

Labour Employer Economic Forum (LEEF) Early Years Sub-Group
28 June 2023, 2pm via Webex Videoconference

In attendance

Department of Children, Equality, Disability, Integration and Youth (DCEDIY)

Minister Roderic O’Gorman (Chair), Anne-Marie Brooks (Assistant Secretary), Davin Roche (Principal Officer) Toby Wolfe (Principal Officer), Gillian Martin (Principal Officer), Jane Ann Duffy (Principal Officer), Mark Doheny (Principal Officer), Sinéad Reilly (Financial Accountant), Ciarán Madden (Principal Officer), Sara Stephens (Assistant Principal Officer and Secretariat), Ana Maria Barbu (Executive Officer and Secretariat) Joshua Brady-Arnold (Clerical Officer and Secretariat)

ICTU

Dr. Laura Bambrick, David Joyce

SIPTU

Darragh O’Connor

IBEC

Dr. Kara McGann, Darragh Whelan

Apologies

Owen Reidy (ICTU), Mark Considine (Principal Officer)

1. Welcome and introduction

The Minister welcomed members of the LEEF Early Years Sub-Group to the meeting and noted the apologies as listed above.

2. Minutes of the Previous Meeting

The minutes of the last meeting (21 November 2022) were agreed.

Under matters arising, the Minister noted that updates on the *Comprehensive Employment Strategy for People with Disabilities* and on supports for Traveller and Roma people to engage in education, training, and employment were circulated since the last meeting.

3. Input from Equality Division

Work-Life Balance Miscellaneous Provisions Act 2023

The Work Life Balance and Miscellaneous Provisions Act 2023 has been enacted and is awaiting commencement. The 2023 Act includes:

- 5 days unpaid leave for medical care purposes;
- Amendments the Maternity Protection Acts to provide for the extension of breastfeeding breaks to two years after the birth of the child and to ensure that transgender men have an entitlement to maternity leave;
- 5 days paid domestic violence leave
- A right to request flexible working for parents and carers

The Government also included the provisions of the Right to Request Remote Working Bill as part of the Act, to provide a right to request remote working for all employees.

The relevant sections providing for leave for medical care purposes, the extension of breastfeeding breaks and maternity leave for transgender men will be commenced on 3 July.

The Act provides for regulations to be made setting out the rate of pay for domestic violence leave and the Minister has, in line with the provisions of the Act, written to employers groups, social partners and domestic violence victims' groups seeking their views on the rate of pay. In addition, DCEDIY has contracted with Women's Aid to develop supports for employers in introducing the leave in their workplaces. It is anticipated that the regulations will be in place in the autumn and the leave will commence then.

Part 4 of the Act requires the preparation of a Code of Practice on flexible and remote working and the Minister for Enterprise, Trade and Employment has written to the Workplace Relations Commission requesting that they commence work on this. The right to request remote working and flexible working for parents and carers will be commenced once this is in place.

DCEDIY clarified that Act applies to all workers, not just parents and carers.

EU Work Life Balance Directive

The Work Life Balance and Miscellaneous Provisions Act 2023 includes provisions to give effect to outstanding aspects of the Work-Life Balance Directive, which arise from Article 6 Carer's Leave and Article 9 Flexible Work.

The date for transposition of the Directive was 2 August 2022 and DCEDIY has written to the EU Commission informing them of the transposition measures already in place and the provisions of the Act.

Gender Pay Gap reporting

Regulations to give effect to the provisions of the Gender Pay Gap Information Act 2021 for organisations with over 250 employees were published in May 2022.

An information campaign was carried out to inform employers of their obligations under the regulations and DCEDIY has published an extensive guidance document to assist employers in calculating their gender pay gap.

Employers with over 250 employees were required to report on their gender pay gap in December 2022 for the first time. The obligation will extend to employers with over 150 employees from 2024.

DCEDIY clarified that while a centralised database for reporting was being explored, there is no timeline for the introduction of a database.

EU Pay Transparency Directive

It was noted that Member States must have brought into force the laws, regulations and administrative provisions to transpose the Directive by 7 June 2026.

While the Directive is only obligatory for the public and civil service, LEEF Early Years Sub-Group members suggested it would be valuable to extend to the private sector.

4. Input from Early Learning and Childcare Division

ECCE Programme (Including AIM)

The LEEF Early Years Sub-Group were updated on two major independent reviews: the review of the ECCE programme which is being undertaken by Stranmillis University as a precursor to putting the ECCE programme on a statutory basis and the review of AIM, which has been completed and is informing proposals for an expansion of AIM as part of the 2024 Estimates process.

National Childcare Scheme (NCS)

The LEEF Early Years Sub-Group were updated on the impact of changes to the NCS introduced in January 2023, including the substantial increase in the numbers of children benefitting from NCS subsidies as well as the substantial increase in the proportion of providers offering the Scheme to parents.

The LEEF Early Years Sub-Group were also updated on communication efforts to increase awareness of supports under the NCS and clarify confusion around the NCS attendance rules as well as the outcome of engagement with a sub-group of the Early Learning and Childcare Stakeholder Forum established in November 2022 to identify any enhancements – administrative, systems and/or process - which could be made in advance of the January 2023 uplift.

The LEEF Early Years Sub-Group members welcomed the Minister’s ambition to introduce further enhancements to the NCS in the 2024 Estimates process and as well as the priority attached to opening the NCS to families who use childminders, in line with the Action Plan for Childminding.

Core Funding

The LEEF Early Years Sub-Group were presented with a short overview of achievement of Core Funding in Year 1 and the allocation model for Year 2 of the scheme, which has an increased allocation of €28m (or 11%) or total allocation of €287m. The additional €28 million is being allocated as follows:

- €8.47m for a 3% growth in capacity.
- €6.11m for non-staff overheads.
- €2.2m for administrative staff time.
- €4m for graduate premiums (a removal of the three year experience rule) subject to ERO
- €7.22m for new targeted measures aimed at improving the sustainability of sessional services.

It was noted, guided by the recommendations of the Expert Group, to ensure that the introduction of Fee Management to the sector is done in a sustainable and considered manner, there will be no substantive change to the approach to Fee Management in Year 2.

It was also noted that, based on the data available from Year 1 of the scheme, funding is available within the existing allocation to secure further increases in the minimum rates of pay set out in the current ERO. These data have been shared with the JLC.

Some concern was raised about the adequacy of Core Funding to maintain the fee freeze. The DCEDIY clarified that the Year 2 allocation model used up to date macroeconomic data to ensure the allocation for non-staff overheads continues to keep pace with cost pressures facing services and that Financial Returns from providers on Year 1 of the Scheme will provide an important evidence base to underpin future developments to fee management under the Scheme.

It advised that while, to date, no service accessed the Strand of the Sustainability Fund for Core Funding Partner Services, that support will remain in place for Core Funding Partner Services.

First 5

The First 5 Implementation Reports 2020 and 2021/22 have been published and are available at gov.ie. Work is now underway to develop a First 5 Implementation Plan that will cover the period 2023-2025.

Nurturing Skills: The Workforce Plan for ELC and SAC, 2022-2028

A Monitoring Committee, with representatives from key stakeholders, including the workforce, was established in July 2022 to monitor the implementation of Nurturing Skills. The first annual progress report was published in Q1 2023.

Work is currently underway on the design of a new Learner Fund initiative to deliver funding for early years educators and services to support upskilling of the workforce. This is in line with the commitment in Nurturing Skills to develop new funding mechanisms to reduce the cost to early years educators employed in the sector to participate in designated ELC courses at levels 6-8 while continuing to work.

In addition, the rules for Core Funding Graduate Premiums will be amended to end the requirement that a lead educator / manager must have 3 years' experience in addition to a relevant degree, which had been a rule for the ECCE Higher Capitation since 2010. The change has been made to strengthen the incentive for graduates to enter and remain working in the ELC sector, but is subject to updated ERO.

The challenges with regard to recruitment and retention were noted and that further action is needed to address these challenges. It was accepted however that these challenges were faced by other sectors, owing to a tightened labour market.

National Action Plan for Childminding, 2021-2028 (NAPC)

An overview of progress made on the National Action Plan for Childminding 2021-2028 was provided to LEEF Early Years Sub-Group. A report on progress has been published and is available at gov.ie.

Supply and Demand

An overview of the Building Blocks Improvement Grant, the outcome of which was notified to applicants in April, was provided. It was noted that the details of the Building Blocks Capacity Grant is will be published by end 2023.

Reform of the Operating Model

A comprehensive phase of analysis, planning, consultation, and engagement with sectoral stakeholders for the new agency for ELC and SAC is underway. A Programme Board to oversee this work has been appointed consisting of external experts and departmental representatives.

5. AOB

The Minister closed the meeting by thanking members for their continued support and engagement.

ENDS