



Economic and International Affairs Scrutiny Panel

Family Friendly Employment Rights

Witness: The Minister for Education

Friday, 29th March 2019

Panel:

Deputy K.F. Morel of St. Lawrence (Chairman)

Deputy D. Johnson of St. Mary (Vice-Chairman)

Deputy S.M. Wickenden of St. Helier

Senator K.L. Moore

Witnesses:

Senator T.A. Vallois, The Minister for Education

Ms. N. Mulliner, Head of Early Years, Childcare and Early Years Service

[15:01]

Deputy K.F. Morel of St. Lawrence (Chairman):

Thank you for coming to see us. As you know, we are undertaking a review of the family friendly legislation, which is Amendment 11 of the Employment Law. We are doing this fairly speedily because we are trying to get it through so the law can be debated on 30th April, so thank you for finding the time to see us. First of all, I always forget this bit: especially if you are new to attending a hearing ...

Head of Early Years:

I am, yes.

Deputy K.F. Morel:

... if you could read that, just so you understand.

Deputy D. Johnson of St. Mary (Vice-Chairman):

Are we going around the table with names?

Deputy K.F. Morel:

We are going around the table.

The Deputy of St. Mary:

Sorry, I was not sure. My apologies, sorry.

Deputy K.F. Morel:

That is okay. We will start with David, if you would like to go around the table and state your name.

The Deputy of St. Mary:

David Johnson, vice-chairman of the panel, Deputy of St. Mary.

Senator K.L. Moore:

I am Kristina Moore and I am a member of the Economic Affairs panel.

Deputy S.M. Wickenden of St. Helier:

Deputy Scott Wickenden, a member of the panel and Deputy of St. Helier District 1.

Deputy K.F. Morel:

Deputy Kirsten Morel. I am chairman of the panel.

Head of Early Years, Childcare and Early Years Service:

I am Nicola Mulliner, Head of Early Years at the Childcare and Early Years Service.

The Minister for Education:

Tracey Vallois, Minister for Education.

Deputy K.F. Morel:

Thank you very much indeed. Yes, as I was saying informally beforehand, this is not legislation that you are responsible for directly.

The Minister for Education:

No.

Deputy K.F. Morel:

It is really to try and find out your reaction and your understanding in your position as Minister for Education, as we believe it has effects in that area. I will start off with a very general question. As Minister with responsibility for education, could you tell us what your overall reaction to P.17 was, this second stage of the introduction of family friendly legislation?

The Minister for Education:

It is probably worth saying although I am Minister for Education, of course there is the role of Day Care Law that sits under the Education ministry as well, so it is quite important to recognise the registration of childcarers and all those types of things, so just to clarify my remit.

Deputy K.F. Morel:

That is really interesting, yes.

The Minister for Education:

But in terms of my views, I think it is a step in the right direction. I am not sure whether it goes far enough. There are many reasons behind that, purely looking at some of the scientific research-based information that you can find out there, but also the work that was done previously on 1001 Days, the importance of bonding and attachment between parents and babies, the importance of breastfeeding and all those. I mean, I could go on. There is plenty of evidence out there that suggests the importance of that relationship between parents and a child, especially the early years, the first 2 years of that child's life. For me, I think it is a step in the right direction, but like I say, I would like us to try to work towards something that enables people to ... I think a wider selection of people to be able to take the opportunity to have that time with their children at the beginning of their children's lives. That is, in a nutshell, my view.

Senator K.L. Moore:

If I may, Chair, to pick up on that point about enabling a greater number of people to benefit from the emphasis behind the law, do you mean in terms of financially being able to benefit?

The Minister for Education:

Yes. Probably Nicola can give you some numbers and types of things in terms of children or parents who are using childcare providers for certain ages. I will hand over to Nicola just to give an idea of what is happening at the moment.

Head of Early Years, Childcare and Early Years Service:

To pick up on your point about financial, I think it is important that the statistics that we had, the level of parents that wished they did not have to go back to work so soon. Clearly that is quite a key point, that the financial need to go back to work should not really override that wish to want to spend more

time with your child. From a statistics point of view, there are very few babies. There are only 8 at the moment that are in our registered day nurseries under 6 months old, so that is encouraging that mums are choosing and able to balance that from not putting their children in. Of course we have got a childminder sector as well. I do not have all those statistics, but if the panel thought that was useful information, we could certainly do that for you.

Deputy K.F. Morel:

Absolutely, that would be wonderful. If you could send them to Kellie, that would be great.

Head of Early Years, Childcare and Early Years Service:

Yes, absolutely.

The Deputy of St. Mary:

Just to build on Kristina's point, when you say it does not go far enough, are you thinking that 52 weeks is not enough, it should be more, or are you thinking more of providing financial benefits to enable mothers to take more time, because the financial side is going to deter them from doing it?

The Minister for Education:

We all know the cost of living in Jersey is not cheap. It is a pretty expensive place to live, especially if you are parents who have a mortgage and you have got a young child that has come along. Children are not cheap either. I recognise the argument, a lot of people say it is a choice, but it is also a right to be able to have a child. The importance behind that is recognising that why should it only be for those that can afford to have that time off with their child? If we are really truly serious about supporting and intervening in the early years in terms of ensuring that we live in the right kind of community in terms of supporting each other and helping those children in the very early years of their lives in terms of the emotional and mental health side of things, then we need to ensure that everybody benefits from that and it is not just a certain few. Because sometimes it is those from a less wealthy background that have some of these issues because they are living in certain circumstances which cannot pull them out of that.

The Deputy of St. Mary:

That is right, yes. Can I continue that point? The Employment Forum did in fact suggest there would be 12 weeks paid and the States will pay the other 6 weeks. Are you saying in fact you would have been happy to approve that aspect?

The Minister for Education:

I would, but I recognise the financial situation we are in at the moment. Like I say, this is good in terms of a step in the right direction. I would not want to put something forward that would put us in

an unsustainable position. I think there is a piece of work that needs to be done in terms of looking at social security contributions. There are a variety of different ways of achieving those things, but if you are serious enough, you need to find a solution around that. I do not think anything is particularly insurmountable. If the Government believes this early intervention, this early help and the early support is the right thing to do, I think we certainly should start on the track, this Government now should start on the track to finding a way to achieve that.

The Deputy of St. Mary:

Sorry, just a final point on this. To carry on, just to try and get a feel as to what departments were involved in the discussion once the Employment Forum had given their opinion. Was the question of extra finance discussed at ministerial level?

The Minister for Education:

Of the finance side?

The Deputy of St. Mary:

Yes, the further 6 weeks.

The Minister for Education:

As I understand it, this law has kind of gone from the previous Government into this Government. The law came to the Council of Ministers; there was a brief discussion about it. I did put my viewpoint across that this was a step in the right direction. I understand that there was a process that went into the forum in terms of a lot of bodies that were involved in discussions with the Employment Forum from an education point of view. I think there was the 1,001 Days Taskforce, there was Family Nursing and Home Care and there was the Jersey Child Care Trust, who kind of fed back in terms of the process for this. But I think the place where we maybe need to have this conversation is not so much just a meeting at the Council of the Ministers, it is a conversation for us to have at the Government Plan stage. There will be workshops coming up and I sit on the workshop for Putting Children First, as you would expect, being Minister for Education, and also the skills side of things, so this will come in the round of the discussion, especially with the early years policy development side of things. We are not just looking at nursery education funding, we are looking at conception right up to 5 years. It is something that can be kind of pulled out and discussed further about how that works. The recent actuarial report that has come out from Social Security will probably assist in those discussions as information and evidence.

Deputy K.F. Morel:

It gives us a greater sense of the actual financing that is currently available and would be in different things. Sorry, Senator, I think you have something.

Senator K.L. Moore:

Yes. I was just going to question a little further about the financial aspect and whether any consideration has been given to looking into evidence in relation to perhaps sickness levels, because I am aware of some anecdotal evidence. I wondered if there is any further concrete evidence about the return to work causing stress in families that therefore has an impact on sickness levels within the community and within the workforce as a whole and therefore whether there is a need to look at the financial aspect of furthering the paid element of leave because of the long-term impact that it could have on the sustainability of our community.

The Minister for Education:

Yes, I think there are plenty of discussions like that, so it is not just a case of one particular situation where you have ... so you may argue: "Right, we want to put more money into this" and then the other argument comes along: "Where are we going to find the money?" and the discussion is of course then: "What are we spending at the moment that would alleviate some of this if we ploughed into this area instead?" I think that is a really important conversation to have because historically the States are known for putting something new in place and then keeping the old thing that is not necessarily producing the outcomes that we could benefit from. But I think this is where the Early Years Policy Development Board is quite important, because there is also a conversation around the tax side of things as well. We have got a large amount of tax reliefs that sit within our tax system and they are there for absolutely the right reason, but there is a question whether they are targeted and whether they are doing the thing that they are there to do. There is a bigger conversation about direct or indirect funding and how that supports early years as well. There is a myriad of issues here that stem right from conception right up to 5 years. I take your point on, it is something that we would be willing to discuss under the early years policy.

Senator K.L. Moore:

Equally, in the PwC (PricewaterhouseCoopers) report that was published, I think last week or the week before, about women in work in the Channel Islands, there was a suggestion that if more women were economically active in Jersey, we could see productivity boosted to the tune of £230 million annual, which would be self-fulfilling in terms of covering the financial needs.

The Minister for Education:

That report also identified that one of the barriers for those women are childcare costs. There was a report done in 2015 by the Jersey Community Relations Trust on the cost of childcare, which is a research report which I am using as a kind of template to assist in terms of nursery education funding in particular. We know there are issues in terms of we do not have sufficient money in terms of the Nursery Education Fund, but we also know that there is this cost to the worker, the employee, and

it is balancing the 2 and how do we get the right balance. But also ultimately what is at the end of this, it is not just about money, it is about what is right for the child and what is right for the family. So it is a very fine balancing act, it is not just a simple quick answer like that, it is a fine line. Certain things you can do, you can take something from one side and it completely repositions something else somewhere else, so we have to try and do the best we can to balance this position.

Deputy S.M. Wickenden:

The proposed law gives both people with a qualifying relationship the right to a 52-week unpaid and 6 weeks' paid leave following the birth of a child. As you said earlier, you are responsible for the daycare, of Children (Jersey) Law, which sets out nurseries and the like. Have you done any piece of work to understand that if there was a large uptake, because there are now 2 qualifying relationship people that can take time off, that would mean that their child might not go to nursery at all, how that may affect the amount of children that go to nurseries and whether it would be suddenly unsustainable for some nurseries to continue, seeing that the costs are quite high?

The Minister for Education:

It is okay for Nicola to come in?

Deputy S.M. Wickenden:

Yes. No, absolutely.

Head of Early Years, Childcare and Early Years Service:

As I said before, with the figures of the babies under 6 months in our settings, I think businesses are constantly looking at market forces and what the demand is. When the N.E.F. (Nursery Education Fund) was first introduced, I think that was a big shift, so providers looked at their business models and had to and did provide more places for preschool children. Having the 52 weeks, the leave, I do not think that would have a huge impact. I think rooms are set up to accommodate babies, nought to 2.

[15:15]

The ratios are the same, so from a financial point of view, that would not have a detrimental impact if there were less. They would sort of amend and look at their business model to look at the numbers of children that were coming through at whatever ... if they were not coming until 2 years of age, then financially that might be better because they would need less members of staff. If you are 2 to 3, you only need 3 members of staff. Yes, so from that point of view ...

Deputy K.F. Morel:

Can I just ask: have you, as the Education Department, done any work to try and understand how many mothers and fathers might take their children out of daycare because of this law?

Head of Early Years, Childcare and Early Years Service:

Not at present. I think the Jersey Child Care Trust addition to this, their evidence and the support they give to the consultation, does capture quite a few parental views, which is really helpful. As a department, we could use the trust to be able to go further and find that sort of information out for you, which might give an indication, certainly through the Early Years Policy Development Board. Looking at parental engagement activities to capture the voice of families would be something that we would be looking to do, certainly to look at ...

Deputy K.F. Morel:

Yes, it would be interesting to understand that.

Head of Early Years, Childcare and Early Years Service:

I think so, certainly to look at financial support, going back to what you said about support for the childcare costs, it comes through sooner rather than later and the help in the earlier years rather than it comes a little bit too late. Looking at what we can do in terms of a childcare offer as well as that early education offer is something that the board is really keen to do.

Deputy K.F. Morel:

Senator, you are on the next question, but I have a feeling it has kind of been answered.

Senator K.L. Moore:

Yes, slightly, but I guess what we could look at is it is about whether it is correct, in your view, for the Government to take up more of the financial strain, going back really to the area we have discussed.

The Minister for Education:

Financial strain on ...

Senator K.L. Moore:

Of paying for childcare and all of that.

The Minister for Education:

Right across the piece?

Senator K.L. Moore:

Sorry, maintaining ... increasing the number of weeks that a person can be paid for following the birth of a child ...

Deputy K.F. Morel:

So at the moment, yes.

Senator K.L. Moore:

... therefore in our contributory system, would you see the natural place for that money to be found would be increasing contributions to the Social Security Fund and then that being spread from that pot and paid out from that?

The Minister for Education:

I would not want to put my finger on the pulse of any one particular thing right now, because I have not done the background work behind it. I get what you are saying, but I also recognise there was a lot of discussion, I remember, around the election time, where there was a discussion around why social security contributions are capped, whether they should be removing the cap and what that would look like and what that would mean. I think that conversation has to come on the table, I think it really does, and the conversation around the tax. What is really important is recognising also the income support system and how that interacts with the tax system and how we have benefits on both areas and whether they are targeted correctly and how it supports for outcomes for the families. In terms of the 6 weeks, like I say, I would not want to commit particularly to the contribution thing, because I think there are a number of areas that may either conflict or intertwine that creates possibly worse outcomes, but I cannot say that for absolute sure. That is why it is really important to do this piece of work, so the early years side of things, we could take on board that piece of work with regards to the 6 weeks, taking into account the childcare costs across the piece as well.

Senator K.L. Moore:

At the moment, your department funds 20 hours of care once a child reaches N.E.F. age. Is there any consideration being given in your Policy Development Board to increasing those hours?

The Minister for Education:

We have committed to keeping, at the very minimum - as it currently is - 20 hours. It is only 38 weeks a year, is it not, it is the term time? There is a bigger discussion around ... because what we need to ensure we are doing as a public sector is working really well in partnership with the private sector. I think when it was first set up, the N.E.F. worked really well. There have been tensions more recently and there have been some more issues because of the attempts to change N.E.F. last term. We are rebuilding those relationships and we want to do a series of workshops with the private sector. I think there is a conversation not just about the potential to either extend the hours

or extend the age. It is not necessarily about 30 hours, it might be about 20 hours for 2 to 4. All those types of conversations are important to have, but it is also recognising that within that there are also special educational needs, support that we need to make sure that we have got proper funding for and they are getting supported correctly. It does not fall off at a certain age. Also the use of school nurseries, so how efficiently we are using our school nursery provision as well. It closes off at 3.00 p.m. What about the family and the support, the wraparound for the family for those children that are in nursery schools?

Senator K.L. Moore:

Exactly. I was literally just about to ask you to qualify.

The Minister for Education:

I must have read your mind.

Senator K.L. Moore:

When you mentioned the private sector you were talking about the private sector in terms of the nursery care providers, I assume.

The Minister for Education:

Yes.

Senator K.L. Moore:

Yes. Because there is also the private sector in terms of the employers and how term-time education fits into the model of employment that we have in the Island.

The Minister for Education:

No, there are a number of things that we need to address. What we need to be careful of is what they have done with regards to the U.K. (United Kingdom), there are a lot of issues with regards to their nursery funding over there. They set off on a certain hourly rate and they have slowly started reducing and it is causing a lot of problems in the sector. Some nurseries are closing down. We also have to recognise demographics. We have had the lowest birth rate last year I think since ...

Deputy K.F. Morel:

2002.

The Minister for Education:

... 2002, yes. We have got a demographic bulge going through our schools at the moment, which of course we have to add on classrooms and all those types of things. There are a number of plates

that are being balanced here. Nothing is going to be perfect. I am not promising perfection because I do not believe that there is anything that is perfect, as such. There are always going to be compromises that have to be made, whether that is on our side, whether that is on the care providers' side in terms of the private sector. We need to make sure that we build on our relationship together to support the people at the centre of this, which is the family. That is the important point in all this. I recognise they are a business, I really do, but I also recognise my responsibility in terms of ensuring safeguarding, quality care and all those types of things, so we have got to make sure that all these things, as much as possible, can be brought up to a level that properly supports. But I have also recognised the challenge we have got as a Government in terms of money, spending, finances, those types of things. So there is a conversation about how we might be able to create a really good model, but it might be a case of phasing it in over a period of time to ensure that it is sustainable.

Head of Early Years, Childcare and Early Years Service:

I just wanted to quantify what the Minister said about the 20 hours. It may be about increasing the hours, but it is ensuring the quality that those 20 hours provide. That is something that we have been working closely with the private sector really successfully in introducing a quality framework, so there are standards. It is ensuring that those 20 hours are really maximised by the experiences that the children get. From an outcomes point of view and meeting the indicators within the children's plan, we are working together to ensure that that experience is worthwhile for those 20 hours that we do.

The Deputy of St. Mary:

My question follows on from yours. Was it 3 or 4 years ago when the private nurseries were upset because of the intention to bring in States nursery systems? Am I right in thinking what you have just said, that there have been meetings and that their concerns have been allayed somewhat by now?

The Minister for Education:

I was on the Scrutiny Panel who scrutinised that particular means-testing of the N.E.F. I remember being the one standing up at the door with a whole crowd of parents that were not particularly happy with what was going on, but also private sector nurseries that were not happy, because it was creating an unlevel playing field and that was the issue.

The Deputy of St. Mary:

Yes, exactly right.

The Minister for Education:

It was our now Chief Minister that brought the amendment to say: "If you are going to create this, you have to create it in the public sector as well."

The Deputy of St. Mary:

I remember the debate, yes.

The Minister for Education:

It was identified that it just was not viable to do it. Nobody said: "We are getting rid of that." I have made a commitment to the private sector, but to families as well, to say the minimum that we will have going forward is 20 hours, as the current system is. That is the minimum that we expect, but I would like to properly do the work around the N.E.F. side of things, looking at ... it is not just about education, it is about the care, and that is really important. I do not know whether you want to expand.

Head of Early Years, Childcare and Early Years Service:

I think it is important that a piece of work is done about the hourly rate as well, if we are expecting high levels of quality there and working with the private sector to ensure that they are funded at an adequate rate so that it allows them to deliver. We have got roughly 50 per cent of nursery children in private sector nurseries. We need to make the most and support equally and ensure that that experience is as good in our States nurseries as well as our private nurseries.

The Deputy of St. Mary:

Sorry, again on this point, am I right in thinking that the requirements, the ratio of teachers required, it is less for the smaller ones than the bigger ones ...

Head of Early Years, Childcare and Early Years Service:

They are indeed.

The Deputy of St. Mary:

... and that one of the concerns therefore was that if, by extending the nursery within the States, some of their clientele - if you can call them that - will be creamed off and they would have a financial problem thereafter? That is being addressed, is it, or one of the items being addressed?

Head of Early Years, Childcare and Early Years Service:

We have worked for the last sort of 12 months on reviewing our statutory requirements. There are different ratios that exist in the private sector for the same ages of children, nursery classes have qualified teachers, which is why the ratio is slightly higher. Does that answer your question, sorry?

The Deputy of St. Mary:

Yes, but I just wanted to make sure that ... yes, there were problems and it is being looked at. That is all I am saying.

Head of Early Years, Childcare and Early Years Service:

We have tried to work ... yes, I think that the working groups that we have had have allowed those conversations to happen in terms of there will always be differences, but in terms of trying to have that equity, if you like, in terms of experience and quality, we are working hard to collaborate together to achieve that.

Deputy K.F. Morel:

A couple of questions, but first of all, kind of carrying on the idea of nursery care and it is just how this law affects nurseries, et cetera, I was just wondering - sorry, Minister, I should say, rather than Nicola, but feel free to pass it to Nicola ...

The Minister for Education:

Either of us is fine, yes.

Deputy K.F. Morel:

... if you prefer - do you have any thoughts on how the 52 weeks, which can be cut into 4 blocks over 3 years, will work in practice in terms of childcare? For example, in this case, we are really thinking that when you sign up to a nursery, you are usually having to sign up for the whole year and so having 52 weeks could be 4 blocks of 13 weeks and potentially with gaps in between, but that is quite difficult to get nursery for care for gaps in between those. I was just wondering whether you had had any thoughts about whether the law works well with the existing childcare system in the way that most nurseries operate from a charging perspective and whether parents could find it difficult to find places for their children in between their blocks.

The Minister for Education:

In terms of obtaining evidence, Nicola is probably the best ...

Deputy K.F. Morel:

Yes, I appreciated it would probably go to Nicola, but I had to start by asking you.

The Minister for Education:

She works very closely with the ... I try to do the strategy side of things, but the finer detail, Nicola works more closely with them.

Head of Early Years, Childcare and Early Years Service:

I appreciate that will be a tricky issue, I think. Being a mum, you have to be quite well-planned, so if you can organise yourself and have your thoughts around when you might want to take those periods of leave, I think if you can communicate that clearly with your childcare provider, you would hope that there was some understanding around when those times might be. It is tricky when children have extended period away and that might not be the best in terms of business for a provider. But I think if you have got that future plan of how your leave might look, I think, as I say, having that communicated with your childcare provider, you could have that balance of ...

Deputy K.F. Morel:

Potentially do you see the childcare providers as - yes, you have kind of said it - possibly having to be more flexible in their approach to it so you do not just sign up for a year, you now ...

Head of Early Years, Childcare and Early Years Service:

I think they have that good dialogue with parents now. I would like to think that that existed. It could be something that we would have to explore in terms of parental agreements that they have, in terms of allowing that flexibility and working more closely with the parents to allow that to happen. But yes, that is an issue.

Deputy K.F. Morel:

It is a surmountable problem is what you are saying?

Head of Early Years, Childcare and Early Years Service:

Yes.

Deputy S.M. Wickenden:

I was going to say: is it worth looking to make sure that nurseries are not saying: "I am sorry, if you want a placement, it is the whole year and, sorry, you pay for the whole lot" and that could put people off being able to take time away because they are doing it unpaid, but they are paying for the nursery? Would there be an idea of looking at a policy to make sure that maybe nurseries are not able to enforce a full year, as long as they have got certain amounts of notice?

Head of Early Years, Childcare and Early Years Service:

I think it is something within our quality standards and a challenge around that about meeting an expected level of provision would be good working relationships with your parents and with the wider community. That is measurable in terms of supporting the family to ...

Deputy S.M. Wickenden:

Of course in the law here, you get 14 days to tell your employer that you want to come back to work, so at the same time, if you suddenly just decide that there has been a change in your circumstances, you may only have 14 days to give a nursery an idea that you want to bring the child back into the nursery.

[15:30]

Therefore I think we would like to be sure that there is a policy that makes sure that that will not cause a problem in that instance, because it would not align.

The Minister for Education:

Just one of the issues I think you have to recognise is of course they have got ratios and they have to abide by those ratios, so of course if then that one child coming in at that particular time takes them over that ratio, it is having the right care and the right providers in place to ensure that they are meeting regulations that we have in place.

Head of Early Years, Childcare and Early Years Service:

It might be that staffing has to be more flexible because you are employing your childcare practitioners and if you do not have the need to have that person in that room because your numbers do not demand that then there might have to be that degree of flexibility around that.

Deputy K.F. Morel:

It is an interesting aspect. It is kind of the flip side ... we have had concerns, we have heard concerns from employers who were concerned about somebody taking leave and the struggling to fill the gap for 13 weeks, trying to find someone to fill the gap, especially skilled staff, for 13 weeks. There is another knock-on effect, you are saying, which is potentially that child coming in for a short period, one month, 2 months, whatever it may be, could knock the nursery over its ratio requirement and therefore require them to employ somebody else for a period of time as well.

The Deputy of St. Mary:

It just occurs to me it might be useful discipline as far as the employer is concerned, if they know they have to sort out the nursery education, as it were, there perhaps would not be as ...

Deputy K.F. Morel:

Yes, this is interesting, yes.

Head of Early Years, Childcare and Early Years Service:

You would hope that the conversation is had so that some forward planning could be made, so businesses, to be fair to them, could have a plan in place as to how ever many staff they need in their baby room, their toddler room, so they could be doing that thinking and planning for sustainability, you know.

Deputy K.F. Morel:

Out of interest, do you know the state of the employment market for childcare assistants? I do not know the correct terminology but for people who work in childcare, is it easy to hire people in that area?

Head of Early Years, Childcare and Early Years Service:

We are hearing that is becoming more challenging to recruit, there is a requirement to have level 3 practitioners, so we are working proactively with Highlands College. We have started an apprenticeship route so we can facilitate, you know, level 2 practitioners working through and to progress to a level 3 so that we can try and address that.

Deputy K.F. Morel:

So it is quite tight at the moment?

The Deputy of St. Mary:

I probably should not say, my daughter is in the market looking, so I think it is quite challenging to find someone, yes.

Deputy K.F. Morel:

I thought she could rely on the grandparents?

The Deputy of St. Mary:

Well, if grandfather was not on a Scrutiny Panel, yes.

Deputy S.M. Wickenden:

I think that kind of follows on into the next point, which is, Minister, you are also a rather large employer of a very specialist area, which is education. Within this law, it seems the qualifying relationship has moved not just from the mother but to father and/or qualifying person. Where education is a challenge to recruit at that level, have you and your department looked at the challenges this, as an employer, might put along the terms of your ability to recruit, retain and educate?

The Minister for Education:

I have seen something on this somewhere. I think, to be fair, Education are pretty good at trying to be flexible. You have to recognise that a large proportion of our employees are female, especially in primary schools for example. So they have to manage in a way that you have so much time off work and we have to ensure that we have supply teachers that come in and cover. So that is an example of ... I am sure I have seen the numbers somewhere. I am trying to find them. But the flexible argument in terms of ... so we have 2,000, I think, over 2,000-and-something, employees right across Education. The majority of them are working in education or childcare settings and they will have policies in place, a large amount of this we already have in place in anyway but recognising the partner, then that partner may be in another department in the States or in the private sector. We are a pretty close-knit community, we all know people or know of people, some are partnered in the States, so we try to work to a central policy in terms of human resources, but education being slightly different anyway in terms of you have your term times, you are contracted only to do so many hours as a teacher under your contract. You have certain terms and conditions but we have a bank of supply to fall back on, particularly with regards to the teaching side of things. So the only thing I could potentially see - and I am not saying this is an absolute case - but, say, for example if you have a large proportion at one time kind of happening and the risk around childcare, it is becoming a more challenging profession being a teacher. So the only thing I could think is that it would come at that risk where there would be too many people at one time.

Deputy S.M. Wickenden:

Term time is another very interesting area because there is the break and some holidays, there are a large number of weeks. Have you looked at what would happen in the instance where somebody takes one block of their 52 weeks unpaid during term time and then during the term break, over the number of weeks of summer holiday was then back in employment but obviously not within the education because we are over the summer holidays and then ask to take a break after the summer holidays? Would there be a level of not being in work but being paid?

The Minister for Education:

I do not think so. Like I say, I think it is very much dependent on the contract. So if we refer back to ... let us just take teachers contracts, for example, they are contracted to do so many hours, so I think it would have to be a discussion around the contract, and I am not privy to that so I cannot go into detail, but I would not have thought it would be a case that: "Oh, you can have term time off but you are not necessarily ..."

Deputy S.M. Wickenden:

We have asked lots of questions about this could be abused just to make sure that that is the case.

The Minister for Education:

I never much doubt it. Like I say, I am not privy to the contract but I imagine that contract would have ... because that contract or working hours, you are asking for time off working so it would have to ... I would look at it ...

Deputy K.F. Morel:

I would double check that. I have a funny feeling ... we asked the Minister for Social Security about this yesterday because we were concerned that Education has different contracts, different standards, different ways. In fact we may have to look into it ourselves a bit to understand whether people can do exactly as Scott has just suggested.

The Minister for Education:

It might be worth asking the States Employment Board. They would be able to identify the different scenarios in terms of terms, conditions and contracts and give you a better idea of what that would look like. I cannot give you an absolute confirmation, I am not privy to the contracts but I would imagine, I would hope, that would be the case.

Deputy K.F. Morel:

If it was not, would you look into it and try and solve that problem?

The Minister for Education:

I would hope the Council of Ministers would be on it straight away because it would not just affect my department, I think Health would have a problem as well.

The Deputy of St. Mary:

I think, Minister, you have partly replied to this already. The report accompanying the proposition under the heading of "Putting Children First" make reference to the Policy Development Board and says: "The Policy Development Board will bring forward policy development proposals across the term of government ensuring that key connections are made to existing areas of policy work." The question I originally asked is to what extent are you, Minister, involved in that? You already said you are so could you give us more indication of what that policy group is doing?

The Minister for Education:

I set up the Policy Development Board, it is in the Common Strategic Policy, I have been extremely ambitious with looking at early years.

The Deputy of St. Mary:

I would not think anything else.

The Minister for Education:

I have had a lot of advice suggesting that maybe I should only look at certain things but I think this is too important a subject not to recognise the importance between the conception to 5 year. It is looking very much at that peri and pre-natal situation, during pregnancy and then, of course, the birth and the family and all those types of things. This very much then fits in around that, because there is the question of families being able to take time off for bonding and attachment with their children. Then of course it is up to the 2 years, we have the 1,001 Days, we have Baby Steps for Family Nursing and Homecare but then what I worry about is we have lots of really good things going on but they are dropping off at certain ages and these good programmes that may still be needed for some of these children are dropping off at certain points that maybe they should not be. For me it is about creating an overall strategy for early years. Like I said before, it may not all happen at once but it is a case of then trying to bring a phased in approach to ensure that ultimately we get a sustainable model that supports that family at the centre of all of this. As an example, we have the Jersey Childcare Trust that provides special educational needs funding in the private sector for nurseries, which is a really good provision and I have heard how good the provision is for those children that are receiving that. Then moving into the nursery education funding, and it falls to, I think, a 15-hour under S.E.N. (Special Educational Needs), and it is not recognising the need. It is because you have now hit that age and now you are in this position you are now only getting 15 hours. That is, for me, not right. For me, at the very centre of it is about the need of the family, the need of the child in particular, especially if they have any disabilities and all those types of things. We need to ensure that they can carry out a good life within the parameters of whatever issue they are identified with. You asked me the question and I tried to go right across ... national education funding is in there as well.

The Deputy of St. Mary:

You said you have certain ambitions - I may well have missed them - are your ambitions committed to writing? Is there some sort of remit for the policy group?

The Minister for Education:

We have a terms of reference. We have a group, so there is myself ...

The Deputy of St. Mary:

Is that in the public domain? I apologise if it is.

The Minister for Education:

Yes. There is myself, Deputy Doublet, Senator Mézec and Deputy Maçon that sit on that board. We have recently been given funding from the Minister for Treasury and Resources, although it may be controversial, the £200,000 we have been provided with is to ...

Deputy K.F. Morel:

We believe that Scrutiny operates on a lot less and we come up with very good policy initiatives for less than £200,000.

The Minister for Education:

But the point is Scrutiny is supposed to scrutinise the policy. I have been on the Scrutiny side of things and recognising that important thing is that I found historically that there was just one option being brought forward and there was no kind of looking out around that and identifying what the optimal thing is for Jersey and the families in Jersey. That is why I think this Policy Development Board is really important because I have talked about specific areas and it does not matter that it is called a policy development board, you can call it an oversight group or whatever, the point is that trying to bring all these bits together ... and it is recognising the early years is not just a government responsibility, it is a tri-partite responsibility. You have the parents, the families, as such, you have the private third sector and you have the public sector that needs to be working together as a community to support that child, that family, wraparound care and all those types of things. The money for that will be specifically focused on ... like I said before, we need some proper analysis around this tax side of things, tax relief, whether we do direct or indirect funding, what that looks like, what that means. We had a bit of a nightmare with it over higher education funding because there was a lot to be done in a very short period of time. We do not want to mess something as critical as this up because, like Senator Moore was saying before, you have PwC coming out saying to get more people into work, childcare costs are the biggest barrier. There is a crucial piece of work to be done here. We have to look at all of it and how it fits, but also recognising ultimately at the centre of all this is parental choice.

The Deputy of St. Mary:

I agree, and to get more people into work obviously, I appreciate the costs of that, the tension is that staying at home to build that relationship is a parental choice aspect, is it not?

The Minister for Education:

Yes.

Deputy K.F. Morel:

Thinking about that, from your perspective, how important are the first 6 weeks, how important are the first 12 weeks to the development of the child? How important are the first 24 weeks? How important are the first 6 weeks?

The Minister for Education:

I am not a scientist and I am not going to pretend to know, but I think there is a lot of research out there that suggests ...

Deputy K.F. Morel:

I am assuming there probably is, yes.

The Minister for Education:

... I cannot remember, is it up to 2 where they develop 80 per cent of the adult brain.

Deputy K.F. Morel:

Yes, but I am thinking if we can stick to those first 6 weeks, just because that is what is being paid for in this law.

The Minister for Education:

I cannot be that specific, I am afraid, so I am not even going to attempt to answer it.

Head of Early Years, Childcare and Early Years Service:

I think the opportunities are for parents to attend the Healthy Child Programme appointments so immunisations are kept to and the parents have the time to be able to commit to ... I was going to say when you asked the question about wide remit of the Early Years Policy Development Board, it is not just education. The Minister is absolutely right to be ambitious because we have not had that conversation where Health has joined in and economic strategy is considered. It really is an opportunity to influence across government because to get the early years right we need to have those conversations with many departments.

Senator K.L. Moore:

In fairness, would it not therefore have been more appropriate to have the Minister for Economic Development and the Minister for Health and Social Services as members of the board rather than a Back-Bencher?

The Minister for Education:

They could have been if they wanted to be.

[15:45]

Senator K.L. Moore:

They were invited?

The Minister for Education:

I am not making any bones but I set out right at the beginning I wanted an Early Years Policy Development Board, I was one of the first ones to say that. That is why I got it in the Common Strategic Policy. It is not like anyone was not aware of it. Both the Minister for Health and Social Services and the Minister for Economic Development are aware of it. I am more than happy for them to come on board if they want to. A lot of these discussions ... I am not backwards in coming forwards as you all know, so I am quite happy to have those regular conversations, which I will do anyway with them. It is important to recognise that Senator Mézec is an Assistant Minister at Health as well. Deputy Maçon is an Assistant Minister at Health, at Social Security and in Education. We have tried to cover as much as we can. One of the crucial parts of this particular policy development board for me now is getting on to the next step in terms of workshops with the private and third sector to ensure that we are working towards the same path and we are identifying all the risks and the issues that will come about with all this policy work, because there may be things that some people are not going to be happy with. Not everyone is going to be happy with everything and that is the nature of the job unfortunately.

The Deputy of St. Mary:

Just following on from Senator Moore's point, this is an Economic Affairs panel and there is employers' interest in it and it just strikes me that - and Senator Moore is absolutely right - it would be helpful if extending the overarching policy, the economic side was represented as a bridge with employers if nothing else.

The Minister for Education:

I am happy to have Senator Farnham on there if he wants to be on there. I sit on the anti-inflation group as well, myself, even though it has nothing to do with Education. I feel passionately about that because ultimately there is an issue here with cost of living and cost of living affects all of these things that we are doing as well. To a certain extent, I am already kind of working the Economic Development side of things. There is nothing stopping them being involved or coming to the workshops or being part of ... I mean, the door is open. They are knocking at an open door. I am happy to have that conversation with Senator Farnham and see if he has the time or willingness or if he has an Assistant Minister to come and sit on the board.

Deputy K.F. Morel:

Can I just go back to the 6 weeks?

Head of Early Years, Childcare and Early Years Service:

You look at breastfeeding rates and after 8 weeks they drop off, you know, so if that extension was there so much could happen.

Deputy K.F. Morel:

That is what I was wondering. If we had 12 weeks, could we potentially have better bonds, better breastfeeding rates between mother and child?

Head of Early Years, Childcare and Early Years Service:

I think so. You know, different things happen. Like I say, health appointments, weigh-ins, clinics, being able to attend those appointments and have that assurance that baby is happy and you are happy and you get into that routine. You embed that 12 weeks in, I think.

Deputy S.M. Wickenden:

The stress of the mother or the parent is so fundamental in those early days, if you are very stressed it is going to come across where you stress your child, correct?

Head of Early Years, Childcare and Early Years Service:

Yes.

The Minister for Education:

Identifying the risk of post-natal depression as well, how that can have an effect on relationship between mother and baby. What is really important as well is mental health is a big thing at the moment and everybody is talking about it. It is quite a secret and ... if you had what would have been called the baby blues. But sometimes it can be much more than that, you cannot necessarily recognise that. The early years and being able to go to these health appointments or being able to speak to other mothers or in baby groups or things like that will enable you to identify whether you have those particular issues that you may not even realise that you have.

Deputy K.F. Morel:

Can I just check? If someone is suffering from post-natal depression, where in week 7 they have not elected to take any unpaid leave, from your perspective as an employer would that fall under the doctor to sign them off as ill from that point onwards. Would post-natal depression need a G.P. (general practitioner) certificate?

The Minister for Education:

As the employer I suggest you ask States Employment Board, I am not on there anymore.

Deputy K.F. Morel:

Fair enough.

Senator K.L. Moore:

We will certainly ask that question because I was just going to ask in addition about whether there is any evidence that shows that the preparation for returning to work often involves reduction in breastfeeding, which is why we see that drop off, and also the stress that goes with that, which sometimes does result in absenteeism because of ill health?

The Minister for Education:

Yes, it is a very strange one in Jersey in terms of ... I will just give my experience. I had my son but I was lucky - and this is strange, I should not be saying this - enough to work in the finance sector and I came under the U.K. law. I got the maternity benefits as if I lived in the U.K., because our headquarters were in the U.K. I was able then to have that 6 months with my son and take 4 weeks of my holidays, so I had 7 months with my son during that period. It enabled me, as a first parent ever, brand new mother ... and my other half had not grown up with small children, babies around them, he was able to have 2 weeks paternity leave at that time, that was 12 years ago, well almost 13 years ago. This is the point, though, it enabled him to get used to baby and changing nappies and that bonding type of thing and supporting me as well. Because it blows up a hole in your life and you are like: "Wow", your life is literally around that little bundle of joy and sometimes it can be terrifying as a parent. I do not think we should shy away from that because it is not easy.

Deputy K.F. Morel:

That brings us beautifully on to question 8.

Senator K.L. Moore:

It does. Yesterday in her hearing the Minister for Social Security explained that she saw the underpinning values behind the law as encouraging social change in terms of encouraging men to participate in a greater way in family life. Do you think it is likely that the education system can help achieve that?

Deputy K.F. Morel:

Play a role of that in terms teaching that men are able to be carers as well as women.

The Minister for Education:

It is a societal shift, it is a cultural shift. I would argue there are quite a few men out there that would like to stay home and look after their kids, not just at a young baby age but they would be quite happy to be the parent at home. My husband would probably test to that to say that he would be happy to be at home looking after our children.

Deputy K.F. Morel:

Do you think the education system has a role to play in helping to achieve that societal change?

The Minister for Education:

I think that is the point in having our personal, social, health and economic lessons that we have. It is discussing relationships. It is not one particular type of relationship but those relationships about ... it is a parental responsibility. It was only so many years ago the Children's Law referred specifically to the mother. The fact that the partner or the father of the child was not recognised if you were not married. They had to go to court to be recognised as the father of that child. That is wrong. From my point of view, I think if a father absolutely wants to be involved and be part and parcel, we should enable that to happen in whatever way that we can. But it is a societal shift, it will not just happen with a piece of legislation, it will not just happen with education teaching children, because you will find a lot of the mentality is in the adults. So it is how we, as a society, call it out and support each other.

Deputy K.F. Morel:

Do you think you are thinking critically about the education system, do you think it perhaps helps to reinforce the idea of women as carers, men as other jobs, do you know what I mean? Women are nurses, men are doctors, that sort of idea. Men are builders.

The Minister for Education:

I think it depends on the school. To be absolutely brutally honest I know that only a few years ago when Senator Ozouf was in the States and he had a shadow working from the school and she stated that they did not have, I think it was, I.T. (information technology) or something like that because it was not for girls, it was more of a boy's thing. That is wrong. I would just point that out, that is completely wrong. As Minister for Education, we have a discussion overall on education at the moment about autonomy and what that means and what that looks like. I would hope that having the good quality teachers that we have, they recognise the importance of having this overall discussion around it is not just one particular agenda that does one particular thing. I would like to think that most of them teach in that fashion. I do not know whether it should be a case for me to put my thumb down and say: "You have to do this" because they are qualified to do these jobs and they know their class, they know their pupils, they know their children. It is also recognising the potential effects it may have on some more vulnerable children in their class. You cannot get away from the fact that education is a part of your day but the majority of your time is with your family at home, the weekends or in the evenings if you are sitting around as a family having a dinner, having those types of conversations about you as a person in the community and how you see things. The world has changed dramatically over the years. I just hope that it is not just for education to do this, it is for all of us to do this. We are all educators in this respect.

Deputy K.F. Morel:

You mentioned vulnerable children, which brings me also nicely on to my last question.

The Minister for Education:

I must have known your questions.

Deputy K.F. Morel:

This is not the scripted last question. I ask the Minister yesterday because there is such a reliance on unpaid leave in the law, so we have 6 weeks of paid leave for each parent and then we have up to 52 weeks of unpaid leave, and I put it to the Minister for Social Security that unpaid leave you have to be of a certain means and a certain income probably in order to be able to take unpaid leave of certainly up to a year, but even 4 weeks. You have to cut that according to your own income and so I asked her whether she thought this could result in a 2-tier society where there are those children ... and if you think 20, 30 years in the future, those children next year whose parents are off for 52 weeks and those children being bought up at exactly the same time whose parents are only off for the 6 weeks' paid leave because that is all they can afford, is that a concern for you as Minister for Education that there could be a very different kind of standard for different children and that is going to work its way through your education system as well?

The Minister for Education:

Yes, absolutely. You talk about a 2-tier situation. I think we have a 2-tier situation in Jersey. We have a selective education system as it is. We have selective policies that apply because of means testing and all those types of things. Like I say, if you really believe and you want to support in terms of the early years and the early intervention, Early Health or the Right Now, Right Time type of thing, when a child gets to the reception at the school gates they need to be potty-trained, they need to have some kind of awareness of the world around them and social interaction with other children and they need to understand some basics in terms of reading, writing, speaking. It is just the kind of community that we are, it is the humans that we are. In order for them to move on and move forward in terms of standards and achievements and reaching their own potential, we need to try and get children all on a level playing field when they are at school instead of some being more lucky than others. That is not right. This could accentuate that situation. We know we live in an expensive Island, we know everything is expensive. Incomes do not match some of those expenses. I think there are a lot of parents though that try to scrimp and save to support their first child, to ensure that they can have that time off for their children. It is not to think that this is a case just so people can pop out children. I think there are a lot of very responsible families out there, very responsible mothers and fathers that want the best for their children. Sometimes, through no fault of their own, they just happen to be in a worse off position than others.

Deputy K.F. Morel:

Exactly, it does not matter how responsible you are, if your income is not sufficient your income is not sufficient.

The Minister for Education:

Things can work against you. Look at some of the policies that we have in the States. If you live in social housing, your rent goes up R.P.I. (Retail Price Index) plus 0.75 per cent every year. That does not help the situation, especially if your pay is only going up 1 per cent.

Deputy S.M. Wickenden:

Or none.

The Minister for Education:

Or none. Do you see? That for me is the worry.

Head of Early Years, Childcare and Early Years Service:

I think it leads on to our role in terms of ensuring that parents have confidence in the childcare of their choice, that it is offering that quality, that communication and that confidence that the child is being cared for and nurtured in the way that they would hope they would be doing themselves. You have those positive interactions, you have that support, you have that language, you know, you have that richness coming through, a socialisation opportunity. You cannot feel the guilt. As someone whose child went to nursery, I wanted them to be as caring as me and you look for those qualities in those practitioners that that you try your most precious commodity with in those earliest days. It is our job to make sure that sector is ...

Deputy K.F. Morel:

Regardless of the income of the parent as well.

[16:00]

Deputy S.M. Wickenden:

When we talk about the income of the parent as such, on recommendation 9 of the employment forum it talks about the recommendation for 6 weeks at 100 per cent pay from the employer followed by 6 weeks 100 per cent pay from the States. Now, of course, people earn different amounts and I am sure there would always be a challenge if somebody was earning £100,000 a year to say: "Hang on, you have staff that you do not pay that much but now you are paying maternity." Do you think there is a place for putting maybe 6 weeks in at the living wage or the minimum wage, like a set

amount, and say that we will do it 6 weeks across the board at that kind of level to include that additional 6 weeks that could be so important in the upbringing of every child.

The Minister for Education:

We apply certain types of benefits in that way with regards sickness benefits, as an example. If you are not well you get a certain set amount of money paid into your employer or yourself, depending on your particular position, but you have a set amount and that is set out in law and under regulations. There would be nothing to stop that from happening. Like I say, it is the wider conversation. More importantly, it is so the family are aware well in advance what the position is so they can manage their finances during that period to ensure that they can live, they are keeping a roof over their head, they have food, they have clothes on their back and they are supporting their child. If that is the position it is a system that we have in place at the moment, I cannot see why we could not replicate it but specify specifics for this piece of legislation.

The Deputy of St. Mary:

Just building on Scott's point, am I right in thinking that maternity allowances are fixed and are payable to everyone?

The Minister for Education:

Yes, I understand that to be the case.

The Deputy of St. Mary:

So if you are trying to avoid the 2-tier society, there are those who might not need it. It is a drop in the ocean to some, one could save money with one hand and give it to others, could one not? Has that been considered?

The Minister for Education:

You would have to ask the Minister for Social Security with regards to the maternity allowance side of things. It is not a conversation I have had with her, but the maternity allowance side of things ... I mean, the issue with that, and I just take you back to the arguments around the Christmas bonuses and those types of things, is that just because you earn more money why should you not receive something that effectively you have paid into the system for. Just as a warning shot, I put that across.

The Deputy of St. Mary:

Yes, but the Christmas bonus you have paid into for the last 40 years for probably ...

The Minister for Education:

Let us not get on to Christmas bonuses. I was just giving it as an example.

The Deputy of St. Mary:

I understand the point.

Deputy K.F. Morel:

Could I just ask, looking back at the Policy Development Board, I know the Minister for Social Security is not currently sitting on that board but would you still see the Policy Development Board linking in with the department to ...

The Minister for Education:

Deputy Maçon is Assistant Minister for Social Security.

Deputy K.F. Morel:

Yes, you did mention that.

The Minister for Education:

We have covered those areas through Deputy Maçon. It is not like we sit in a closed corridor and do not talk to each other. I talk to Deputy Martin regularly, I talk to Deputy Maçon all the time. So we have thought this out in terms of specifically of his role, because he has the Advance to Work and Back to Work at Social Security and on our side we have the Further Higher Education and Skills and he also sits on the Early Years. There is one thing that comes out of the question on early years is that the quality of the childcare practitioner, the level at which they work to and whether the course we provide at Highlands are sufficient. That is a question that Deputy Maçon has taken back and saying: "Can we do better? Can we do something different? What other things are there?" We are trying to piece up as much as we can in the spirit of One Gov.

Deputy K.F. Morel:

Brilliant, and what a spirit that is. Thank you very much indeed. Thank you.

The Minister for Education:

Thank you very much.

Deputy K.F. Morel:

Thank you for your time.

[16:04]