

Introduction

1. The purpose of this paper is to provide written evidence to the Equality, Local Government and Communities Committee in respect of the inquiry into *Pregnancy, Maternity and Work in Wales*.
2. This evidence paper reflects the work being undertaken across the Leader of the House and the Minister for Children and Social Care policy portfolios to promote equality in terms of pregnancy, maternity and work. This work aligns fully with Prosperity for All – the national strategy which embodies the Welsh Government’s commitment to create a Welsh economy which delivers individual and national prosperity through equal opportunity for all. This includes tackling pregnancy and maternity discrimination and disadvantage as part of a wider programme of work addressing gender inequality in our society.

Childcare Offer

3. The Childcare Offer is a key government commitment as set out in Taking Wales Forward and expanded upon in Prosperity for All. The Offer will provide 30 hours of government-funded early education and childcare to the working parents of three and four year olds for up to 48 weeks a year. Our Offer is intended to support the Welsh economy by helping parents, particularly mothers, return to work or increase their hours of employment and is therefore targeted at working parents. Childcare is frequently cited as the reason why some parents work where they do, work the hours they do, or don’t work at all. We want to ease the burden on hard working parents and a fundamental aim of the Offer is to give families the financial support they need to help with their childcare costs and allow them to have employment choices.
4. We know that the majority of children in Wales living in relative income poverty are from households where at least one person is working. The evidence clearly demonstrates that well-paid employment is not only the best route out of poverty but is also the greatest defence against poverty. We have a range of programmes designed to address the issue of in-work poverty by helping parents to both gain and retain full-time employment.
5. The Offer includes the existing universal early education entitlement delivered through the Foundation Phase Nursery (FPN) provision, with additional hours of funded childcare available to the children of qualifying working parents. A working parent is defined as someone earning more than 16 hours per week at the national minimum wage or national minimum wage, up to a maximum of £100,000. Parents who are away from work on maternity, paternity, adoptive or parental leave are eligible for the Offer.
6. FPN is delivered by local authorities and, although there is some variation in entitlement, all children are entitled to a minimum of 10 hours of FPN provision from the term after their third birthday until the September after they turn 4. At this point most children then begin full time school. Entitlement to the childcare element of the Offer has been aligned with the FPN entitlement.

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7. Alignment with the Foundation Phase Nursery provision also means that during school term times, calculated at 39 weeks per year, the Offer comprises of 30 hours of combined early education and childcare provision. Outside of school term times, the Offer consists of 30 hours of childcare alone. Parents can access up to 9 weeks of funding outside of school terms, taking us to the 48 weeks available per year.
8. We are currently testing the Offer through our programme of early implementation. Testing is currently underway in Anglesey, Gwynedd, Blaenau Gwent, Caerphilly, Flintshire, Rhondda Cynon Taff and Swansea, and we are in discussions with local authorities across Wales about expanding these tests. It is our intention that the offer will be available in at least part of each local authority in Wales ahead of the national roll-out in September 2020. An independent evaluation of the early implementation arrangements is underway with the final report of progress in this first year due in October.
9. During early implementation local authorities are undertaking the eligibility checks to confirm a family's entitlement to the Offer. In the longer term the intention is to develop a primarily digital platform that will be administered by Her Majesty's Revenue and Customs. The Childcare Funding (Wales) Bill was laid on 16 April. It is a technical Bill that will support the Childcare Offer in setting up an easy-to-use, national system to allow parents to both check their eligibility and apply for free childcare. This will be a mainly digital system and will be run by HMRC.
10. Entitlement to the Offer is, however, only part of the picture and we are also considering delivery arrangements. Any childcare provider registered with and inspected by Care Inspectorate Wales (or Ofsted if they are in England) can deliver the childcare aspect of the Offer. A rate of £4.50 per hour has been set for the pilots and we are testing the sustainability of this rate with those providers currently delivering the Offer. We are also working with the sector to gain a better understanding of their capacity to deliver the places needed, and in particular the capacity to deliver Welsh medium childcare and care for children with special educational needs.
11. Alongside this we are also taking forward a range of wider support activities for the sector including action on business rates, support to improve business planning and changes to qualifications. Our vision for the childcare sector was set out in our Childcare, Play and Early Years Workforce Plan published in 2017.
12. We also recognise that for some parents, affordable childcare is not the only thing preventing them from returning to or staying in work. Reluctance to use formal childcare, a lack of confidence about returning to work or concerns about financial stability are also cited as reasons why parents are not employed. We are exploring these issues through our #TalkChildcare campaign and the Offer itself is part of a wider suite of programmes we have in place to support parents into work.

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13. Parents, Childcare and Employment (PaCE) is a £13.5m project jointly funded by the European Social Fund and Welsh Government, working in partnership with DWP. PaCE is specifically aimed at parents who are out of work and cite childcare as their main barrier to accessing training or work opportunities. Up to the end of March 2018, the project had engaged 2883 participants and supported 896 into work. Over 90% of participants are women.
14. Support is also available under Tax Free Childcare, which is available across the UK and provides financial support towards childcare costs for children up to the age of 12.

Equality Duties

15. The Equality Act 2010 provides protection from discrimination for everyone, with regard to nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, sexual orientation and pregnancy and maternity. In Wales, our equality duties are set out in the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 and came into force in April 2011. We are proud to have been the first government to bring in specific equality duties in order for public bodies to better perform and demonstrate their compliance with the Public Sector Equality Duty. To do this the Welsh Government has embedded Equality Impact Assessments into our approach to policy and decision making over several years.

Promoting Equality in the Workplace

16. We fund Chwarae Teg who focus specifically on the sustainable economic contribution of women in areas such as employment, skills and entrepreneurship, including work-life balance, flexible working and girls' and young women's academic and career choices. In December 2017, Chwarae Teg launched the FairPlay Employer Benchmark - a new service to support employers and organisations across the private, public and third sector to deliver gender equality in their business. Organisations that subscribe to the service will be benchmarked in terms of gender equality in their sector and will qualify for one of four levels of FairPlay Employer award. The Welsh Government has recently signed up to the benchmark.

Gender Pay Inequality

17. As with the other protected characteristics, all public sector employers in Wales must publish the required employment information on gender giving a snapshot of its employee profile at 31 March each year.
18. The information requirements in relation to gender go further than other protected characteristics in the detail of what is published. A listed body must publish a breakdown of the number of female and male employees by job, grade, pay, contract type and working pattern. This should give a clear

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indication of how jobs are distributed throughout an authority and at what levels. This will help not only to identify gender pay differences, but other gender equality issues such as occupational segregation.

19. Public bodies in Wales that identify a gender pay difference must either set a gender pay equality objective to address the causes of the pay difference, or explain publicly why they have not done so. If it appears likely that the reason for the difference is related to the fact that those employees share a protected characteristic, an action plan to address gender pay difference is also required.
20. Welsh public bodies are not presently required to publish information about their gender pay gaps on the UK Government website, although they are free to do so if they wish. I am pleased to see that a number of our public bodies have voluntarily made use of this opportunity.
21. The Equality and Human Rights Commission (EHRC) will shortly be gathering and analysing evidence of the work undertaken across key sectors to meet the requirements of the Public Sector Equality Duty legislation in Wales, including the gender pay gap. We will be working with them closely on this and on any further action that is required as a result, including reviewing the reporting arrangements for Welsh organisations.

Eradicating Pregnancy and Maternity Discrimination Within the Welsh Government

22. As an organisation, we are working in partnership with the EHRC to identify effective interventions to address pregnancy or maternity discrimination in the workplace. These interventions will be aligned to the Welsh Government's revised Equality Objectives and Strategic Equality Plan. The Action Plan contains a number of commitments relating to the protected characteristic of pregnancy and maternity.
23. We have also pledged to make our organisation the best it can be for pregnant women and new mothers as part of the EHRC Working Forward Campaign. Women often feel while on maternity leave they are isolated from work and to help address this we have changed our processes so women going on maternity leave can keep their IT kit and profile, if they wish. We have also set up a team site intranet page for pregnant women and new parents as an informal network/forum.
24. The Women Together network has set up a focus group to identify the main challenges facing pregnant women and new parents in the organisation and made recommendations to HR. The network is working closely with HR to revise policies and processes for pregnant staff and new parents (which will go through formal consultation with TUS) and has audited breastfeeding and expressing facilities across our estate. Work is now ongoing to ensure the same good facilities are in place across all the offices. Guidance for line managers and staff will be drafted and communications with people on maternity/ adoption/ parental leave improved. A coffee morning for women on

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maternity leave to attend with their babies is currently being planned. The network is also looking at improving outcomes and opportunities for women who work part-time. Awareness raising sessions on job sharing have been held for the Senior Civil Service. HR are looking at how they can support women (and men) who want to work part-time and job share. Welsh Government staff are entitled to work flexibly and our policies and processes are designed to enable this.

Promoting Equality in the Workplace and in Public Life

25. One of the strategic aims of the Welsh Government's Equality and Inclusion funding programme 2017-20 is to help to deliver a more diverse pool of decision-makers in public life. All of the lead agencies for this programme have committed to supporting this work, through working with their own members, networks and stakeholders, to help us identify and nurture Welsh leaders now and for the future. The Women's Equality Network Wales (WEN Wales) which represent the views of women and girls in Wales is helping to inform national policy, by promoting and raising wider awareness of women's rights and the issues that affects them.
26. Our partners also provide advice and analysis to the Welsh Government on issues such as occupational segregation, the persistence of the gender pay gap and under-representation of women in senior and decision-making roles.

Rapid Review of Gender and Equality Policies

27. In addition to work set out above and to bring a new impetus to our work, the First Minister announced on 8 March, International Women's Day, the Rapid Review of Gender and Equality policies. We are working closely with Chwarae Teg and other partners on this review which will include an assessment of the available evidence on gender equality and consideration of what further research and action may be needed in this area, including in relation to the gender pay gap.
28. The terms of the review have been finalised. They set out our intention to put considerations of gender at the forefront of all our decision-making, our ways of working and conduct. All issues raised will need to be considered from an intersectional and inclusive perspective. Two initial stakeholder events will form the start of a national conversation where stakeholders will identify their priorities for the review. The first stakeholder event took place on 26 April in south Wales and the second was held on 3 May in north Wales. Phase One of the Review is expected to be complete by July 2018, to be followed by Phase Two which will run until summer 2019.

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