



Department  
for Education

# **Considering the impact of the Childcare Bill provisions**

**July 2015**

# Contents

|   |   |
|---|---|
| Considering the impact of the Childcare Bill provisions       | 3 |
| United Nations Convention on the Rights of the Child (UNCRC): | 3 |
| Child Poverty:  | 4 |
| Public Sector Equality Duty:                                  | 5 |
| The family test:  | 5 |
| Conclusion:   | 6 |

## Considering the impact of the Childcare Bill provisions

The government has committed to increasing the entitlement to free childcare for working parents of three- and four-year-old children from 15 hours to 30 hours per week. This annex sets out the department's consideration of the impact of this policy on the United Nations Convention on the Rights of the Child, the European Convention on Human Rights, child poverty, the Public Sector Equality Duty and the family test.

### United Nations Convention on the Rights of the Child (UNCRC):

The Government made a commitment to give due consideration to the articles of the UN Convention on the Rights of the Child (UNCRC) when making new policy and legislation.

The Childcare Bill places a duty on the Secretary of State to secure the equivalent of 30 hours of free childcare per week in each of 38 weeks in any year to eligible working parents of three- and four-year-old children. This means a total of 1,140 hours of free childcare per year for eligible families; 570 through the existing early education entitlement for all three- and four-year-olds, and 570 through the new entitlement.

The Government recognises that many parents want to go back to work or work more hours, but find the costs of childcare unaffordable. The additional 570 hours for working parents of three- and four-year-olds will help families by reducing the cost of childcare and supporting parents to work. The quality of the childcare and its impact on a child's development is equally important. When Ofsted inspects an early years provider it does not just inspect a set of 'hours' funded by the government, it inspects the quality of the whole setting and the experience for all children. As the Ofsted Early Years Annual Report published in April 2014 says:<sup>1</sup> 'the most successful early years providers, whoever they are, are focused on helping children to learn.'

This policy will reduce the cost of childcare for working parents and enable them to work while they raise a family. This is very much within the principles of Article 18(2) and (3) of the UNCRC which require States to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and ensure the development of institutions, facilities and services for the care of children, and to take all appropriate measures to ensure that children of working parents have the right to benefit from child-care service and facilities for which they are eligible.

Clause 3 includes an amendment to section 12 of the Childcare Act 2006, to make provision for regulations to require local authorities in England to publish information about the provision of childcare in their area, together with other services or facilities

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<sup>1</sup> Ofsted Early Years Annual Report

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/386504/Ofsted\\_Early\\_Years\\_Annual\\_Report\\_201213.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/386504/Ofsted_Early_Years_Annual_Report_201213.pdf)

which may be of assistance to parents or prospective parents. The Government considers that this will provide parents with more information and will support them in making informed choices about their childcare options. In this regard, the Government considers that Clause 3 is also consistent with the principles in Article 18(2) and (3) of the UNCRC.

The Government has also had regard to Article 3(1) and Article 3(3). With regard to Article 3(1), the Government acknowledges the importance of the best interests of children being a primary consideration. The Bill benefits the children of working parents by increasing the amount of free childcare available to them and making it easier for their families to combine child rearing and work. In relation to Article 3(3), which requires State Parties to ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, it is important to note that existing provisions in relation to inspections, suspension or cancellation of registration and protection of children in an emergency will continue to apply so that the interests of children are protected.

Taking all this into account, the Government is confident that the Bill is within the general principles of the UNCRC and we have not identified any articles that conflict with these proposals.

## **Child Poverty:**

The Child Poverty Act 2010 sets four income-related targets which government are legally committed to meeting by 2020/21. Due regard should be given to the impact of increasing the entitlement to 30 hours per week on the statutory duty set out in the Act.

The purpose of this policy is to make childcare more affordable for working parents. The policy provides an incentive for: 1) workless families to gain employment and 2) for parents working part-time to increase their hours. If this positive impact is to be assumed, then implementation of this policy could result in:

- fewer workless families (which will help to reduce child poverty)
- higher earnings from employment (for those who increase their hours)
- a higher disposable income (for those who already pay for additional hours of childcare) to purchase other goods, which could improve parental health and home environment for the child etc.

Note that although these impacts cannot be quantified, they will not a negative impact on child poverty as set out under the 2010 Act.

At this stage, it is difficult to determine the impact of this policy on low-income families and other groups as the definition and eligibility criteria for 'working parents' has not yet been defined. We are pleased that the Child Poverty Action Group (CPAG) has welcomed the extended free entitlement in the Childcare Bill as *“an extremely positive*

*move overall.” CPAG supports this “policy action that enables low-income parents to work more hours as well as increase their earnings potential through better-paid work.”*

The provision of an additional 570 hours of free childcare per year to support working families with three- and four-year-olds will support families to increase the number of hours they can work (if they want to). This could potentially change their earnings from employment or welfare, benefits and other support and this may contribute to reducing the number of children in absolute poverty. The provision of additional free childcare for working families will also contribute to reducing their childcare costs.

## **Public Sector Equality Duty:**

The [Public Sector Equality Duty](#) (section 149 of [the Equality Act 2010](#)) places a legal obligation on the department to consider how this policy will impact on individuals against the following protected-characteristics: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

- The department has considered the impact of this policy on individuals who identify with one or more of those characteristics. We can confirm that this policy, which is inclusive of all three- and four-year-olds from working families and all working parents, does not discriminate on the grounds of: gender reassignment; race; religion or belief; sex; and/or sexual orientation
- In terms of age, this policy applies to children aged three- and four-years-old and protection against age discrimination does not apply to children (under 18) accessing services, and it is not a contravention of the 2010 Act to provide services for children of a particular age group.
- The policy is inclusive of three- and four-year-olds from all working families and does not discriminate against disabled children.

In terms of pregnancy and maternity, the extended entitlement will only be available to working parents. The bill does not set out the parameters for ‘working parents’ and the position for parents on periods of maternity or shared parental leave will be clarified in due course.

## **The family test:**

All domestic policy is in scope of the Government’s family test. The test asks the Department to consider five broad questions:

### **1. Will the policy support or limit individuals’ decisions to form a family?**

We anticipate the entitlement will have a positive impact on the emotional, financial and practical decision of those planning to become a parent. It will encourage parents to start to consider and plan their future childcare arrangements around their family priorities. We have worked with the Department of Health to ensure that Health Visitors are able to give parents accurate and relevant information on the current entitlements as we know that they play a pivotal role in providing advice and support to thousands of families, including new parents, to help give children the best possible start in life.

## **2. Will the policy add to pressures on families, or give families support?**

The policy is supportive of all forms of family structure. There will be potential positive impacts on family relationships and functioning via the improvements in children's outcomes and greater financial support for parents when deciding whether to return to work. We have not identified an effect of the policy relating to the formation of couple relationships.

## **3. How will the policy impact on family members' ability to play a full role in family life, e.g. with respect to work-life balance, time together, care roles?**

By making childcare more affordable, this allows parents to strike a balance between work and home that is equal and relevant to their family life. The policy does not discriminate between a mother or father's role within the family. Furthermore, if either parent chooses not to return to work in favour of focusing on caring responsibilities, they will still be eligible for the current entitlement of 15 hours of free childcare.

## **4. Will the policy support parents who have separated in their parenting after separation?**

We have not identified an effect of the policy relating to this question.

## **5. How will the policy impact on those families most at risk?**

We have not identified an effect of the policy relating to this question.

## **Conclusion:**

Currently, on balance, this policy will be positive for children and families for the following reasons: the increase in free childcare provision will support parents in making choices about going back to work and/or increasing their hours at work; the policy is inclusive of all three- and four-year-olds from working families; and there will be potential positive impacts on family relationships and functioning via the improvements in children's outcomes and greater financial support for parents.



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