

16th January 2006

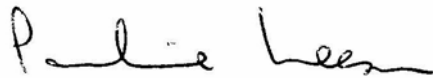
Patricia McVeigh
DHSSPS
Family Policy Unit
Castle Buildings
Stormont Estate
Belfast
BT4 3SQ

Dear Patricia

Please find enclosed Children in Northern Ireland's response to the DHSSPS Consultation on *Supporting the Cost of Home-based Childcare – The Government's Proposals on a Home Childcarer Approval Scheme*.

I hope this can usefully inform the ongoing development of the home-based childcarer service.

Yours sincerely

A handwritten signature in black ink, appearing to read "Pauline Leeson". The signature is written in a cursive style with a horizontal line underneath.

Pauline Leeson
Director

**Children in Northern Ireland
Response to**

DHSSPS Consultation

**Supporting the Cost of Home-
Based Childcare**

**The Government's Proposals on a
Home Childcarer Approval
Scheme**

January 2006

Introduction

Children in Northern Ireland (CiNI) is the umbrella body for the voluntary child care sector in Northern Ireland. CiNI provides policy, information and training services to 90 member organisations to meet their needs as they work with and for children and young people.

CiNI has a specific interest in early years legislative, policy and practice development and works alongside member organisations that provide specific early years and child care services.

CiNI jointly chairs the Children with Disabilities Strategic Alliance (CDSA) with Disability Action Northern Ireland. The Alliance has a specific interest in informing and influencing strategic policy issues impacting on children and young people with disabilities. CDSA members have raised a number of points which are reflected in this response highlighting specific issues relating to children and young people with disabilities.

CiNI welcomes this opportunity to respond to the DHSSPS Consultation on Supporting the Cost of Home-Based Childcare – The Government’s Proposals on a Home Childcarer Approval Scheme.

We welcome this step to approve home childcarers and we understand that the objective is to ensure that parents can avail of support with the costs through the childcare element of the Working Tax Credit, which may make home childcare a more viable childcare option for parents.

While we see this approval scheme as an important step, particularly as it includes checks to see if the home childcarer is suitable to work with children, we believe that it is only a first step in regulating home childcarers in line with the legislative standards required of other types of childcare services, such as childminders and day nurseries.

Children First – The Northern Ireland Child Care Strategy

CiNI believes that the home childcare option should be part of the overall strategic provision of childcare in Northern Ireland. However, for this to happen it must firstly meet the revised standards of quality and accessibility, as well as affordability, provided for in any future Child Care Strategy for Northern Ireland. We are concerned that in the absence of a strong legislative framework for the provision of home childcare, like that accorded to other childcare services, which requires registration and inspection, and the attainment of minimum standards; and which provides for training and controls on the numbers of children that can be looked after, the home child care option will not fit with a future vision of child care provision for Northern Ireland. Therefore we would advocate strongly for a much stronger legislative framework for the regulation of home childcare provision in Northern Ireland. This should be taken forward as part of the development of a revised/new Child Care strategy for Northern Ireland.

Child Impact Assessment of the Scheme against UN Convention on the Rights of the Child

We would advocate that as part of enhanced legislative regulation of home childcare there should be a greater child-centred approach to provision of the service, which is underpinned by child rights principles and provisions as provided for in the United Nations Convention on the Rights of the Child (UNCRC). The Government has ratified the Convention and in so doing has committed to compliance with its non-negotiable and legally binding minimum standards and obligations and therefore must ensure that law, policy and practice relating to children is in conformity with the Convention standards.

In particular we would highlight the UNCRC general principles of right to life, survival and development (Article 6); the best interests of the child (Article 3); the right to non-discrimination (Article 2); respect for the views and feelings of the young child (Article 12); and the Committee on the Rights of the Child's recent General Comment on Implementing Child Rights in Early Childhood (See General Comment No.7 (2005) Implementing Child Rights in Early Childhood, CRC/C/GC/7)

In addition, the Committee's General Comment No. 5 states that in order to ensure that the provisions of the Convention are being fully implemented in law, policy and practice there is a need for a process of continuous child impact assessment and child impact evaluation (CRC/GC/2003/5 para.45). We would advocate that to ensure compliance with the Convention that a child impact assessment on the Home Childcarer Approval Scheme to ensure that it does not contravene any of the provisions of the Convention.

While we have outlined above the overarching issues on the home childcarer service that we wish considered as part of this consultation, we would also like to respond on specific points made in the consultation document.

The Criteria for a Home Childcarer

CiNI notes the criteria that a home childcarer (b) (i) has obtained a suitable qualification, which will be specified in a list maintained by the Department; or (ii) will attend a basic induction course of training in the care of children, which will be specified in a list maintained by the Department.

CiNI is concerned that this criteria creates a hierarchy in terms of home childcarers, where some will be qualified and others may only have *attended* a basic induction course of training in the care of children. We do not believe that *attending* a basic induction course should be regarded as sufficient to gain approval as a home childcarer, rather we would advocate that there should be some minimum qualification set for the selection of home childcarers, for example, at least the successful completion, to an appropriate level, of a basic induction course.

Where a basic induction is attained we would also advocate that Trusts work with home childcarers and establish an appropriate training and development pathway to ensure that home childcarers are enabled to deliver a quality childcare service. This is an area which home childcarers and parents should discuss and agree as an important aspect of their relationship and which should be appropriately accommodated. We believe that financial support should be made available for individuals to acquire the necessary qualifications and skills and also for ongoing training and development.

CiNI would also highlight that there are currently home childcarers who are working without being registered as this option is not yet available to them. We would highlight

that consideration should be given in the guidance to providing interim arrangements to allow these home childcarers to continue in their role while they complete the registration process.

Neither in the criteria nor in subsequent sections of the consultation document is any reference made to the 'age' of children for whom the home childcarer service would cater for. We would advocate that this issue is considered and that guidance is provided. We would highlight that for children with disabilities this service should be available throughout childhood and that in making the transition to early adulthood that a complementary home-based service is developed and put in place.

Home childcarers, as part of gaining their **qualifications and induction training** should receive training on the rights of the child, focusing particularly on the general principles as well as implementing child rights in early childhood (See General Comment No.7 (2005) Implementing Child Rights in Early Childhood, CRC/C/GC/7)

Furthermore, if a parent is to be the employer of a home childcarer they would also require this training in child rights to assist them in choosing the candidate who can best support their child in realising their rights.

As families with children with a disability have been identified as a particular target group who may wish to avail of the home childcarer scheme (DHSSPS, p.3) we would advocate that disability awareness training is a core element of any induction training.

Furthermore we would highlight that for some families and children there would be a real desire that relatives could act as the home childcarer and we would ask that this be considered and provided for within the criteria.

CiNI accepts that people looking after children should be as highly skilled as possible, however, we would highlight that an emphasis on the attainment of qualifications can disadvantage people who are older and who perhaps have years of experience but no qualifications, or people who are good at caring but are not interested in obtaining qualifications, for example, people who are over 50-60 years of age. Therefore, in the interest of maintaining a wide pool of quality home childcarers capable of delivering a high standard of care to children, CiNI would recommend that DHSSPS develop and implement alternative methods of gathering evidence of child-centred quality childcare rather than solely relying on the formal qualifications framework.

Suitability Checks

As stated above CiNI welcomes the move to regulate home childcarers particularly as it includes checks to see if the home childcarer is suitable to work with children in line with the Protection of Children and Vulnerable Adults legislation. However, we would request guidance from the DHSSPS on the appropriate process to be followed where a prospective home childcarer comes from a country which is not covered by the legislation and which the police do not have a checking agreement with.

CiNI notes the requirement at interview to present identity documents, including photographic ID, to enable the social worker to verify the applicant's identity. We would highlight that the requirement to have photographic ID can disadvantage some people with a learning disability who may not have photographic ID, and would recommend that

the Trust develop a range of methods to carry out verification of ID through the interview process.

Public Awareness – Promoting the Scheme

CiNI agrees that it is sensible to make use of the already established channels of communication for promoting the home childcarer scheme; however, given the target group of busy working parents, we believe promotion efforts should be more pro-active and reach out and support particularly vulnerable groups of parents in accessing and using the home childcarer service. In particular we believe that a home-based childcarer scheme, that meets required standards for childcare provision, should be promoted within the context of any new Child Care Strategy for Northern Ireland. We would advocate the development of a Northern Ireland wide communication strategy, incorporating a public information/media campaign, supported by local information seminars for prospective home-based childcarers and for parents wishing to avail of the home-based childcarer option.

Annex B – Being an Approved Home Childcarer – A guide for Home Childcarers

Annex C - Employing an Approved Home Childcarer – A guide for Parents

In relation to both the guide for home childcarers and for parents we are concerned at the approach to supporting each in their respective roles. While many support sources and agencies are identified, we believe it would be difficult for prospective home childcarers and parents to negotiate their way through all of these various sources, and there is a real danger that the end result would be that children and the home childcarer and parent would be subject to a relationship that is not well regulated and supported. There is a need for a central support agency where all the relevant information can be located and accessed and which provides advice and guidance to prospective home childcarers and parents.

CiNI has particular concerns regarding the role of the parent as the employer of the home-based childcarer. It appears from the guide that a parent has as much responsibility in employing one person as a home-based childcarer, as he/she would have in running a small business. We are concerned that the emphasis is on the parent becoming an employer, rather than on providing the parent with a high quality childcare option, most importantly providing the child(ren) with a high standard of care in their own home. We firmly believe that the emphasis should be on regulating the option of home-based childcare to ensure that it is a high quality, accessible option for parents that will meet the needs of their children.

We feel that under the current proposals parents would require a lot of support in taking on the significant responsibilities involved for the parent as an employer.

We realise that support is available for administration of some aspects of the relationship, for example, for payroll through payroll specialists. However, we do believe that paying between £210 and £420 per year for this form of support may be prohibitive for some parents, and in particular those whom this scheme appears to be targeted toward i.e. lone parent families and families with children with disabilities many of whom are likely to be on low incomes and unable to afford the financial outlay or time required to being an employer of a home childcarer.

Furthermore parents would need support in the specialist, complex and constantly evolving area of employment rights, including Fair Employment legislation in Northern Ireland, an area which the guides do not provide advice on.

We understand that by introducing help with costs, home childcare may become an attractive option for working parents, however, we believe that in reading the guides and in grappling with all of the requirements for a parent as an employer of a home childcarer this would serve to deter parents from uptake of the option. In particular, we believe that without the provision of additional support it may serve to exclude those parents, for example, with mild-moderate learning difficulties or those parents for whom English is a second language, from accessing the home childcarer service.

CiNI would strongly advocate that rather than individual parents acting as employers of home childcarers that a 'body/agency' should act as the employer for all home childcarers in Northern Ireland and hold an appropriate register of home childcarers which parents could access. At the very least there is a need for all the relevant information to support the home-based childcarer and the parent to be located centrally within an information service that provides advice and guidance.

CiNI believes that it is important for the home childcarer and parents to agree on how **children's behaviour** will be managed and would strongly advocate that there should be a child-centred written policy on managing children's behaviour that reflects and activates child rights principles, for example, activating the child's right to give his/her views (UNCRC, Article 12), by involving them in the drafting of the written policy. We do believe that parents and home childcarers should be given support in drafting such written policies and would benefit from the guidance provided by a template written policy on managing children's behaviour.

We believe that explicit in this policy should be the 'no smacking' principle and the promotion of positive, participatory and non violent forms of discipline in line with Article 19 of the UNCRC. We note that this is also in line with DHSSPS guidance prohibiting corporal punishment in all forms of day care including childminding. We would strongly advocate that this guidance is placed on a legislative footing as is the case in England, Scotland and Wales.

We agree that it is important that the **child(ren) should meet the prospective home-based childcarer** and agree that this should be during the interview process and not after a home childcarer is appointed. We would further advocate that beyond meeting the prospective home childcarer that the child(ren) should be actively involved in the process of recruiting a home-based childcarer and subsequently reviewing the employment relationship and that their views should be listened to and should be given due weight in accordance with the age and maturity of the child (Article 12.1, UNCRC). In its General Comment No. 7 on Implementing Child Rights in Early Childhood, the Committee on the Rights of the Child emphasises that Article 12 applies both to younger and older children, stating that 'the right to express views and feelings should be anchored in the child's daily life at home ... within the full range of early childhood health, care and education facilities (CRC/C/GC/7/11b).

CiNI would also advocate that in both guides the section on **other useful contacts** should include the contact details of the Northern Ireland Commissioner for Children and

Young People (NICCY). NICCY has legislative responsibility for promoting children's rights; dealing with complaints, taking legal action; and conducting reviews and inquiries into children's services.

CiNI as the umbrella body for the voluntary child care sector in Northern Ireland also provides training under the Children (NI) Order 1995 and this training is open to early years services providers. Therefore, it may be useful to include CiNI's contact details in the list of useful contacts.

Please note that the contact telephone number for the Children are Unbeatable Alliance contained in the consultation document has changed and is now C/o Children in Northern Ireland 028 90401290.

Conclusion

In responding to this consultation CiNI's wishes to support the development of a high quality, affordable and accessible home childcarer service that can ensure the creation of a professional child care career option, meet the needs of parents and most importantly deliver a high standard of care to children in their homes. We believe that it must therefore conform to minimum standards of children's rights and child care provision. In the interest of achieving this we would again advocate that the home childcare service should be placed on a stronger legislative basis and taken forward as part of any future Child Care Strategy for Northern Ireland.

CiNI trusts that our response can usefully inform the development of the home childcarer service and we are happy to engage further in consultation on the development of this option.