

Submission to the Joint Oireachtas Committee on Gender Equality



Introduction

One Family welcomes the opportunity to make a submission to the Joint Committee on Gender Equality. We support the recommendations of the Citizen's Assembly on Gender Equality in their totality. If implemented, they would represent the most significant advancements in gender equality since the foundation of the Irish State. We will focus on the recommendations which would most urgently, directly and significantly impact adults and children in one-parent families. The primary focus of our submission is on the proposed changes to the Constitution designed to create equality of status and recognition for all family types. The recommendations of the Citizens Assembly on Gender Equality and the work of the Joint Oireachtas Committee represent an important opportunity to update our Constitution in line with our nation's values.

About One Family

One Family is Ireland's organisation for people parenting alone, sharing parenting, and separating. We were established in 1972 as Cherish and provide specialist parenting, therapeutic and family support services around Ireland. Children are at the core of our work, and we seek to improve their lives by empowering, supporting and up-skilling their parents. We campaign against child poverty, for reform of the family justice system and for the State to recognise and cherish all families equally, regardless of their marital status. More information on One Family can be found at www.onefamily.ie. Below is our response to the Recommendations of the Citizen's Assembly on Gender Equality

1. Article 40.1 of the Constitution should be amended to refer explicitly to gender equality and non-discrimination.

One Family supports the inclusion of an explicit reference to gender equality and non-discrimination in Article 40.1 of the Constitution.

2. Article 41 of the Constitution should be amended so that it would protect private and family life, with the protection afforded to the family not limited to the marital family.

One Family has been calling for the expansion of Article 41.3 to extend rights and protection to all families since our foundation 50 years ago as Cherish. Our founders experienced first-hand the state-sanctioned discrimination and authoritarian behaviours towards them and their children as unmarried mothers. Today they are still calling for the Constitution to be changed as a partial reparation for the damage wreaked upon generations of children, mothers and fathers whose only crime was to be unmarried.

The need for recognition and protection of all families is not a marginal issue. In the most recent census, one in four families with children in Ireland is a one-parent family and one in every five people in Ireland live in a one-parent family.¹ One Family still sees today the discrimination and stigma experienced by many thousands of children and parents living in one-parent families because of their disproportionate levels of poverty,

¹ Central Statistics Office, (2017). *Census 2016*.

the judgment they experience from society and the lack of appropriate policies and supports. Children in one-parent families in Ireland today are six times more likely to experience consistent poverty than children in two-parent families.²

The Irish Government and citizens now have an opportunity to right this historical wrong and extend recognition of rights and protections to all families and not just the marital family. One Family recommends transposing Article 8 of European Convention on Human Rights (ECHR) to achieve this. We believe that current Constitutional wording could be enhanced by the addition/replacement of ECHR wording to afford recognition of family rights and privacy to everyone without undermining the current recognition of marriage.

Below is an example of how incorporating Article 8 of the ECHR into Article 41 of the Constitution could work:

1. 1° Everyone has the right to respect for their private and family life, their home and their correspondence.

1. 2° There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. 2. The State recognises that care provided by the home, family and community gives society a support without which the common good cannot be achieved

3. 1° The State pledges itself to guard with special care the institution of Marriage.

One Family recommends consideration of the Article 8 of the ECHR wording for the following reasons:

- It confers a significant symbolic message, without substantially or automatically changing people's legal rights.
- It would remove the impediment to equality that currently exists due to the privileged nature of marriage.
- It would not automatically confer rights on any individuals or family types but allows legislation and case law to determine these arrangements.
- All family law is then reframed within this and can be done in a very positive way.
- The ECHR is well established in case law and is already incorporated into Irish legislation- it is compatible with modern human rights norms and is well proven.
- It is inherently child-centred and removes the harm currently done to children in non-marital families by the Constitution.
- This wording would support the Children's Referendum and the Children & Family Relationships Act.
- As well as non-marital families, the Article 8 of the ECHR wording is potentially beneficial to other households/families with caring arrangements including sibling headed families, other non-nuclear family members, foster families etc.

3. Article 41.2 of the Constitution should be deleted and replaced with language that is not gender specific and obliges the State to take reasonable measures to support care within the home and wider community.

² Central Statistics Office, (2021). EU SILC 2020.

One Family supports the Assembly's recommendation that Article 41.2 of the Constitution should be amended to take account of the diversity of family caring, including male and non-binary family carers, as well as a recognition of those being cared for. One Family recommends rewording as follows: The State recognises that care provided by the home, family and community gives society a support without which the common good cannot be achieved.

8. Early Years and Out- of- School Care

One Family supports recommendations 8 (a) and (b) of the Assembly relating to providing a publicly funded model of childcare and increasing investment in childcare in line with the 1% target set by UNICEF. It is imperative that such a model, with reforms and increased spending, must be child-centred and prioritise access and supports to the most vulnerable children and those with the greatest need.

Despite increased investment in ECEC over the last decade, the average state expenditure per child in Ireland is lower than the OECD average. Critically, Ireland has one of the highest costs of ECEC in the OECD.³ Lack of access to quality affordable ECEC is one of the most significant barriers to education and employment for one-parent families and, as a result, it is a key contributing factor to child poverty. Cuts to the One Parent Family Payment made in 2012 were made alongside the promise of high quality, freely accessible ECEC to support parents' participation in the labour market. Creating high quality childcare has generally been difficult in countries which commodify childcare, whereas childcare quality has been found to be higher where it is publicly provided.⁴

The purpose of the National Childcare Scheme is to provide quality education and care for young children; however, in practice it primarily operates to provide childcare to parents who participate in education and employment. There is a wealth of evidence of the benefit of early childhood care and education for children's social, cognitive and emotional development; the benefits for children experiencing poverty and disadvantage are even more pronounced.⁵ It is therefore, imperative that ECEC is not linked to a parent's participation in education or employment but instead is linked to children's needs and best interests.

One Family recommends the following reforms are prioritised for implementation:

- Prioritise immediate free access to ECEC for low income and one-parent families in line with the European Child Guarantee.⁶
- Target families who need additional support more by the expansion of access to the National Childcare Scheme for all families in receipt of the Medical Card. This can be achieved by amending the current IT system to include an additional field for Medical Card holders.
- Prioritise addressing the lack of availability of childcare for low-income families accessing further training and employment opportunities.

9. Paid Leave for Parents

³OECD, (2021). *Strengthening Early Childhood Education and Care in Ireland*.

⁴ Mara A Yerkes and Jana Javornik (2019) 'Creating capabilities: childcare policies in comparative perspective' *Journal of European Social Policy*, Vol 29: 4

⁵Hayes, N. (2008). *The Role of Early Childhood Care and Education – An Anti-Poverty Perspective*. Combat Poverty Agency: Dublin.

⁶ European Commission, (2021). *European Child Guarantee*.

One Family supports the recommendation of the Assembly to introduce paid leave for a child's first year. The Parents Leave Act was introduced in November 2019 by the Department of Social Protection and the Department of Justice to improve gender equality. Under the legislation leave entitlement follows the parent rather than the child; meaning, children in one-parent families receive half the dedicated time with a caregiver as parents in two-parent families during a vital time in their early development.

While One Family is aware the Government must operate within the constraints of relevant EU Directives, given the high rates of poverty in one-parent families and the obvious inequality built into the current Scheme, enhancing the Parent's Benefit Scheme to make it more relevant should be a priority. The benefit of dedicated time with a caregiver in a child's first year are well documented and more pronounced in children at risk of poverty, who experience adverse childhood experiences or other disadvantages. Paid leave should be viewed as a support for the child, and not just as a gender equality measure for parents. Each child should be given equal access to a caregiver in their first year to refocus Parents Leave on the wellbeing and long-term outcomes of the child.

Social Protection

13 (a) Set social protection payments and/or supports at a level that lifts people above the poverty line, prevents deprivation and supports an adequate standard of living.

One Family supports the recommendation of the Assembly to set social protection payments at an adequate level to prevent poverty and deprivation.

Extensive research carried out by the Vincentian Partnership for Social Justice has shown that social welfare rates for one-parent families fall below a level required to meet a minimum essential standard of living. A Minimum Essential Standard of Living (MESL) is one that meets the minimum needed to live and participate in Irish society and is a standard of living that no one should be expected to live below.⁷ The MESL analysis finds that one-parent household compositions continue to demonstrate the greatest rates and depth of income inadequacy.⁸

In 2021, the gap between the social welfare income of a one-parent household with two children (primary and secondary school) is €80 per week.⁹ Recommendation 13 (a) could be achieved by setting a target of reaching an adequate level for all primary payments and qualified child payments by 2025, in line with the Roadmap for Social Inclusion 2020-2025.¹⁰ In the first instance, priority should be given to those groups most at risk of poverty and those who experience the highest levels of consistent poverty and deprivation – this includes households with one adult and children.

(b) Regularly train staff to prioritise dignity and respect in all contact with clients, including giving a choice in how they receive payments.

One Family supports this and recommends including specific modules on parenting alone and sharing parenting. Training on domestic, sexual and gender-based violence should

⁷Vincentian Partnership for Social Justice. (2021) *Minimum Essential Standard of Living Report*

⁸ Vincentian Partnership for Social Justice (2020) *Budget 2021 Impact Briefing*.

⁹ Vincentian Partnership for Social Justice, (2021)

¹⁰ Department of Social Protection, (2020). *Roadmap for Social Inclusion 2020-2025*.

also be mandatory and teach staff the complexities and risks associated with parenting being shared between a survivor and an abuser. In our experience, some frontline staff working with one-parent families do not fully understand challenges facing one-parent families. There is also a deep lack of understanding of shared parenting. Much of the lack of understanding is ingrained in the culture, policies and procedures of the Department. One-parent families report being treated with suspicion and being required to jump through administrative hoops. For example, we are aware of some parents who were subjected to social welfare inspections at the height of pandemic lockdowns placing them in an extremely difficult position.

One Family recommends training be developed in partnership with organisations representing one-parent families and with parents themselves. Participation in training, should be a requirement for anyone implementing the Public Sector Human Rights and Equality Duty. Training should be accompanied by a move towards a best practice case officer to client model of one to 100-150.¹¹ A monitoring system should be in place to ensure customers are fully informed of all welfare and taxation entitlements. One Family recommends consideration is given to an automated alert (via online portal or post) for customers so their access to services is not depended on their interaction with individual staff members.

16. Address the specific needs of lone parents to incentivise and support them in accessing work or education, including provision of child and after-school car

One Family supports this recommendation. Cuts to the One-Parent Family Payment in 2012 have resulted in intense and prolonged hardship for one-parent families in Ireland. Parents experience a number of cliff-edge cut offs in their support which come when their youngest child turns seven and fourteen. These ages are arbitrarily imposed based on the State's need to activate parents into employment and not the child's needs. Lone parents provide double the parental care of someone in a two-parent household and their employment options should reflect this; part-time and flexible employment should be available in tandem with financial supports. To address the specific needs of lone parents, there is a need to apply innovative approaches which are rooted in the specific experiences of one-parent families.

An example of such approach is One Family's New Futures Employability Programme. New Futures is a specialist, innovative, motivational, manualised bridging programme. Evaluated and based on evidence-informed practice, it comprises three central elements - accredited group training delivered two mornings per week; personal, specialist parenting, therapeutic and family support services; and individual 1:1 key-working. On average, 90% of participants progress to education or employment each year.¹² This kind of specialist, individualised support is essential for lone parents to both enter and stay in education and should be emulated elsewhere.

Child maintenance and specifically the lack of a child maintenance system is a source of considerable disadvantage for many families. The lack of an independent child maintenance agency in Ireland is something One Family have long campaigned for. In its absence, child maintenance is a largely private arrangement fraught with difficulty. How

¹¹ Millar, M and Crosse, R, (2016). Lone Parents and Activation, What Works and Why: A Review of the International Evidence in the Irish Context.

¹²One Family, (2021) <https://onefamily.ie/education-development/employability-programmes/>

child maintenance interacts with the welfare system needs urgent reform. Child maintenance should be viewed solely as a means to support the child, not as income for a parent. One Family recommends child maintenance be treated as a non-means tested, non-taxable payment for the child, as with Child Benefit Payment.

Parents in one-parent families require a suite of supports which includes employment and financial supports, education and access to affordable and quality childcare.¹³ The 2017 Joint Oireachtas Committee Report on Lone Parents made far ranging and targeted recommendations on supporting lone parents.¹⁴ One Family recommends this report is implemented in full to improve the lives and outcomes for people in one-parent families.

Pay and Workplace Conditions

34. Increase the minimum wage to align it with the living wage by 2025 while considering potential employment impacts on small businesses.

One Family recommends setting a pathway to provide workers with a living wage by progressively increasing the National Minimum Wage. Earnings disregards, means-tests and income tests for supports such as the Back to School Clothing and Footwear Allowance and Medical Card and in-work income supports, should be indexed to increases in the National Minimum Wage and core social welfare payments, maintaining the value of and access to these supports year on year.

Domestic, Sexual and Gender-Based Violence

One Family supports Assembly recommendations 37-41 on Domestic, Sexual and Gender Based Violence. One Family has submitted a large number of policy recommendations and proposals on the reform of the Family Law system in recent years, many of which pertain to or are relevant to parents and families who have experienced or are at risk of domestic violence. These reports and recommendations are too lengthy for inclusion in this submission; however, they can be viewed at <https://onefamily.ie/media-policy/policy-submissions/>. They include submission on judicial planning, on the Family Court Bill, on the development of a dedicated family court, and on the implications of Domestic, Sexual and Gender Based violence on children.

Additional Assembly Recommendation

One Family supports the additional recommendation of the Assembly and the acknowledgement of the willingness to invest in quality public services and policies which promote gender equality. The spirit of this recommendation should inform and underline the recommendations of the Joint Oireachtas Committee on Gender Equality. Recommendations are only as useful as the resources and structures in place to implement them are robust. We see time and time again, excellent strategies and plans fall short because there is a deficit in the funding, political will or structures required for implementation. Many of our recommendations (including implementing the recommendations of the 2017 Joint Oireachtas Committee on Social Protection Report on Lone Parents) are already included in the current Programme for Government, so the political will is there.¹⁵

¹³ Millar and Crosse (2016).

¹⁴ Joint Oireachtas Committee on Social Protection, (2017).

¹⁵ Government of Ireland, (2020). Programme for Government: Our Shared Future.