimates there will be over 235,000 job losses in the retail sector in 2020.

38. The Commission's "How coronavirus has affected equality and human rights" report shows how the pandemic has laid bare, intensified and deepened existing inequalities.
39. Dr Sara MacBride-Stewart & Dr Alison Parken in "[Inequality in a future Wales: Areas for action in work, climate and demographic change](#)" highlights that low-skilled jobs decrease, creating unemployment for those over-represented in low-paid and precarious work, including women.
40. In addition, with the shift towards digital and green jobs, there is a concern that women are underrepresented in these sectors and will be further underemployed²⁰
41. The differential economic impact we are seeing on women is a direct result of existing labour market inequalities caused by the combination of women's concentration in low paid or part time work, lack of flexible working opportunities at all levels, and the fact that women do the majority of unpaid care work. These are all contributing factors to the gender pay gap, which we believe may be widened as a result of the coronavirus.
42. The differential economic impact we are seeing on women is a direct result of existing labour market inequalities caused by the combination of women's concentration in low paid or part time work, lack of flexible working opportunities at all levels, and the fact that women do the majority of unpaid care work. These are all contributing factors to the gender pay gap, which we believe may be widened as a result of the coronavirus.
43. As a result of the closure of schools and nurseries, many parents faced difficulty balancing the needs of working and childcare, either because they were expected to work from home, or because they were required to

²⁰ <https://phw.nhs.wales/publications/publications1/inequality-in-a-future-wales-areas-for-action-in-work-climate-and-demographic-change/>

attend work. Unequal division of unpaid labour, including childcare and caring responsibilities for older or disabled relatives, means that this is having a particular impact on women.

44. An IFS online survey reported that mothers are 23 per cent more likely than fathers to have lost their jobs either temporarily or permanently during the pandemic. Of those mothers who were in paid work prior to social distancing measures being introduced, they were 47 percent more likely to have permanently lost their job or to have quit employment, and 14 percent more likely to have been furloughed. Many mothers too have had to reduce their paid working hours in order to manage the additional requirement of childcare and schooling.²¹

45. A survey by Pregnant Then Screwed indicates that 77.6 per cent of mothers reported difficulties balancing paid employment and childcare, with 25 percent of respondents saying that their employer had been inflexible. 56.5 per cent also report concerns that this has, or will, damage their career prospects.²²

46. A lack of affordable, sustainable and flexible childcare is also a real concern. Childcare providers have expressed concern about their long term viability in light of the social distancing restrictions²³ because of narrow profit margins and reliance on parents paying fees²⁴. A survey in April revealed that 25 per cent of providers thought that it would be

²¹ Institute for Fiscal Studies (May 2020) [Parents, especially mothers, paying heavy price for lockdown](#)

²² Pregnant Then Screwed (June 2020) [The impact of Covid-19](#) surveyed 3868 pregnant women and mothers.

²³ Professional Association for Childcare and Early Years (May 2020), [PACEY survey reveals devastating impact of Covid-19 on childcare provision.](#)

²⁴ Coram Family and Childcare (April 2020), [Statement from Coram Family and Childcare: nursery closures.](#)

unlikely they would be operating in 12 months' time²⁵; another reported that around 15 per cent of providers, offering up to 250,000 places, stated that they won't reopen once social distancing measures are ended²⁶.

47. Previously, the TUC also found that 71 per cent of mums planning to return to work in the three months following June 2020 are currently unable to find childcare²⁷, with 35% of mothers prior to the crisis relying on informal childcare such as friends and relatives. If early years' childcare settings are forced to close, this will severely undermine women's future participation in the labour market.

48. A survey of 6147 parents in early March 2020 found that eight per cent of women had not returned to work following a birth of a child due to childcare costs, and for those who had, 47.2 per cent reduced their hours²⁸. Recent research by the Organisation for Economic Co-operation and Development estimates that the UK has the second most expensive childcare system in the world,²⁹ meaning many women decide to work part-time to care for their children themselves, a contributing factor to the gender pay gap.

²⁵ Early Years Alliance (May 2020), [CORONAVIRUS: A quarter of childcare providers fear permanent closure within the year, new Alliance survey reveals.](#)

²⁶ Childcare.co.uk (April 2020) [Nearly a sixth of childcare providers set to close permanently due to Covid-19](#)

²⁷ TUC (2020), [Pregnant and precarious: new and expectant mums' experiences of work during Covid-19](#)

²⁸ Pregnant Then Screwed (February 2020), [Cost of childcare.](#)

²⁹ Organisation for Economic Co-operation and Development (OECD) (2019), [Net childcare cost for parents using childcare.](#)

49. Evidence shows a disproportionate impact on some people³⁰. In the context of the economic reconstruction strategy for Wales we specifically highlight the unequal impact on ethnic minorities, disabled people, young people, women and people experiencing socio-economic disadvantage. The coronavirus pandemic has laid bare, intensified and deepened existing inequalities.

50. In our *Is Wales Fairer? 2018*³¹ report we documented how disabled people are being left even further behind, socio-economic disadvantage is leading to a stark gap in life experiences, violence against women and girls is a reality for many, and race inequality persists in Wales. We are concerned that the pandemic and responses to it are exacerbating these existing inequalities across all areas of life.

51. Concerns have been raised in Wales that pregnant women have been sent home on sick pay or unpaid leave during the Coronavirus crisis³². Caring responsibilities are increasing for many which will have a disproportionate impact on the one in four women aged 50-64 who have caring responsibilities, compared to one in six men³³. We need to mitigate the negative impact this could have on women's careers as they continue to shoulder the majority of childcare and caring responsibilities³⁴. Ethnic

³⁰ https://www.equalityhumanrights.com/sites/default/files/equality_and_human_rights_commission_how_coronavirus_has_affected_equality_and_human_rights_2020.pdf

³¹ [Equality and Human Rights Commission \(2018\), 'Is Wales Fairer? 2018', EHRC website \[accessed June 2020\]](#)

³² [BBC news, 'Coronavirus: Claim pregnant women put on sick pay', 10 May 2020 \[accessed May 2020\]](#)

³³ [Carers UK, Facts About Carers policy briefing, August 2019 \[accessed May 2020\]](#)

³⁴ [Summers, H. \(2020\) UK society regressing back to 1950s for many women, warn experts', The Guardian, 18th June \[accessed 18 June 2020\]](#)

minority women are more likely to be in precarious employment and could therefore feel the brunt of any economic recession.

52. In addition, recent analysis by the Women's Budget Group shows that many disabled women had very real concerns about the financial implications of coronavirus, with 34.2 per cent reporting that they had run out of money compared to 24.4 per cent of non-disabled women. Disabled women were also more likely to report that they were spending more time working from home, were struggling to focus and experienced increased stress.³⁵

53. We recognise that Welsh Government resources and public services are under exceptional strain and that responding to the pandemic means responding to a rapidly evolving situation and making tough decisions. However, now and as we emerge from this crisis, it is crucial that equality and human rights are at the centre of decision-making so that responses to it are effective and no-one is left behind.

What measures should the Government put in place to ensure gender equality in the longer-term economic recovery from Coronavirus, with specific reference to any upcoming financial announcements?

³⁵ Women's Budget Group (June 2020) [Disabled women and Covid-19](#)

54. There is an urgent need for the Welsh Government to take steps to ensure that workers with particular protected characteristics do not face further detriment.
55. The cumulative impact of the financial disadvantage experienced by women risks resulting in many falling into poverty in the short term, and widening the gender pay gap in the longer term. The Welsh Government must consider the specific economic impacts of the pandemic on women, including younger, disabled and ethnic minority women, particularly those who are low-paid, and where necessary, target support to sectors that have been disproportionately impacted.
56. We also urge the Welsh Government to undertake analysis on the number of employees made redundant disaggregated by protected characteristic, full-time and part-time status, occupation, and industry as part of its wider assessment of the impact of coronavirus and work with the Commission, trade unions and business representative groups to find ways to mitigate any disproportionate impact on different protected groups.
57. It is important for the Welsh Government to take action to protect women from discrimination, particularly given its binding obligations under CEDAW to eliminate discrimination against women in the field of in the field of employment, including on the grounds of pregnancy and maternity.
58. Our 2015 pregnancy and maternity discrimination research also revealed that a quarter of employers believe it is acceptable to ask questions about a woman's plans to have children at interview.³⁶ This potentially places women at further disadvantage in a competitive job market.

³⁶ BEIS and EHRC (2015) [Pregnancy and maternity related discrimination: summary of findings](#)

59. As noted above, the Commission is very concerned about the longer term availability of childcare for working parents, and the impact this has on women's participation in the job market. The unequal division of unpaid caring responsibilities was also identified as major concern

60. Fathers increasingly want to play a greater and more active role in bringing up their children, but current parental leave offers are failing to meet this demand because of the complexity of the Shared Parental Leave scheme, ineligibility, low financial incentive, and concerns about employer attitudes.

61. These barriers to parental leave for fathers reinforce gendered assumptions about caring responsibilities, and result in a disproportionate burden of childcare and other unpaid work on mothers. At the last UK census³⁷, women were also notably more likely to be unpaid carers than men, which can also have a lasting impact through women's careers and contribute to the gender pay gap³⁸.

62. Social distancing measures have required many employers to implement flexible working practices in order to survive. [ONS data](#) shows that in the period 14-17 May a third worked from home only, with another eight per cent working from home and travelling to work. This has demonstrated that it is possible, and beneficial to both employers and employees.

63. We hope to see this practice continue in the long term as flexible working enables many people to participate in the labour market, particularly those

³⁷ Office for National Statistics (2011), [Census 2011](#)

³⁸ EHRC (2018), [Fair opportunities for all: a strategy to reduce pay gaps](#)

with caring responsibilities³⁹ and disabled people⁴⁰, leading to greater efficiency, reducing stress and increasing employees' motivation and commitment. Flexible working options for fathers would also help to increase their participation in early years' childcare, and, as with improvements to parental leave, support more balanced gender roles.

64. Recent reports indicate that many employees are worried their employer will revert to previous inflexible working practices⁴¹. We believe that this would be regressive and that both government and employers need to recognise that flexible working during the pandemic has shown that it is possible to retain productivity and contribute to the economy, while reducing strain on public services and improving people's family life.

The impact of high-quality formal childcare provision on reducing the attainment gap, and the potential benefits of extending childcare provision to tackle inequalities.

³⁹ Working Families (2019), [2019 Modern Families Index](#) Nearly three in five parents (58%) reported having a flexible and family-friendly employer would make them more likely to stay. Over half (55%) said it would make them more motivated and productive.

⁴⁰ Leonard Cheshire (2019), [Disabled workers are being failed by employers](#)

⁴¹ TUC (2019), [One in three flexible working requests turned down, TUC poll reveals](#)

65. Our human rights tracker⁴² highlighted that the Welsh Government funded childcare for an average of over 13,500 children per month before the pandemic. Access to childcare remains a barrier to employment in Wales – support should be tailored to parents’ needs, including by expanding the offer to children under three.

66. It is still commonplace for women to bear the majority of domestic work and caring responsibilities, a contribution that is often unseen, undervalued and, in some cases, increasing. ONS estimates the value of unpaid childcare at £132.4bn, 69% of which is accounted for by women. The estimated value of unpaid adult care is £7.97bn, with 59% accounted for by women. This can have major implications for the living standards and mental and physical health of carers.

67. A study by the University of Manchester showed that around 85 carers a year died by suicide in the UK between 2011 and 2015, around half of whom were female. The high cost of childcare can be prohibitive. New analysis by the Trades Union Congress (TUC) revealed that while real wages fell in England between 2008 and 2016, childcare costs rose by 48% over the same period⁴³. The UK and Welsh governments have extended their free childcare, though the availability and implementation of this is different in each country. We have previously highlighted that childcare provision in Wales is patchy⁴⁴.

⁴² <https://humanrightstracker.com/en/progress-assessment/access-to-employment-welsh-government-assessment/>

⁴³ <https://www.equalityhumanrights.com/sites/default/files/pressing-for-progress-womens-rights-and-gender-equality-in-2018-pdf.pdf>

⁴⁴ See: <https://www.equalityhumanrights.com/en/file/18736/download?token=VJ6vr2ia> [accessed: 20 May 2018].

68. The Welsh Government introduced the Childcare Offer for Wales in 2017 to provide up to 30 hours of formal childcare for children aged three or four⁴⁵, but this does not go far enough to meet the needs of parents.

69. The UK and Welsh governments, where applicable, should⁴⁶ ensure the availability and affordability of properly regulated childcare, including by ensuring adequately funded, flexible and high-quality childcare for all children, tackling problems with funding and availability of the provision for 30 hours of free childcare for children aged three to four years, and addressing the funding gap for children between the ages of nine months and three years.

- a. introduce dedicated, non-transferable and flexible ‘use it or lose it’ shared parental leave for parents, with a pay rate that acts as a real incentive to take-up.
- b. make paternity and shared parental leave a ‘day one’ right for employees, and include equivalent provisions for agency and self-employed workers to ensure they can access paid shared parental leave at the same rate as employees.

70. Encouraging parents to share childcare responsibilities more equally would reduce the impact on women’s careers and pay, and ensure fathers have the opportunity to involve themselves more in day-to-day child rearing. In principle, paternity pay and the introduction of shared parental leave means this is possible.

⁴⁵ Welsh Government, ‘The Childcare Offer for Wales: Help with childcare costs for working parents of 3 to 4 year olds’ [accessed: 10 September 2020].

⁴⁶

https://www.equalityhumanrights.com/sites/default/files/childrens_rights_in_great_britain_executive_summary_0.pdf

71. A survey of parents and businesses suggested, however, that just 1% of men had taken up shared parental leave, and that parents considered their relative earning potential and the financial impact when deciding who should care for their children. Statutory maternity and paternity pay is much lower than the National Minimum Wage (NMW) or National Living Wage (NLW), and pay for fathers is lower than that for mothers. In addition, flexible working rights are restricted to employees with over 26 weeks' service.

72. Two factors seem to encourage men's involvement in childcare and reduce the impact on women's careers of being the sole carer: more generous paternity leave, and more affordable childcare. Evidence has shown that countries with effective paternity leave policies are often those that offer well-paid, flexible but non-transferable policies.

73. We have called on the Welsh Government to review the Gender Equality Roadmap to respond to women's experiences of work during the Coronavirus pandemic and in recovery. We also called for the Welsh Government to address the problems with the availability and affordability of properly regulated childcare, including by ensuring adequately funded, flexible and high-quality childcare for all children, and monitor the impact different models of provision have on women's labour market participation, and encourage men and women to share caring responsibilities on an equal basis⁴⁷.

⁴⁷ <https://www.equalityhumanrights.com/sites/default/files/pressing-for-progress-womens-rights-and-gender-equality-in-2018-pdf.pdf>

Other sources of evidence the Committee may wish to consider

Human Rights Tracker

74. Our [human rights tracker](#) is one of the world's first online tools for monitoring human rights compliance. It is a searchable online tool to track how well the Welsh and UK Governments are putting its human rights duties into practice and contains all of the most recent recommendations made to the UK by the UN treaty bodies and the Universal Periodic Review (UPR). We want the human rights tracker to raise awareness of the UK's human rights duties, to help you monitor how well they are being put into practice, and to support you in holding government to account.

75. You can use the tracker to:

- Review the progress the Welsh & UK governments have made towards fulfilling their international human rights obligations.
- Search by [UK](#) and [Wales](#) so you can see which government is responsible for implementing the recommendations.
- Find out what the UN has said about a particular human rights issue (such as education, living standards or work) or population group (such as disabled people or children) in the UK.
- Find dedicated pages on each of the UN human rights treaties the UK has agreed to follow, and on the UPR process.

Is Wales Fairer?

76. [Is Wales Fairer?](#) is the most comprehensive review of how Wales is performing on equality and human rights across all areas of life, including; education, work, living standards, health, justice and security and participation in society.

77. This is the Welsh supplement to our report on equality and human rights progress in England, Scotland and Wales, [Is Britain Fairer?](#)

78. We have also recently produced a follow-up “[How Coronavirus has affected equality and human rights](#)” report which summarises evidence to help us understand the effects of the coronavirus (COVID-19) pandemic on different groups in society.

By virtue of paragraph(s) vi of Standing Order 17.42

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Agenda Item 5

Equality and Social Justice Committee – written response to the Committee’s inquiry by the Deputy Minister for Social Services

Childcare and parental employment: the pandemic and beyond

Background

1. Access to affordable and flexible childcare is often cited by parents, and particularly mothers, as one of the main barriers preventing them from working, or progressing further in their careers. The regulated childcare sector in Wales encompasses a wide range of provision, spanning both child minding and day care¹ with providers drawn from across the public, private and third sectors.
2. This mixed model is intended to ensure there is choice and flexibility for parents in the type of care they use for their children. However, a market based model means that registered childcare provision tends to be found in areas of higher demand, driven by higher population density and greater affluence.² Historically, childcare settings (especially full day care settings) also tend to be clustered along commuter routes. This can often mean that there are fewer choices for parents in rural areas and in less affluent parts of Wales and the distances families have to travel to access childcare in these areas can be greater. How we address these issues of distribution and equity of provision are key as we seek to ensure that there is accessible and affordable childcare for all parents.

Current levels of provision and impact of the pandemic

3. There are 3,336 childcare and play settings registered with the Care Inspectorate Wales, providing over 76,000 places for children aged 0-12. This represents a reduction of 8 per cent of settings, and 3 per cent capacity, as compared to levels pre-March 2020, and while this suggests the sector overall has weathered the pandemic reasonably well, there remain ongoing challenges in parts of the sector.

	Settings	Places
Full Day Care	995	38,715
Sessional Day Care	455	10,302
Out of School Care	350	13,715
Open Access Play Provision	14	1,051
Crèche	13	309
Childminder	1,509	12,191
Total Day Care	1,827	64,092
Total Number of settings	3,336	76,283

¹ Child minding is childcare provided by one or more people for children from 0- 12 within domestic premises that are not the child’s own home, for more than 2 hours per day for reward. Day care is childcare for children from 0-12 provided on non-domestic premises and includes day nurseries, out of school childcare, play groups, crèches and open access play.

² Welsh Government (2017) [Childcare Capacity in Wales: Mapping childcare supply against potential demand](#).

Source: Care Inspectorate Wales register on 8/11/2021³

4. Some settings report lower numbers of children attending and changes to patterns of usage compared to the period before Covid-19, resulting in an overall reduction in demand. Many out of school providers, for example have been unable to operate as a result of issues accessing premises, concerns about mixing across school bubbles and low levels of demand from parents working from home.
5. The pandemic did also create new demand for formal childcare. The restrictions on contact with other households over the past year have seen some families using formal childcare (as opposed to family or friends) for the first time, as seen clearly in the take-up of the Coronavirus Childcare Assistance Scheme (C-CAS) which ran from April to August 2020⁴. A fifth of the parents surveyed reported that they were not using formal childcare before C-CAS. We have yet to see what this will mean for demand and usage of registered childcare provision as we move forward. 96 per cent of parents surveyed as part of the evaluation of C-CAS reported that the scheme had made it easier for them to work, with 73 per cent saying it had enabled them to work more hours and 71 per cent reporting that they had been able to work more flexible hours as a result of C-CAS.
6. We provided a range of support to the sector in the immediate response to the pandemic, and have continued to do so as the situation has stabilised and settings were able to increase their operations. Details of the funding provided are in the Annex provided, along with a link to the most recent guidance.

Supporting Working Families

7. Despite the progress made in recent years for more equity in parenting, childcare continues to be considered and presented as an issue for mothers. This is something that has been seen to a greater degree over the past two years, with numerous reports citing the disproportionate impact the pandemic had on women and on working mothers⁵. Many of these reports⁶ point to the specific impacts of the restrictions on school operations and access to childcare, both formal and informal, with the resulting pressures of home-schooling and childcare largely falling to women. Even in two parent households, where both parents were working, women picked up more of the childcare responsibilities. There is evidence that parental gender imbalances may have widened, and research

³ These figures do not include suspended services as they can be closed indefinitely. They do include around 150 settings that have notified Care Inspectorate Wales they are temporarily closed due to COVID-19, including due to an outbreak of the virus, staff shortages, or a lack of demand.

⁴ See [Welsh Government \(2021\) Evaluation of Coronavirus – Childcare Assistance Scheme](#)

⁵ Andrew, A., Cattan, S., Costa Dias, M., Farquharson, C., Kraftman, L., Krutikova, S., Phimister, A. and Sevilla, A. (2020). The Gendered Division of Paid and Domestic Work under Lockdown. Bonn, (2365-9793). Available from: <https://covid19.iza.org/publications/dp13500/>.

⁶ UCL Social Research Institute EPI (2021) [Mitigating impacts of the COVID-19 pandemic on parents and carers during school closures: A Rapid Evidence Review](#)

suggests this puts women at a greater risk of poor mental health and loss of earnings⁷.

8. This is despite increases in paid paternity leave, access to shared parental leave and the right of all parents, including men, to request flexible working patterns. Regardless, the pandemic has, in many ways, reinforced traditional gender stereotypes and increased the barriers women face in either working or returning to the workplace. As people return to formal workplaces in the future, there are also concerns that for some women the loss of the flexibility offered by working from home will further impact career options. Availability of formal childcare has been shown in other countries to be an effective tool to stimulate childbearing among dual-earner couples⁸. Childcare provision also strongly increases the life satisfaction and well-being of mothers⁹.
9. While childcare settings were asked to restrict their services to the children of critical workers and vulnerable children at the start of the pandemic, with support from the Coronavirus Childcare Assistance Scheme, we moved quickly to open up access as and when it was safe to do so. Childcare settings have been able to offer their services to all families since June 2020, and while there were initially a number of Covid related measures in place which saw some restrictions on their operations continue, we have been able to reduce these as the wider public health circumstances improved.
10. Unlike schools, there were no restrictions on the operation of childcare settings while we were at Alert Level 4, reflecting both the reduced risks posed to and by children in their early years in particular and the need to support the vital child development these settings offer. Overall infection rates remain low in very young children, and outbreaks in childcare settings are also lower than in other sectors. This evidence, coupled with the benefits to children and the disproportionate impacts on working parents, particularly mothers, informed our thinking and response. Following a brief suspension we were also able to [restart the Childcare Offer](#) in September 2020, providing easements in the eligibility criteria for parents whose income had been temporarily impacted by Covid-19.

The Childcare Offer

11. The Childcare Offer builds on existing provision for Foundation Phase education for 3 and 4 year olds delivered in childcare settings. Local authorities are required to provide a minimum of 10 hours a week, though many provide more. We have published [advice](#) to local authorities to encourage them to understand the barriers to flexible delivery by providers and identify ways to ensure that provision is delivered to support parental choice.

⁷ Xue, B. and McMunn, A. (2021). Gender differences in unpaid care work and psychological distress in the UK Covid-19 lockdown. PLoS One, 16(3), e0247959.

⁸ WOOD, J.; NEELS, K. Local Childcare Availability and Dual-Earner Fertility: Variation in Childcare Coverage and Birth Hazards Over Place and Time. European Journal of Population, v. 35, n. 5, p. 913–937, 2019

⁹ SCHMITZ, S. The Impact of Publicly Funded Childcare on Parental Well-Being: Evidence from Cut-Off Rules. European Journal of Population, v. 36, n. 2, p. 171–196, 2020

12. The Offer was originally introduced as a measure to support working parents with the costs of childcare. Elements of its design were specifically included to provide the broadest support possible. The hours of funded childcare are flexible, with parents able to use them at any time of the day, or on any day of the week. Nor is there an upper limit on the number that can be used in a day reflecting that for parents on shifts sometimes longer sessions are required.

13. Annual evaluations of the Offer have been undertaken since the initial pilots began in 2016, and overall the Offer has been reported to be helping parents with their work-life balance and with family finances. Independent evaluators have evidenced the Offer has been more likely to affect women's ability to work more hours¹⁰¹¹. The most recent published evaluation, which came out in March 2021¹², was limited in scope as a consequence of the pandemic, but still found:

- over 40 per cent of parents said the Offer had improved their opportunities for in-work training and learning and development and that they used more formal childcare whilst accessing the Offer;
- More than half reported that accessing the Offer had increased their flexibility in the way they worked with 13 per cent increasing the hours they worked;
- A further 50 per cent said that the Offer had given them the potential to increase their earnings.

14. The evaluation also found that the Offer has been mainly taken up by parents who fall within the medium to low-income groups:

- at least 58 per cent of parents accessing the Offer earned below the national average annual salary level for full-time workers;
- Just over a quarter (29 per cent) of parents earned less than £15,600 and conversely, only a minority (5 per cent) earned £52,000 or above.

15. Publication of the year four evaluation findings is imminent and we are confident that these will again demonstrate the positive impact which the Offer is having on parents' employability.

16. However, it is important that we always remember the child, and their needs. This is why provision is restricted to registered and inspected settings, where there is confidence in the quality of the care received and appropriate safeguarding measures in place. We make funds available to support children with Additional Learning Needs to ensure they can access childcare on an equitable bases and receive support tailored to their requirements. Family Information Services are also able to offer parents advice and guidance on how to take-up the Offer, the best childcare provision in the area for their needs and other support services the family may need or wish to access.

17. There were around 16,800 children taking up the Childcare Offer in July of this year. This is the highest take-up since the Offer began and represents 48 per

¹⁰ [Evaluation of the Childcare Offer for Wales: year 2 | GOV.WALES](#)

¹¹ [Evaluation of the Early Implementation of the Childcare Offer for Wales \(gov.wales\)](#)

¹² [Evaluation of the Childcare Offer for Wales: year 3 | GOV.WALES](#)

cent of the estimated eligible population. There are, however, significant variations in take-up of the Offer across Wales. We consistently see higher levels of take-up across North Wales and in the larger cities, than we do across the South Wales Valleys. Research undertaken into these varied patterns concluded there were a range of issues including:

- Lack of awareness of the Offer by some, or how to apply for it;
- Inability to evidence meeting the employment requirements (due to working inconsistent hours, or not having payslips due to self-employment);
- Concerns about impacts on wider benefits entitlements;
- Lack of childcare in rural areas, or a specific lack of childcare able to accommodate parent working patterns;
- A perceived lack of adequate childcare available in their preferred language;
- A preference for the use of informal childcare from within the family.¹³

18. These matters will all feed into local authorities Childcare Sufficiency Assessments, which are required to look specifically at the sufficiency of care for working parents and parents seeking work or training opportunities. They are also issues that have informed our vision for a comprehensive Early Childhood Education and Care system, [launched](#) in 2019.

Early Childhood Education and Care (ECEC) – Expanding Provision

19. Our ECEC vision is centred on the principle that all children should have a high quality stimulating learning and care experience in any education and care setting they attend. We want a Welsh ECEC system which will reflect our ambition for society to be more equal, as follows:

- child development sits at the core of our approach, and our ECEC principles;
- the impact of poverty on children’s life chances should be our guiding principle in considering priorities, and in particular breaking the poverty cycle; and
- we should build a Welsh childcare system based on progressive universalism, gradually expanding subsidised provision.

20. Developmental disadvantage is apparent before the age of three and by the time they start school children from the lowest-income families are on average 16 months behind those from higher-income families. This attainment gap increases over time, with the social, emotional and economic impacts lasting a lifetime. Investment in a broad range of support across the early years is needed to address these gaps and support transition into formal education. We have long understood this, which is why we have focussed extensively on supporting children and their families in some of the most disadvantaged areas in Wales through our Flying Start programme. The programme has consistently supported families through a range of services including enhanced health visiting, childcare for 2 year olds, parenting and speech, language and communication support. Early analysis of one local authority area suggests that those children with higher Flying Start childcare attendance rates tended to meet their expected outcomes

¹³ [Hughes, Buddug and Jones, Kathryn \(2021\) Parent beliefs, behaviours and barriers: childcare and early education | GOV.WALES](#)

in all areas of learning more often than those with lower attendance¹⁴. Our Renew and Reform programme also has a focus on addressing the attainment gap. It includes a specific strand on the early years, with £13m in additional funding to support provision in schools and childcare settings within this financial year.

21. Restrictions due to the response to the coronavirus pandemic meant that some face to face child development assessments may not have taken place, and some delay may have gone unnoticed. To help address this a temporary Child Development Fund has been established and has so far made £11.5m available to local authorities between October 2020 and March 2022. The fund is targeted at services and support for children under five years of age, to ensure developmental needs are identified as soon as possible before they escalate to a point of crisis. In addition to the Child Development Fund, £7 million of additional funding has also been made available to local authorities (via the Children and Communities Grant) to help ease the pressure on, and reduce waiting times for, vital early help and support services in support of children young people and parents in response to the pandemic.

22. We have looked at evidence from around the world to help develop our vision for ECEC, drawing heavily on Scandinavian models which have some of the most generous ECEC provision in the world whereby *all* children receive subsidised early education and care. In many Scandinavian countries this is based on a child's legal entitlement to early education and care provision. We are also looking at practice within the UK, for example at Scotland who have increased their funded childcare provision to nearly a quarter of 2 year olds, as well as all 3 and 4 year olds. However, to move from where we are now towards a universal ECEC system will require a number of steps, as well as more funding towards the specific costs of childcare faced by a family. Specifically we need to:
 - Develop and build the sector to ensure that there are sufficient ECEC places;
 - Invest in the ECEC workforce to ensure that staff numbers are sufficient and that staff are confident and knowledgeable practitioners;
 - Raise the quality of provision by ensuring the pedagogy underpinning the Foundation Phase is spread throughout early years provision.

23. We need to invest in additional ECEC places. Even assuming not all children wanted to access their entitlement, we would still need more places if we were to increase overall levels of provision. We would also need to look at the location of that provision, making sure it was more equitably spread across Wales. We have invested £81m capital funding in childcare settings in the period 2019-2023, with currently over £39m supporting Welsh medium provision, and need to build on this. Our 21st Century Schools and Colleges programme also actively supports the colocation of services as a means of achieving greater value for money from investments and improved opportunities and enhanced experiences for service users. Alongside investing in places we also need to grow and support the workforce.

¹⁴ [Analysis of Flying Start outcomes using linked data: childcare and Foundation Phase baseline assessments | GOV.WALES](#)

24. The childcare, playwork and early years workforce employs around 17-18,000 people. Figures from 2015-16 suggest the sector contributes up to £1.2bn to the economy of Wales. More funded places would necessitate more staff. We have invested just £9.2m in training and upskilling from 2016-2023 under the ESF funded Progress for Success programme. Going forwards we need to maintain support for the existing workforce to maintain and improve their skills, working across all our training and education programmes, and attract more people in to the workforce. Social Care Wales will be starting a recruitment campaign shortly, and we will continue to drive forward the work set out in our childcare, playwork and early years workforce plan, published in 2017.

Parents, Childcare and Employment (PaCE)

25. Parents, Childcare and Employment (PaCE) is one of the programmes which contributes towards helping more parents into work, providing bespoke support, including financial help towards the costs of childcare, to parents (including single parents) that wish to access education, employment or training opportunities but have childcare as their main barrier preventing them from doing this.

26. Since the recommendations from the Equality, Local Government and Housing Committee's report "Work it out: parenting and employment in Wales in 2016", efforts have been made to raise the profile of PaCE nationally. PaCE now has a designated page on the Welsh Government website and we have improved our promotional literature to make it easier for parents to understand what PaCE offers. PaCE is also promoted on the social media channels of relevant third parties such as Dewis Cymru and the Childcare Offer. PaCE Advisers also have an improved relationship with Childcare Offer staff in each area and continuous efforts are made to align PaCE with the wider family support architecture across Wales in order to provide parents with an integrated and seamless service.

27. Since its inception in 2015, PaCE has supported 6,541 participants (6,189 Female, 352 Male), with 2,881 (44 per cent) (2,722 Female, 163 Male) of those entering employment of more than 16 hours a week. This is substantially more than the intended 20 per cent target. PaCE continued delivery during the pandemic, recognising that many parents chose to undertake key worker roles and required assistance to source and/or fund childcare. Since the start of the pandemic PaCE has supported 1318 participants.

28. The latest [evaluation](#) of the PaCE Programme, published in March 2020 focussed on the experiences and outputs of participants who have been supported by the PaCE Programme. This evaluation recognised that, for example:

- The overwhelming majority of PaCE participants have been female;
- A third of all participants (mainly women) have progressed into employment.

29. There is a final evaluation under way that will focus on the value for money of the PaCE programme and this is due to be published in the New Year. PaCE is funded by the European Social Fund and is currently funded to deliver until June 2022. However there is an "in principle" agreement from WEFO to extend

delivery to June 2023 with programme closure in October 2023. Conversations with other Welsh Government colleagues are ongoing about what childcare provision could be available to support any WG employability offer when European funds come to an end.

Next Steps

30. To help our understanding of what more might be needed, several pieces of work are in train spanning demand, take-up and targeted sector support:

- 90 per cent of registered settings recently completed the Care Inspectorate Wales Self-Assessment of Service Survey. Analysis of that data, which provides a comprehensive snapshot of the sector, is underway;
- Local authorities are undertaking their Childcare Sufficiency Assessments (due to be published in 2022) and we worked with local authorities on a national survey of parents to inform them;
- We will shortly be undertaking an evaluation of two support schemes run by Business Wales, providing wage subsidies to support settings looking to expand, and start-up costs for new childminders.

31. This information, taken together with other sources including the Social Care Wales' National Conversations¹⁵ research, and surveys undertaken by Care Inspectorate Wales and Cwlwm partners will be used to frame policies and programmes aimed at supporting the childcare sector to expand and thrive. These will be framed in the context of our current Programme for Government which includes two specific commitments in this area:

- a. Fund childcare for more families where parents are in education and training; and
- b. Continue to support our flagship Flying Start programmes.

32. It will also be important to look at the distribution of childcare in the context of our ambitions for a stronger, fairer, greener Wales. Parents working from or closer to home are likely to want more childcare in local communities. Potential reform to the pattern of the school day and the school year may also drive changes within the childcare and play sector, and driving forward our policy on Community Schools creates more opportunities for multi-use facilities open to local people throughout the year.

¹⁵ National Conversations with the Childcare, Play and Early Years Sector in Wales. Social Care Wales. 2021

Annex

Funding support for the childcare and play sector April 2020 – November 2021:

Welsh Government support for the childcare sector in light of the pandemic

Childcare Offer and the Coronavirus Childcare Assistance Scheme

Despite having to temporarily suspend the Childcare Offer to new entrants from 1 April to 30 June 2020, the Welsh Government continued to fund Childcare Offer places already booked for three months in order to help sustain childcare providers at a cost of £11m.

As part of the Welsh Government's immediate response to the pandemic, funding for the Offer was reprioritised to fund childcare for the children of critical workers and vulnerable children from 1 April 2020 until 31 August 2020. £16.7m was made available through the [Coronavirus Childcare Assistance Scheme](#), supporting critical workers and vulnerable children. Over the period it was available, C-CAS provided care for over 900 vulnerable children and 9,600 critical workers' children (based on the latest estimates from local authorities).

We secured an additional £20m so that we were able to [reopen the Childcare Offer](#) for applications during the summer of 2020, ensuring that as few parents as possible were missing out on Government-funded childcare. Throughout subsequent periods of restrictions and high Covid-19 infection rates, we enabled providers to continue to claim Offer funding to cover short and longer term periods of disruption arising from staff and child absences as a result of Covid-19, supporting the sustainability of the sector.

Childcare Provider Grant

The [Childcare Provider Grant](#) (CPG) was introduced as a dedicated package of support to provide a financial lifeline to childcare providers who were not able to access other government support packages and help ensure that formal childcare places remained available to parents. Of the estimated 1,000 settings that were eligible for the CPG, successful applications were received from 162 settings with a total spend of £0.5m (average £3,000 per setting) out of a budget of £4.5m. From the outset we worked with stakeholders to raise awareness of the Grant, and used a range of communication channels to advertise and provide information on the CPG. There were a number of issues with the application process and grant conditions which many childcare providers found difficult to overcome:

- The complexity of application process was disproportionate to the potential funding award, and therefore deemed not worth it;
- Difficulty of providing sufficient proof of profits/loss during the period 1 April to 30 June 2020;
- Evidence suggesting the losses were not large in that period due to the Offer still being paid and the other support packages were helpful to many;
- The risk of the funding awarded having to be repaid if settings were forced to close due to circumstances beyond their control;

- Preclusion due to having claimed support from the Self-Employment Income Support Scheme (SEISS), even though the SEISS payment was to supplement personal income, not to support the childcare business;
- Unwillingness to become incorporated; and
- Some settings were unable to re-open on their CIW registered site, and had to move temporarily to an unregistered site (or have been advised to de-register), making them ineligible.

Sustainability funding through local authorities

In the financial year 2020-21, local authorities were allocated an additional £5.3m (in addition to the annual funding of £2.3m) through the Childcare and Play element of CCG to help support childcare services in their areas, enabling them to support settings and providers who were facing additional costs or loss of income as a result of the pandemic. A further £3.5m has been made available in the financial year 2021-2022 to support further small scale sustainability grants for the sector.

Capital Funding

In 2020-21, £5m capital funding was provided (£3m for Play and £2m through the Offer small capital grant scheme) to assist childcare settings in making their premises safer during the pandemic. In October 2021, a further £11.6m in capital funding was announced to increase capacity in Offer childcare and Flying Start settings in Wales and £5m capital funding to help local authorities respond to the priorities in their play sufficiency action plans.

Business Rates Relief

In September 2018, the Welsh Government's permanent Small Business Rates Relief (SBRR) scheme was enhanced to provide all registered childcare properties with **100 per cent rates relief** for a three year period from April 2019. This was agreed in recognition of the sector's key economic enabler role in supporting parents and carers to access and remain in employment.

In July 2021, Ministers agreed that due to the impact of the pandemic the 100 per cent rates relief should be extended for a further 3 years. The extension of the rates relief, until 31 March 2025, will provide £9.7m of additional support for registered childcare premises. This will help those who are facing financial difficulties as a result of the pandemic and secure the level of provision that children and parents need and rely on.

Business Wales Grants

In September 2019, two business support grants were launched. These were delivered by Business Wales and aimed at supporting new start-ups and existing childcare providers to expand. Due to the pandemic the deadline for claiming the funding was extended to 30 September 2021 to enable those in receipt of grant funding time to submit the necessary evidence to receive the funds.

An evaluation of both these grants has been commissioned. This should help us understand the impact of these two grants and determine if this approach is the best way to support the sector.

Supporting recovery through a Summer of Fun & Winter of Well-being

A £5m **Summer of Fun** was launched in June 2021 to provide children and young people aged 0-25 with the opportunity to play and participate in leisure, recreational, sporting and cultural activities to help rebuild their social and emotional skills in both Welsh and English. We worked with Local Authority Play Leads to support a wide range of activities and opportunities from 1 July until 30 September, tailored to the needs of the people and communities in their area. Many reported activities being over-subscribed, and demand for access across all ages.

In October 2021, a further £20m was announced for a **Winter of Well-being** which will support children and young people by:

- providing the space and time for play, supporting their fun and the opportunity to express themselves through play;
- community based interactive, creative and play-based initiatives for all ages;
- providing opportunities to develop and build their social skills by providing opportunities to engage with friends and peers;
- creating space and opportunity for free play and physical activity.

CWLWM (consortium of umbrella bodies representing childcare providers in Wales)

Since the start of the pandemic, the CWLWM consortium have received an additional £2.2m to undertake work to support providers across a broad range of issues arising as a result of Covid-19 and to help services adapt in response to the impact which the pandemic has had on the sector.

Play Opportunities

Since the start of the pandemic, Play Wales, the independent charity funded by the Welsh Government, has received a further £400,000 to undertake specific work to support providers across a broad range of issues arising as a result of Covid-19 and promote the importance and value of play to parents and stakeholders to support the wellbeing of their children following Covid-19 restrictions.

In July 2020, £1.6m was awarded to Local Authorities via the Local Authority Emergency Hardship Fund to provide better play opportunities for children in vulnerable communities and to realise the benefits this brings in terms of child development and activity levels, together with a further £500k in October 2020 to support play opportunities for children, helping local authorities meet their Play Sufficiency Duty.

Social Care Wales funding

Social Care Wales (SCW) is the Sector Skills Council for the early years and childcare sector in Wales, responsible for maintaining and overseeing the sector's training, qualifications and development requirements. As Welsh Government's strategic partner they have played a key role in supporting the sector during the pandemic.

SCW's *WeCare* Wales campaign rolled out in 2020-21 to support recruitment and retention in the childcare sector as well as to support morale and acknowledge the

vital role played by the workforce. A key ongoing role of SCW is the provision of sector specific resources and guidance, many in response to the issues being raised by the sector and the challenges faced through Covid-19.

SCW also ensured that work continued to support those undertaking qualifications during the pandemic including through the development of apprenticeship frameworks to support new qualifications and the development of flexible approaches in relation to the achievement of qualifications at a time when the ability to secure placements was impacted.

Progress for Success

Progress for Success (PFS) is a European Social Fund (ESF) programme, which launched in August 2016. The programme funds existing early years, childcare and play practitioners (including self-employed registered childminders), to undertake recognised childcare and play qualifications.

With a total ESF and Welsh Government investment of £9.2 million from 2016-2023, PFS aims to upskill and support approx. 4,000 practitioners. Strand 1 which ended in 2018 supported 979 practitioners to upskill while Strand 2 which runs from 2018-2023 aims to support a further 3,000 practitioners to broaden their skill levels and in turn support the strengthening of high quality childcare provision in Wales.

As well as funding support, the Welsh Government has provided [guidance](#) for childcare and play providers on how to keep staff and children safe throughout the pandemic.

To: Elin Jones MS
Llywydd and Chair of the Senedd Commission

19 October 2021

Annwyl Lywydd,

The Public Service Pensions and Judicial Offices Bill (the Bill) was introduced to the UK Parliament in July 2021 and makes provision about public service pension schemes. In August 2021, the Counsel General laid a legislative consent memorandum before the Senedd on the basis that a number of the Bill's provisions are within the legislative competence of the Senedd.

While legislation on occupational and personal pension schemes is reserved to the UK Parliament,¹ there is a specific exemption that enables the Senedd to legislate for the pension scheme for Members of the Senedd. However, the function of approving changes to this devolved pension scheme remains with HM Treasury.² While the Bill does not currently propose to change this function of HM Treasury, I understand that discussions have taken place between the Welsh and UK Governments in relation to this matter, and that the UK Government intends to bring forward amendments to the Bill to remove the approval function from HM Treasury.

Following correspondence between the Counsel General and the then Chief Secretary to the Treasury (extract annexed), HM Treasury officials have been in contact with the secretariat of the Independent Remuneration Board of the Senedd as a result of proposals to amend the pension scheme rules for Members of the Senedd. Given that the Board is responsible for determining the Members' pension scheme rules, the Board's secretariat has been approached to confirm who should be invited to engage in dialogue with HM Treasury officials.

¹ Paragraph 134 of Schedule 7A to the Government of Wales Act 2006.

² Section 30 of the Public Service Pensions Act 2013.

The Board is of the view that the question of how the function should be exercised in future relates to the constitutional framework within which the Board operates. The Board therefore does not believe it to be appropriate for it to take a view on any legislative policy decisions about whether or not this function should be transferred or removed altogether.

However, the Board is content to express its views to HM Treasury, via its secretariat, on the technical workability of a proposed amendment and any legal implications which would need to be considered in forming policy advice on the matter. It is content for these discussions between officials to proceed on the basis that these are without prejudice to the Senedd Commission or Senedd's view on the matter.

Any discussions would be solely related to the impact in relation to the Members of the Senedd pension scheme.

Please do let me know if you wish to discuss this matter further.

Yours sincerely,



Dr Elizabeth Haywood

Chair, Independent Remuneration Board of the Senedd

cc Mick Antoniw AS/MS, Counsel General and Minister for the Constitution

Jenny Rathbone MS, Chair, Equality and Social Justice Committee

Huw Irranca-Davies MS, Chair, Legislation, Justice and Constitution Committee

Peredur Owen Griffiths MS, Chair, Finance Committee

The Rt Hon Simon Clarke MP, Chief Secretary to the Treasury, UK Government

Jill Youds, Chair, Pension Board for the Members of the Senedd Pension Scheme

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.

Annex

Extract from correspondence from Mick Antoniw AS/MS, Counsel General and Minister for the Constitution, to Rt Hon Steve Barclay MP, then Chief Secretary to the Treasury, regarding the Public Service Pensions and Judicial Offices Bill, 11 August 2021

"I note that the Bill as introduced does not make provision in relation to the pension scheme for members of the Senedd. In the context of that scheme, I note the proposed amendments to the Bill to introduce measures removing the requirement for HM Treasury consent to matters within the Senedd's legislative competence. Legislation governing Senedd members' pensions is taken forward in Wales by the Senedd Commission, and so UK Government officials should liaise with officials from the Commission on the potential effect and drafting of any amendments. It would then also be for the Commission to advise Members on the impact of those amendments. However, it remains the responsibility of a member of the Welsh Government to lay any Legislative Consent Motions that are required, and so on that basis and subject to the relevant provisions being made available to my officials and those in the Commission, I will consider laying a supplementary Legislative Consent Memorandum before the Senedd. I therefore hope that all necessary officials can liaise as amendments are prepared and before they are taken forward."

Document is Restricted

Agenda Item 6.2



Covid and Childcare: Spending Review Briefing September 2021

This briefing sets out the emerging findings from a Nuffield-funded research project into the impact of Covid-19 on childcare in England, which draws on information from interviews and surveys with parents, childcare providers and local authority staff, as well as administrative data sources. It shows that the pandemic has hit the childcare sector hard and unevenly, with families already facing disadvantage the ones most likely to miss out. Not only is a well-functioning childcare system vital in enabling parents to work, it is a proven strategy to narrow the gap between disadvantaged children and their peers, reducing the pressure on schools. The emerging findings from our research find a number of areas of concerns that have already and are likely to continue to impact on children's outcomes, particularly for the most disadvantaged. While there is not yet evidence of mass closures or market failure, weaknesses in the system, including a lack of infrastructure support, have been exacerbated by the crisis which require urgent action. Childcare is not a simple market commodity, but instead a social good with the potential to change lives.

The spending review provides the opportunity to make the necessary investments to achieve this potential. Investment in childcare also provides the opportunity to hit a number of the Build Back Better priorities. Childcare is a key pillar of strong public services, supporting children's education in the crucial early years. It is essential that all families across the country are able to access high quality childcare to allow parents to work and children to achieve in order to achieve the Government's levelling up agenda. And finally childcare is a crucial part of the infrastructure needed to support growth and enable parents to move into work.

Key points:

- Children have missed out on substantial amounts of early education, with large reductions in take-up. There is some evidence that take-up of the free entitlement for two, three and four year olds has fallen more amongst disadvantaged children than amongst their better-off peers.
- Partly as a result of missing out on early education, children's development has been adversely affected by the pandemic. Parents, childcare providers and local authorities all raised concerns about children regressing or not progressing as expected as a result of lower attendance at early education. There are also concerns about the widening of socio-economic gaps in children's development over the course of the pandemic.
- Income from parent fees has been declining due to changes in working arrangements and declining family incomes. This reduction could threaten the delivery of free early education entitlement places which many providers have previously subsidised from parent fees.
- Covid-19 has significantly increased childcare providers' struggle to recruit and retain qualified staff, threatening their ability to provide childcare places in the medium term.
- Shortages of places could also threaten parents' ability to work, and we are already seeing a significant drop in the supply of school age childcare.

Covid-19 and Childcare: local impacts across England

[Covid-19 and Childcare: Local impacts across England](#) is a study exploring the impact of the pandemic on early education and care services, funded by the Nuffield Foundation and being undertaken by a team of researchers from the Centre for Evidence and Implementation, University of East London, UCL, Frontier Economics, Coram Family and Childcare, and the Institute for Fiscal Studies. It will highlight lessons for improvements at



both the national and local levels, to support a sustainable, high quality system. This briefing presents evidence from three early strands of the work:

- **Strand 1:** Telephone survey of 122 local authority Early Years Leads conducted in February and March 2021 and already published by [Coram Family and Childcare and Frontier Economics \(2021\)](#)
- **Strand 2:** Analysis of secondary data sources including Ofsted register data, DfE early years attendance data and aggregate Early Years Census data, forthcoming from UCL and IFS
- **Strand 3:** Qualitative case studies comprised of 99 interviews with parents, providers and early years staff in 10 different local authority areas conducted between May and August 2021, forthcoming from Centre for Evidence and Implementation.

Our early findings were discussed at three roundtable events with childcare providers, family organisations and civil servants. These discussions helped to refine this briefing.

Children are missing out on early education

There have been substantial decreases in uptake of early education for two, three and four year olds. [Early Years Census \(2021\)](#) data shows that around 19,000 fewer children were accessing the two year old offer in January 2021 compared to January 2020 – a 13% reduction (from around 143,000 in 2020). Most local authorities interviewed reported declines in demand for funded hours for two year olds, some substantially higher than this average reduction, with predictions that some of this decline will persist for some time (forthcoming results from Strands 1 and 3). Similarly, there were around 60,000 fewer 3 and 4 year olds accessing the universal offer in January 2021 than in January 2020 – a 4.7% reduction (from around 1.27 million in 2020) – and around 17,000 fewer 3 and 4 year olds accessing extended entitlement – a 4.9% reduction.

In case studies (forthcoming results from Strand 3), it was found that numerous parents discussed planning to put a child in nursery but then did not do so due to the pandemic, safety concerns (including wanting to protect grandparents), financial concerns and wanting one child home when another school-age child was home in a lockdown.

Consequences:

Reduced or non-attendance in early education has affected children's development, and many providers and local authorities reported a level of need that was not seen before (forthcoming results from Strand 3). Providers described children as having regressed, or not having progressed in line with age, and visible impacts of breaks in childcare attendance in children's language, behaviour, independence, ability to socialise, struggling with structure and group activity, and being quieter, more anxious and less confident than before the pandemic (forthcoming results from Strand 3). There is also an increase in children with social-emotional issues due to their families' circumstances (e.g. domestic violence, severe financial pressures) which were exacerbated as children were at home all or most of the time (forthcoming results from Strand 3).

Parents also have concerns about the development of their child due to the pandemic. They felt Covid measures decreased social interactions, and reduced informal and formal social networks such as parent-and-child and stay and play groups. Parents were concerned that their children were not meeting developmental milestones and that young children were not



getting as much attention as their older siblings were home from school and needed help in home schooling (forthcoming results from Strand 3).

Settings are working with many children who are starting at a lower point developmentally compared with previous cohorts with more behavioural issues from having missed formal early education and interaction with other services, such as stay and plays (forthcoming results from Strand 1 and 3). Providers also described local authority support services such as referrals for SEND assessments and speech and language support as having been constrained during Covid and now reporting much longer waiting lists, leading to concerns that support services are struggling to meet rising need (forthcoming results from Strand 3). The [Education Endowment Foundation \(2021\)](#) report in their interim briefing that 76% of schools reported that children who started school in Autumn 2020 needed more support than children in previous cohorts.

Areas for action:

- National promotion of the benefits of early education, and greater support for local activity to encourage higher take-up of the free entitlement. This activity should build on approaches that have been proven to work, such as multi-disciplinary partnerships to promote the free entitlements, personal contact with eligible families, targeted marketing, simplifying application processes and using a range of languages to promote (Hempsall's and Coram Family and Childcare, 2021).
- Greater 'catch up' support for early years settings, including reception classes, to ensure providers have the resources necessary to enable children to 'get back on track' and reach the expected level of development.
- More creative/flexible use of funded entitlement to strengthen relationships between providers and families and support home learning particularly if take-up remains low.

Disadvantaged children in particular are missing out

There is some indirect evidence that the reduction in take-up of early education could be greater for more deprived children. While the number of three and four year olds accessing free early education who are eligible for the early years premium increased by 6% between January 2020 and January 2021 ([Early Years Census, 2021](#)), the proportion of school children eligible for the pupil premium rose by 20% over the same period ([School Census, 2021](#)). This suggests that take-up of early education places has fallen more amongst children who would have been eligible for the early years premium, therefore a large number of deprived children missing out on early education (forthcoming results from Strand 2).

Data from a survey of parents/carers undertaken earlier in the pandemic also suggested that 16% of vulnerable children are spending less time in early education than pre-Covid compared to 11% who are not vulnerable, with 28% of parents with vulnerable children saying their childcare provider is offering less flexibility in the days and times their child can attend than pre-Covid, compared with an overall figure of 9% of parents reporting lack of flexibility ([DfE, 2020](#)).



In the same survey ([DfE, 2020](#)), 22% of families where income is £10,000-£19,999 are not using formal childcare anymore because it's too expensive, compared to 15% of all families. This is the second most popular reason after 'I never use formal childcare'. Additionally, 19% of low income parents in the survey said their previous provider cannot provide the childcare hours they need, compared to 10% of all parents.

Discussion at our roundtable with childcare providers highlighted that they often struggle to access funding for children with SEND. While funding streams are available, the application processes can make them hard to access and they do not cover the full costs, for example, only covering 15 hours even if the child is entitled to the extended 30 hours offer. While this is a longstanding issue, the increased pressure on funding and services as a result of Covid will put pressure on support that was already vulnerable.

Consequences:

One of the key aims of funded early education is to narrow the achievement gap between disadvantaged children and their peers, but this cannot be achieved if disadvantaged children are not attending. This low uptake could delay development amongst disadvantaged children and instead widen and entrench the achievement gap between them and their peers. For example, [Hendry et al \(2021\)](#) found that children from low income families who continued to attend early education showed enhanced language benefits, understanding more words than those that didn't attend formal childcare. This suggests that children from less affluent backgrounds who lost access were disproportionately disadvantaged.

Other inequalities will also be widened. For example, local authorities that saw larger reductions in take-up of the universal offer amongst three and four year olds had, on average, lower female economic activity rates prior to the pandemic and also had higher claimant counts (unemployment rates) around the time of the early years census in January 2021 (forthcoming results from Strand 2).

The developmental delays that have occurred could lead to an increase in SEND diagnoses if they are not addressed. High quality early intervention could help to address these issues and help children to catch up, preventing the additional costs that come from late intervention when issues are further developed and entrenched.

Areas for action:

- More and/or more effective funding targeted towards disadvantaged children, to ensure providers have the resources necessary to support children from more disadvantaged backgrounds, who have experienced the greatest developmental delays. For example, a reformed early years pupil premium with funding levels reflecting additional costs could be an effective way to support childcare providers to be able to effectively meet the needs that disadvantaged children may present with.
- Increase and simplify SEND funding to help improve access.
- Take-up activity focusing on disadvantaged children, to ensure that those who have missed out on early education have an opportunity to catch-up before going to school, and to ensure these larger developmental inequalities do not persist amongst new cohorts of children eligible for the free entitlements. For example, Hemsalls and Coram Family and Childcare (2021) find that personal contact can be most helpful in overcoming individual barriers. Approaches such as the Golden Ticket where families who are identified as potentially eligible for the two year old offer using DWP data are able to take up a place without going through the income check that is usually part of



the application process were felt to be particularly effective in reaching families otherwise unlikely to take up early education. Early years staff found that outreach work targeted at families with the strongest reservations about their child starting early education at two was most effective in supporting take-up of the two year old offer (Covid and childcare strand 3)

The future supply of early education places could be compromised: finances

Providers have faced a reduction in income, both from parent paid fees throughout the pandemic, and from free early education funding, especially since the changes that were made in January 2021 to how this was paid that returned to funding actual attendance rather than places. Providers have also faced higher costs as a result of meeting pandemic-related requirements. Just 47% per cent of open group-based providers and 56% of open childminders were reasonably confident that they would be financially sustainable to continue to run their childcare provision for another year or longer ([DfE, 2021](#)).

For some settings, the reduction in income from parent fees has been dramatic. For example on average, in November to December 2020 open group based settings expected to receive £3,592 per week from parent-paid fees but received, on average, £2,416 at the time of the survey – two thirds of the parent fees they expected. Open childminders expected to receive £618 per week from parent-paid fees but received, on average, £388 at the time of the survey ([DfE, 2021](#)). Local authorities reported that these reductions in parent fees were driven by families reducing the amount of childcare they used or stopping use entirely (forthcoming results from Strand 3).

Some childcare providers were supported through the nationally funded Coronavirus Job Retention ('furlough') Scheme, the self-employment support grants (SEISS) and changes to free entitlement funding. However, these did not fully off-set income losses because providers had incurred salary costs for furloughed staff or workers not entitled to SEISS and they faced other non-staff costs. Some also received discretionary funding from their local authority including discretionary sustainability grants to support settings, using the underspends from overall early education funding, topping up the free entitlement funding from local funds and the use of Covid recovery or business scheme grants (forthcoming results from Strand 1 and 3).

The reduction in income from paid-for hours poses additional challenges as many providers find that funding levels for funded entitlement places do not cover their delivery costs and so cross-subsidise from parent fees (forthcoming results from Strand 3). Indeed this model of 'cross-subsidisation' underpins the rate at which the Department for Education funds providers for free entitlement hours ([Early Years Alliance, 2021](#)). This reduction in private income could therefore threaten the delivery of free early education places for some providers at current funding levels. Early in the pandemic, 20% of parents who used formal childcare before the pandemic said they have no intention of using formal childcare again ([DfE, 2020](#)), suggesting that at least some reduction will last into the medium term.

Given the harsh financial climate, there was concern among both providers and local authorities about the viability for some childcare providers to continue to provide childcare for children with SEND. For example, SEND funding is typically not available for 2 year olds because they are too young to have a diagnosis, and for 3-4 year olds it only covers the free universal 15 hours and is not available for the additional 15 hours most working parents are entitled to. Complex funding applications also mean that some providers miss out on SEND funding which adds to the financial pressures of providing places for SEND children (forthcoming results from Strand 3). Research has shown that more expensive SEND places



are cross subsidised with income from parent fees, when the latter decrease, providers may have to reduce the number of SEND places to remain financially viable ([Paull and La Valle 2018](#)).

Consequences:

Current public and private income for childcare providers is attached to individual children, rather than the infrastructure funding to support providing early education and childcare places. This has led to a fragile market where some providers have little ability to weather periods of decreased demand, let alone the prolonged reduction in demand seen as a result of Covid-19.

Reliance on cross subsidisation of funded places by parent fees means any permanent reduction in parent fees may undermine some providers' financial viability or reduce providers' ability to offer early education places in future, especially for children with SEND. This will lead to a potential shortage of early education places, especially in areas where it is hard to raise fees. Alternatively, providers may decide to increase parent fees in order to maintain financial sustainability or continue to offer early education places.

Government and local authority funding available, while helpful, did not fully cover providers' costs (forthcoming results from Strand 3). These losses led some to take actions that could end up threatening long term financial sustainability. For example the [Whittaker et al \(2021\)](#) report noted that 26% of settings in deficit took on debts to stay afloat, and 58% used reserves. Coupled with the phasing out of both national and local additional support, this is likely to place additional burdens on many providers that are already in a very financially weak position and mean that financial pressure continue or even increase through the autumn and winter.

Areas for action:

- Increase funding rate to ensure cross-subsidisation is not required to deliver early education
- Consider providing infrastructure funding in order to ensure the supply of early education places even while demand is fluctuating

The future supply of early education places could be compromised: workforce issues

Providers described their current staff as being drained, exhausted and worn out with morale very low. There were concerns that there had not been sufficient investment in training the next generation of early years educators, and that free or subsidised in-service training was now scarce. Local authorities also report that childcare staff morale was very low due to high level of stress and lack of recognition for all the work and risks they have taken over the past year – the differential treatment of childcare settings and schools was seen as particularly unfair given that most settings remained opened while schools closed (forthcoming results from Strand 3). Childcare providers had struggled to recruit high quality staff for some time pre-Covid, but current pressures mean that recruitment issues were considerably worse than pre-pandemic, with some providers already planning to reduce places due to staff shortages. The low pay within the sector combined with high vacancy rates and the perception of lower safety risks in other occupations were causing many to leave the sector, including older, more experienced professionals (forthcoming results from Strand 3).

Consequences:



The struggle to recruit and retain qualified professionals threatens the ability of childcare providers to continue to provide sufficient places. Some providers already reported reducing the number of childcare places they offered as they could not recruit enough staff (forthcoming results from Strand 3).

Not only does this threaten the supply of places, but it also has a negative impact on the quality of provision. Frequent staff turnover and the inability to recruit staff with the necessary qualifications or experience are likely to have a negative impact on quality. Staff and their relationships with individual children are the greatest determinant of childcare quality and so essential in enabling childcare to achieve its potential to support children's outcomes. In addition, forthcoming results from Strand 1 show that several local authorities reported that the educational focus of provision had been diminished due to extra work "keeping children safe" and reducing the risk of spread of Covid.

Areas for action:

- Higher funding rates are needed to enable pay to increase sufficiently for early education settings to attract and retain qualified staff.
- A national childcare workforce strategy supported by funding.

Parents may struggle to stay in work

The need to balance additional childcare responsibilities with work has been a challenge for parents, with mothers disproportionately affected. [ONS \(2020\)](#) found that over 20% of parents reporting that childcare had affected their ability to work. This is echoed by researchers at the IFS (published in [The IZA Institute of Labor Economics, 2020](#)) who found that mothers and fathers report doing substantially more childcare during the pandemic - fathers were engaged in childcare during 4.2 one-hour slots and mothers during 6.7 slots in 2014/15 which substantially increased to 8.0 and 10.3 one-hour slots respectively in April 2020 ([The IZA Institute of Labor Economics, 2020](#)).

The [Whittaker et al \(2021\)](#) study found that of parents that took parental leave, over half (54%) said that childcare influenced their decision whether or not to return to work. 14% had to take extended/extra periods of leave to manage childcare, 7% said the difficulty in accessing suitable childcare is affecting my career progression and 7% said they had to reduce their paid work hours because they could not access suitable childcare. In case studies (forthcoming results from Strand 3) some parents reported limited childcare provision affected their progress in employment, the type of employment they worked, the number of hours they worked, and limited them to a 'job' rather than a 'career.' Therefore, for some families, childcare has affected their decision to return to work or progress in the workplace. Evidence shows that mothers, in particular, are most likely to be affected - 64% reported that childcare influenced their decision whether or not to return to work, compared to just 31% of fathers ([Whittaker et al, 2021](#)). This highlights the vulnerability of women's employment in relation to childcare disruption, and that childcare is likely to have continued impacts on women's employment opportunities.

Out of school care is used by twice as many families as pre-school childcare to enable parents to work but shows the most significant drops in supply ([Coram Family and Childcare and Frontier Economics \(2021\)](#)). Some of this reduction in supply is caused by a reduction in demand due to home working and children not being in schools, but other explanations included a lack of school premises or schools wanting to reduce multiple contacts. Many local authorities predicted that post-pandemic, demand could permanently reduce for hours outside the core 9am to 3pm due to continued and permanent changes in work patterns. The



short hours required for this type of provision (normally 8am to 9am and 3pm to 6pm) mean that it can be difficult to make it financially viable. If demand is permanently lower or returns slowly, many providers may find that it is no longer financially viable to them to stay open leaving a gap for families who do still need this provision. There is also concern about home-based care (that is, childminders and nannies) as supply of this provision declined considerably in rural areas where many (working) parents rely on home-based care because of scarcity of group provision (Childcare and Covid, strand 3).

Consequences:

If parents cannot find the childcare they need, they may be unable to work, or may have to reduce their hours or take more flexible (potentially lower paid) jobs. It is more likely that mothers will leave employment or reduce earnings, meaning we may see an increase in the gender employment/wage gap. These lower employment rates could have adverse impacts both for individual families, through rising child poverty rates, as well as for the public purse, with reduction in tax payments, and an increase benefit payments.

Areas for action:

- Supporting the supply of school-age childcare and home-based care to meet demand.

Acknowledgements

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**Equality and Social Justice
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4 November 2021

Dear Paul,

Childcare and parental employment: the pandemic and beyond

In my letter of August 10th, I let you know that the Equality and Social Justice Committee had agreed to scope out an inquiry into the impact of the COVID-19 pandemic on women in the workplace. This work has now begun; the Committee is undertaking an inquiry into childcare and parental employment: the pandemic and beyond. The inquiry will focus on the barriers that childcare provision can present for parents, particularly women, entering and progressing in the labour market.

The terms of reference for the inquiry are provided at annex A, and details of evidence gathering at annex B.

Aspects of the inquiry which relate to your Committee's remit may be of interest to your Members. So I would like to invite your Members to consider whether there are any points they would like to raise in relation to our terms of reference, or any involvement they would like to have in our stakeholder and citizen engagement work.

Formal meeting evidence and scrutiny sessions

I propose that Sarah Murphy, as a Member on both our Committees, acts as a rapporteur to take forward any lines of questioning proposed by your Members at our formal evidence gathering and scrutiny sessions.

Stakeholder and citizen engagement

If any of your Members would like to attend the roundtable discussion or any of the planned focus groups in an observer capacity, please ask your Clerking team to liaise with mine to make arrangements. I am also happy to share with your Members the notes from these events to inform your future work.

Thank you in advance for your consideration of these issues. I will keep you updated as the inquiry progresses.

Yours sincerely



Jenny Rathbone

Chair of the Equality and Social Justice Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.

Annex A

Terms of reference

The terms of reference for the inquiry are to examine:

- The extent to which current childcare provision in Wales sufficiently supports parents, particularly mothers, to enter, remain and progress in employment, and what changes might be needed to improve the effectiveness of childcare provision in doing this.
- What impact the Childcare Offer in particular has had in achieving the Welsh Government's objective of "helping parents, particularly mothers, to return to work or increase the hours they work".
- The impact of limited childcare availability on Wales' productivity levels.
- How childcare arrangements have affected parental employment during the coronavirus pandemic, particularly in relation to mothers. What lessons might be applied to provide better support during any future lockdowns or increased restrictions.
- Whether Welsh Government-funded childcare provision is flexible enough to support employment of parents, particularly mothers, in different demographic groups and experiencing different circumstances.
- The impact of high-quality formal childcare provision on reducing the attainment gap, and the potential benefits of extending childcare provision to tackle inequalities.
- What Wales can learn from other models of childcare provision operating in the rest of the UK and internationally and emerging practice in terms of supporting parental employment, and the extent to which these models might be transferrable to the Welsh context.
- How financial and practical implications such as availability of childcare would need to be considered by the Welsh Government in any future policy developments to extend childcare provision.

Annex B

Evidence gathering

Monday 15 November	Stakeholder evidence panels: <ul style="list-style-type: none">▪ Organisations campaigning on childcare▪ Childcare providers▪ Childcare provision from outside Wales
Monday 22 November	Roundtable discussion with organisations such as childcare providers, organisations who campaign around childcare, employers, trade unions.
Monday 29 November (TBC)	Evidence panel: <ul style="list-style-type: none">▪ Children's Commissioner for Wales▪ Equality and Human Rights Commissioner Scrutiny session: <ul style="list-style-type: none">▪ Deputy Minister for Social Services
Various dates throughout November	A series of online and face-to-face focus groups with parents and partner organisations from across Wales

**Pwyllgor yr Economi,
Masnach a Materion Gwledig**

—

**Economy, Trade and
Rural Affairs Committee**

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Jenny Rathbone MS
Chair, Equality and Social Justice Committee

22 November 2021

Dear Jenny,

Childcare and parental employment: the pandemic and beyond

Thank you for your letter of 4 November concerning a proposed approach to the above inquiry, which is relevant to the Economy, Trade and Rural Affairs Committee remit.

Members considered your letter at our meeting on 11 November. They were content for Sarah Murphy MS, who sits on both committees, to act as a rapporteur to take forward lines of questioning that may be proposed by Members of this Committee, during your scrutiny sessions.

Members would also welcome being kept informed of the progress of the inquiry, and I'm happy for the two clerking teams to share information to facilitate that.

Best regards,



Paul Davies MS

Chair: Economy, Trade and Rural Affairs Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.